

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.K.MOHANAN

&

THE HONOURABLE MR. JUSTICE P.D.RAJAN

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

WA.No. 522 of 2015 () IN WP(C).4030/2006

AGAINST THE ORDER/JUDGMENT IN WP(C) 4030/2006 of HIGH COURT OF KERALA
DATED 16-01-2015

APPELLANT/PETITIONER:

M.N. CHANDRIKA
UNIOR ENGINEER, GRADE II (UNDER TERMINATION)
M/S.BHAGEERATHA, ELECTRICALS & STRUCTURALS LTD., KOCHI
RESIDING AT 31/305, 'GOKULAM', JUNIOR JANATHA
ROAD, VYTTILA, KOCHI-682 019.

BY ADVS.SRI.K.RAMAKUMAR (SR.)
SRI.S.M.PRASANTH
SRI.C.DINESH
SMT.ASHA BABU
SMT.AMMU CHARLES
SRI.G.RENJITH
SMT.JINNU SARA GEORGE

RESPONDENT(S)/RESPONDENTS:

1. THE INDUSTRIAL TRIBUNAL
ALAPPUZHA - 680 001.

2. M/S.BHAGEERATHA ELECTRICALS LTD.
REPRESENTED BY ITS MANAGING DIRECTOR, 35/
193 A AUTHOMOBILES ROAD, MAMANGALAM, PALARIVATTOM
P.O. COCHIN-25
(PRESENT ADDRESS:BHAGHEERATHA ELECTRICALS &
STRUCTURALS LTD.
17/166 M IST FLOOR, THYKOOTTATHIL BUILDING, VAZHAKKALA
KAKKANADU, KOCHI-682 030)

R2 BY SRI.BIJU MARTIN
R BY GOVERNMENT PLEADER SRI DHANESH MATHEW MANJOORAN

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 04-03-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K.MOHANAN & P.D.RAJAN, JJ

.....
W.A.No.522 of 2015

.....
Dated 4th March 2015

JUDGMENT

V.K.MOHANAN, J

The appellant, who is the original petitioner in WP(C) No.4030 of 2006, preferred the above appeal against the judgment dated 16.01.2015 by which the learned Judge dismissed the writ petition upholding the finding of the Industrial Tribunal that the petitioner will not come within the purview of workman as defined under Section 2(s) of the Industrial Disputes Act.

2. Heard Sri Ramkumar, learned counsel appearing for the petitioner and Sri Biju Martin, learned counsel appearing for the second respondent.

3. The learned senior counsel submitted that the only grievance of the appellant is that though the second respondent was prepared to pay some amount towards the terminal benefit in favour of the appellant/petitioner, in the impugned judgment, no order is passed to that effect. So, learned counsel submitted that if this court

directs the second respondent to pay the terminal benefits in favour of the appellant, the appellant will be satisfied with the same. On the basis of the above submission, we put a suggestion to the learned counsel appearing for the second respondent to direct them to pay a sum of Rs,.75,000/- to the appellant petitioner, who was in long service under the second respondent and accordingly, learned standing counsel for the second respondent sought time to put the same to the company officials and after getting instruction, the learned counsel submitted that the second respondent company is ready and prepared to pay a sum of Rs.75,000/- to the appellant petitioner towards full and final settlement of the terminal benefits. The above submission is recorded.

4. Accordingly, this writ appeal is disposed, while confirming the judgment of the learned Single Judge, the second respondent is directed to pay a sum of Rs.75,000- to the appellant petitioner towards the full and final settlement of the terminal benefits due to the appellant/petitioner, which shall be paid to her within one

month from the date of production of a copy of this judgment before the second respondent.

Writ appeal is disposed of accordingly.

V.K.MOHANAN, JUDGE

P.D.RAJAN, JUDGE

lgk