

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

&

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

MONDAY, THE 9TH DAY OF NOVEMBER 2015/18TH KARTHIKA, 1937

WA.No. 2420 of 2015 () IN WP(C).31056/2015

(AGAINST THE ORDER IN WP(C) 31056/2015 of HIGH COURT OF KERALA
DATED 04-11-2015)

APPELLANT/1ST PETITIONER:

SUJATHA ANIYAN
CHERUPANANKOT, VALANJAVATTAM P.O, THIRUVALLA

BY ADV. SRI.P.SIVARAJ

RESPONDENT(S)/RESPONDENTS & PETITIONERS 2 TO 22:

1. STATE OF KERALA
REPRESENTED BY ITS PRINCIPAL SECRETARY
EXCISE DEPARTMENT, STATE SECRETARIAT
THIRUVANANTHAPURAM-695 001.

2. THE TRAVANCORE SUGARS & CHEMICALS LTD
REPRESENTED BY ITS MANAGING DIRECTOR
THIRUVALLA 689 104. PATHANAMTHITA

3. THE GENERAL MANAGER
TRAVANCORE SUGARS & CHEMICALS LTD, . VALANJAVATTOM
THIRUVALLA 689 104, PATHANAMTHITTA

4. VINEETHAKUMARI,
ARAYATHUPARAMBIL, VALANJAVATTAM P.O
THIRUVALLA 689 104

5. UMADEVI
UZHETHIL, NIRANAM NORTH P.O, THIRUVALLA 689 104

6. PRABHA BABU
PUTHENPARAMBIL, NIRANAM NORTH P.O, THIRUVALLA 689 104

7. SALI MATHAI
THAYANARIL PADINJARETHIL, NIRANAM CENTRAL P.O
THIRUVALLA 689 104

8. SARAMMA CHACKO,
MULAPPANCHERIL, NIRANAM CENTRAL P.O, THIRUVALLA 689 104

9. SARAMMA S. NAIR
KOHINOOR, NIRANAM P.O, THIRUVALLA 689 104

10. REETHAFERIA K.J
KOCHIPEEDIKAYIL, KADAPRA, MANNAR P.O
THIRUVALLA 689 104

11. ROSAMMA CHACKO
PADINJAREPURACKAL NIRANAM CENTRAL P.O
THIRUVALLA 689 104

12. MARIYAMMA SAJI
ARUPURAMBIL, NIRANAM CENTRAL P.O, THIRUVALLA 680 104

13. ANILA SUBASH,
MULAMOOTIL, NIRANAM P.O, THIRUVALLA 689 104

14. SANTHAMMA SOBHANAN, CHEMBIL, NIRANAM CENTRAL P.O,
THIRUVALLA 689 104

15. BINDHU THANKACHAN,
CHALANADIYIL, NIRANAM CENTRAL P.O, THIRUVALLA 689 104

16. SUMATHI THANKAPPANKOTTARATHIL, NIRANAM CENTRAL
P.O, THIRUVALLA 689 104

17. RAJIMOL D
KAIPPALLIMALLIL, NIRANAM CENTRAL P.O
THIRUVALLA 689 104

18. SUSY KUNJAPPAN
CHALANADIYIL , NIRANAM CENTRAL P.O, THIRUVALLA 689 104

19. LILLY VARGHESE
PUTHUKKERIL, NIRANAM CENTRAL P.O, THIRUVALLA 689 104

20. MINI CHACKO
ANANTHANARIL, NIRANAM CENTRAL P.O, THIRUVALLA 689 104

21. SALAMMA CHACKO,
KUNNIL HOUSE, KAVIYOOR P.O, THIRUVALLA 689 104

22. KUNJOONJAMMA PARUTHICKAL, NIRANAM CENTRAL P.O, THIRUVALLA
689 104

23. SINDHU ANIL
ALANCHERIL, NIRANAM CENTRAL P.O, THIRUVALLA 689 104

24. ANNAMMA SHIJI
UZHATHIL, NIRANAM P.O, THIRUVALLA 689 104

BY SRI.M.GOPIKRISHNAN NAMBIAR
BY SR. GOVERNMENT PLEADER MR. JOSEPH GEORGE.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 09-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**P.R. RAMACHANDRA MENON
&
ANIL K. NARENDRAN, JJ.**

.....
W.A.No.2420 OF 2015
.....

Dated this the 9th November, 2015

J U D G M E N T

P.R. Ramachandra Menon, J.

The appellant is before this Court being aggrieved of the interim order dated 04.11.2015 passed in the writ petition, whereby the earlier interim order of stay, which was subsequently extended as per Annexure A2 order dated 27.10.2015, came to be modified, making it 'subject to the result of the writ petition'.

2. The learned Counsel for the appellant submits that there is absolutely no rhyme or reason to have had the interim order varied. The factual position disclosed from the proceedings is that, the appellant was working on daily wages, for doing the filling, labelling and packing work in the second respondent

establishment . It is stated that she came to be appointed through 'Kudumbasree' units on the strength of an agreement for a period of three years and that she has acquired sufficient experience and proficiency in the work. Absolutely no instance of any insinuation was put against her at any point of time . It is stated that the second respondent was taking efforts to oust the appellant/petitioner(petitioners) and to engage somebody else of their choice, in the place of the petitioner/s. In the said circumstance, the appellant/petitioner along with other petitioners in the writ petition submitted Ext.P2 representation before the Hon'ble Minister for Excise, but the same is still pending as a decision is still to be taken.

3. In the meanwhile, a notification came to be issued by the second respondent vide Ext.P1 (**so as to oust the present workers**) which, according to the writ petitioners was detrimental to their rights and interests and hence the same was sought to be challenged with the following prayers:

“I. Issue a writ of certiorari or any other

appropriate writ, order or direction, calling for the records leading to the issuance of Ext.P1 and quash all further proceedings pursuant to the same;

II. Issue a writ of mandamus or any other writ, order or direction, commanding the respondents, to retain the petitioners herein as daily waged workers in the 2nd respondent company and further to extend all service benefits that of a permanent employee after absorbing them;

III. Issue such other writ, order or direction as this Hon'ble Court may deem fit for the ends of justice to the petitioner.”

Along with the final prayers, the writ petitioners requested for granting an interim relief to the following extent:

“i) to stay all further proceedings pursuant to Ext.P1;

ii) Direct the 2nd and 3rd respondents to allow the petitioners to continue in service as daily waged employees in filling the foreign liquor bottles, labeling and place them in cases.”

4. The above matter came up for consideration before the learned Single Judge on 12.10.2015, when the writ petition was

admitted also granting an interim order of stay vide Annexure A1 (4) order. The said interim order was extended as per the order dated 27.10.2015 by a further period of two weeks.. It was thereafter, that the matter was considered on 04.11.2015, when the interim order was modified,, making it 'subject to the result' of the writ petition. This in turn is under challenge in this appeal.

5. The learned Counsel for the appellant submits that the appellant was unfortunately not present when the matter was taken up for consideration on 04.11.2015 and now, the matter stands adjourned to 13.11.2015.

6. This Court does not intend to express anything with regard to the merits of the case, as the issue is still pending consideration before the learned Single Judge. An order has already been passed, holding that further proceedings pursuant to Ext.P1 notification will be 'subject to the result' of the writ petition. There is nothing improper or irregular in it.

7. It is open for the appellant to pursue the matter before

the learned Single Judge . In the above circumstance, interference is declined and the appeal is dismissed without prejudice to the rights and liberties of the appellants to move the learned Single Judge for appropriate reliefs in accordance with law.

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

**ANIL K. NARENDRA,
JUDGE**