

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.T.SANKARAN
&
THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WA.No. 805 of 2015 () IN WP(C).17548/2014

AGAINST THE ORDER DATED 24-03-2015 IN WP(C) 17548/2014 OF HIGH
COURT OF KERALA

APPELLANT(S): RESPONDENT NO.2 IN W.P.(C)

KERALA STATE BEVERAGES (MANUFACTURING AND MARKETING)
CORPORATION LIMITED
REPRESENTED BY ITS MANAGING DIRECTOR
SASTHAKRIPA OFFICE COMPLEX
SASTHAMANGALAM, THIRUVANANTHAPURAM 695 010.

BY ADV. SRI.C.S.AJITH PRAKASH,SC,BEVERAGES CORP

RESPONDENT(S): PETITIONERS & RESPONDENTS 1, 3, 4 & 5 IN W.P.(C)

1. SINDHU.I.
D/O.LATE RAMACHANDRAN PILLAI
THEKKEDATH PADINJATTATHIL
MUKUNDAPURAM.P.O., MADAPPALLY CHAVARA
KARUNAGAPPALLY, KOLLAM DISTRICT
PIN 691 585.
2. O.PROMOD, S/O.LATE OMANAKUTTAN
CHAKKODI KIZHAKKETHIL
MADAPPALLY, CHAVARA
KARUNAGAPPALLY, KOLLAM DISTRICT
PIN 691 585.
3. THE STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY
SECRETARIAT, THIRUVANANTHAPURAM 695 001.
4. KERALA ABKARI WORKERS WELFARE FUND BOARD
REPRESENTED BY ITS CHIEF WELFARE FUND INSPECTOR
K.C.P.BUILDINGS, ARYASALA
THIRUVANANTHAPURAM 695 036.
5. THE PRINCIPAL SECRETARY TO GOVERNMENT
LABOUR AND REHABILITATION DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM 695 001.

W.A.NO.805/2015

6. THE SECRETARY, TAXES DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM 695 001.

R BY SMT.S.AMBIKA DEVI
R BY GOVERNMENT PLEADER SRI.DHANESH MATHEW MANOORAN
R BY SRI.ROY CHACKO,SC,KERALA ABKARI WORKERS

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.T.SANKARAN & BABU MATHEW P JOSEPH, JJ.

W.A.No.805 of 2015

Dated this the 7th day of April, 2015

JUDGMENT

K.T.Sankaran, J.

Respondents 1 and 2 in the Writ Appeal filed W.P.(C) No.17548 of 2014 to issue a writ of mandamus directing the appellant to give employment to the Writ Petitioners on daily wage basis as per the directions issued by the Government as per Exhibit P1 order dated 9.1.2012. In the Writ Petition, the learned Single Judge passed the following order :

“There will be an interim order to enure during the pendency of the Writ Petition. The orders provisionally employing the petitioners shall be issued within a period of one week from today. Such employment of the petitioners will be provisional and subject to the result of the Writ Petition.

Post the Writ Petition for final hearing after summer recess.”

2. The interim order dated 24th March, 2015 is under challenge in this Writ Appeal. The Writ Petitioners claim that they are the dependants of abkari workers working before the ban on arrack was imposed and that they are entitled to be employed by the Kerala State Beverages Corporation as per Exhibit P1 order. Exhibit P1 order was passed in 2012. The Writ Petition was filed in 2014. In the facts and circumstances, the learned Single Judge thought that an interim order can be granted. The Writ Petition itself is directed to be posted after summer holidays. In the facts and circumstances, we do not find any ground to interfere with the interim order passed by the learned Single Judge in the Writ Petition.

3. The learned counsel for the appellant relied on the decision in **State of U.P. and others v. Ram Sukhi Devi (2005**

(9) SCC 733) to contend that an interim order cannot be granted, thereby virtually granting the main relief in the Writ Petition. In the present case, the interim order was granted to implement Exhibit P1 Government Order. In the decision cited by the learned counsel for the appellant, no such situation arose. Therefore, on facts, the decision in State of U.P. and others v. Ram Sukhi Devi (2005(9) SCC 733) is not applicable to the case on hand.

The Writ Appeal is accordingly dismissed.

**K.T.SANKARAN
JUDGE**

**BABU MATHEW P.JOSEPH
JUDGE**