

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN
&
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

WA.No. 1647 of 2015 () IN WP(C).30268/2003

AGAINST THE JUDGMENT IN WP(C) 30268/2003 of HIGH COURT OF KERALA
DATED 27-02-2015

APPELLANTS/PETITIONERS:

1. THE EXECUTIVE DIRECTOR, VAIDYARATNAM OUSHADHASALA PVT. LTD.
THYKKATTUSSERY P.O., THRISSUR DISTRICT.
2. MANAGER,
VAIDYARATNAM OUSHADHASALA (PVT. LTD)
CHUVANNAMANNU P.O., THRISSUR DISTRICT.

BY ADV. SRI.K.K.PREMALAL

RESPONDENTS:

1. INDUSTRIAL TRIBUNAL, PALAKKAD
PIN - 673 001.
2. K.V.K.PANICKER, AGENT,
SOUTHERN SHOPPING COMPLEX, VELYANNUR P.O.
THRISSUR DISTRICT. PIN - 680004.

ADDL.R3 SARAMMA GEORGE
W/O. LATE C.V. GEORGE, CHAMELIL HOUE,
POOVANCHIRA (P.O.), AYODE - 680 652.

ADDL.R4. BAJI GEORGE,
S/O. LATE C.V. GEORGE, CHAMELIL HOUE,
POOVANCHIRA (P.O.), AYODE - 680 652.

ADDL.R5. BAJITHA GEORGE
S/O. LATE C.V. GEORGE, CHAMELIL HOUE,
POOVANCHIRA (P.O.), AYODE - 680 652.

** ADDITIONAL RECONDENTS R3, R4 & R5 IMPEADED AS PER ORDER DATED
21.10.15 IN I.A.1399/15.

R3,R4,R5 BY ADV. SRI.PAULSON C.VARGHESE
R1 BY GOVERNMENT PLEADER SRI. P.M. SANEER

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 18-11-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**K. SURENDRA MOHAN
&
SHAJI P. CHALY, JJ.**

**CMA No.870/2015
&
W.A. No.1647 of 2015**

Dated this the 18th day of November, 2015

JUDGMENT

Surendra Mohan,J.

This is a petition for condoning a delay of 110 days in filing this appeal. According to the affidavit filed in support of this petition, what is stated is that, compromise talks were going on with the representatives of the workman and mediators. But on 24.07.2015 they have intimated the deponent that they were not prepared for any settlement. The delay has occasioned in the above circumstances.

2. Heard Sri. K.K. Premalal, learned counsel for the petitioners as well as Sri. Paulson C. Varghese who appears for the 2nd respondent.

3. We are not satisfied that the affidavit contains sufficient explanation for the delay that has been caused. It was necessary for the petitioners to have offered some acceptable explanation. The only explanation is that the petitioner had been trying for a

compromise. There is no explanation as to why they could not have pursued the compromise talks after filing this appeal. Had they been serious, that course should have been adopted by them.

For the above reasons, the petition and writ appeal are dismissed.

Sd/-

**K. SURENDRA MOHAN
JUDGE**

Sd/-

**SHAJI P. CHALY
JUDGE**

//true copy//

P.A. To Judge

smv
19.11.2015