

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

&

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

WA.No. 1659 of 2015 () IN WP(C).36175/2009

(AGAINST THE ORDER/JUDGMENT IN WP(C) 36175/2009 of HIGH COURT OF
KERALA DATED 15-12-2009)

APPELLANT(S)/RESPONDENT:

KERALA STATE ELECTRICITY BOARD LTD
REPRESENTED BY ITS SECRETARY, VYDYUTHI BHAVAN, PATTOM
THIRUVANANTHAPURAM - 695 004.

BY ADV. SRI.PULIKOOL ABUBACKER, SC, KSEB

RESPONDENT(S)/PETITIONER & RESPONDENTS 2 & 3:

1. RAJAN K.A
K.R.A.B. NIVAS, PERUVA P.O.
KOTTAYAM DISTRICT.PIN - 686 610.

2. THE REGIONAL JOINT LABOUR COMMISSIONER
ERNAKULAM, KAKKANADU, KOCHI - 30.PIN - 682 030.

3. THE DISTRICT LABOUR OFFICER
(THE CONTROLLING AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT
1972), KAKKANADU, ERNAKULAM.PIN - 682 030.

R1 BY SRI.BIJU BALAKRISHNAN
R2 AND R3 BY GOVERNMENT PLEADER MR. P.M. SANEER

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 03-08-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**P.R. RAMACHANDRA MENON
&
BABU MATHEW P. JOSEPH, JJ.**

.....
**C.M. APPLICATION No.879 OF 2015
&
W.A.No.1659 OF 2015**
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Dated this the 3rd August, 2015

J U D G M E N T

P.R. Ramachandra Menon, J:

This appeal arises from the judgment dated 15.12.2009 in W.P.(C)No.36175 of 2009. It is revealed from the proceedings that there is a delay of 2003 days in filing the appeal which is sought to be condoned by filing the concerned C.M. Application. The only reason stated in the affidavit to condone the delay as contained in paragraph '2' is in the following terms

"The counsel appearing in the above writ petition has not taken a certified copy of the judgment nor it was informed also. Immediately on knowing it, a fresh application was submitted on 31.03.2015 and the copy was obtained on 06.04.2015. But on 10.04.2015 the Hon'ble Court was closed. Since there is short of time, the Board was

not able to file the appeal.”

2. The learned Counsel appearing for the respondent Board submits that the former Standing Counsel appearing for the Board had not made necessary arrangements to obtain a certified copy on time by filing necessary copy application and it was only on coming across the concerned verdict that the Board could pursue further steps to prefer appeal after obtaining a certified copy of the judgment.

3. The learned Counsel appearing for the writ petitioner submits that the version of the Board is not at all true or correct as a copy of the verdict was produced by the petitioner in W.P. (c)28931 of 2013 and as such, the Board was very much aware of the course and events , despite which no steps were taken to challenge the verdict passed in this case.

4. After hearing both the sides and after considering the explanation offered to condone the delay, we find that the so called reason is not liable to be reckoned as a reason at all, much less anything satisfactory. In the said circumstance,

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application to condone the delay stands dismissed. As a natural consequence, the appeal as well.

**P.R. RAMACHANDRA MENON,
JUDGE.**

**BABU MATHEW P. JOSEPH,
JUDGE.**

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