

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

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

WP(C).No. 2336 of 2015 (N)

PETITIONER:

**ALL INDIA BSNL CASUAL WORKERS UNION (INTUC),
WITH OFFICE AT PALA, KOTTAYAM DISTRICT,
(REG.NO.0512/1999 AND AFFILIATION NO.12436)
REPRESENTED BY ITS GENERAL SECRETARY,
P.C.THOMAS.**

BY ADV. SRI.P.KURUVILLA JACOB

RESPONDENT(S):

- 1.THE DEPUTY LABOUR COMMISSIONER (CENTRAL),
UPPALAM ROAD, THIRUVANANTHAPURAM - 695 001.**
- 2.THE ASSISTANT GENERAL MANAGER,
BHARAT SANCHAR NIGAM LIMITED,
OFFICE OF THE PRINCIPAL GENERAL MANAGER,
TELECOMMUNICATIONS, BSNL BHAVAN,
UPPALAM ROAD, THIRUVANANTHAPURAM-695 001.**
- 3.THE CHIEF GENERAL MANAGER,
BHARAT SANCHAR NIGAM LIMITED, BSNL BHAVAN,
UPPALAM ROAD, THIRUVANANTHAPURAM-695 001.**

**R1 BY SRI.N.NAGARESH, A S G OF INDIA
R2 & R3 BY ADV. SRI.SAJI VARGHESE,SC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 07-04-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

WP(C).No. 2336 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1 : TRUE COPY OF THE RELEVANT PORTION OF THE TENDER NOTIFICATION
PUBLISHED BY 2ND RESPONDENT IN THE MATHRUBHUMI DATED 7.12.14.**
- P2 : TRUE COPY OF PETITIONER'S REGISTERED COMPLAINT DATED 9.1.15
FORWARDED TO 2ND RESPONDENT.**
- P3 : TRUE COPY OF PETITIONER'S REGISTERED COMPLAINT DATED 12.1.15
FORWARDED TO 1ST RESPONDENT.**
- P4 : TRUE COPY OF THE STATEMENT DATED 22.5.12 AND ACCOMPANYING
MINUTES DATED 23.12.11 FILED ON BEHALF OF THE ASSISTNT LABOUR
COMMISSIONER CENTRAL THIRUVANANTHAPURAM IN THE PROCEEDINGS
OF WPC NO.2615 OF 2012 OF THE HON'BLE HIGH COURT.**
- P5 : TRUE COPY OF PETITIONER'S COMPLAINT DATED 16.1.15 SUBMITTED IN THE
OFFICE OF 3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS: - **NIL**

/TRUE COPY/

P.S. TO JUDGE

mbr/

K. VINOD CHANDRAN, J

W.P(C) No. 2336 of 2015

Dated this the 07th day of April, 2015

J U D G M E N T

The petitioner is before this Court seeking consideration of representation filed at Ext.P3. Admittedly, there is a conciliation proceeding initiated by the 1st respondent on a dispute raised by the petitioner herein against the management who is impleaded as additional respondents 2 and 3. The petitioner had earlier approached this Court and this Court had by judgment dated 18.01.2013 in W.P(C) 1875/2013 directed consideration of Exts.P2 and P3 complaints. This Court merely directed consideration of Exts.P2 and P3 complaints, which, though not produced along with the above writ petition, the learned counsel for the petitioner contends, ventilates the grievance of denial of employment to the petitioner's workman.

2. The present complaint at Ext.P3 which has been filed after two years on 12.01.2015 seeks a direction to the Conciliation Officer to dispose of the complaint in which orders are sought against the

Assistant General Manager, BSNL not to select and engage a contractor to supply manpower for BSNL. That would be a prayer beyond the jurisdiction of the Conciliation Officer. The Conciliation Officer could only carry on the conciliation proceedings and in the event of failure, file a failure report before the appropriate Government for reference to the Court/Tribunal. No direction as sought for in Ext.P2 could be passed by the Conciliation Officer under the provisions of the Industrial Disputes Act, 1947.

In such circumstance, the writ petition cannot be entertained and the same is dismissed. No costs.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge