

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR. ASHOK BHUSHAN
&
THE HONOURABLE MR. JUSTICE A.M. SHAFFIQUE

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

WP(C).No. 3324 of 2015 (m)

PETITIONER(S):

K.S. JOSEPH AGED 47 YEARS
S/O. LATE V.V. DEVASSIA, MANAGING PARTNER
FRIENDS ELECTRO COLOURING, KANIYARKODU P.O.
THIRUVILWAMALA, THRISSUR - 680 594.

BY ADVS. SRI. S. SREEKUMAR (SR.)
SRI. P. MARTIN JOSE
SRI. P. PRIJITH
SRI. THOMAS P. KURUVILLA

RESPONDENT(S)/RESPONDENTS:

1. THE SUB INSPECTOR OF POLICE, PAZHAYANNUR POLICE STATION
PAZHAYANNUR, PIN - 680 587.
2. THE ASSISTANT LABOUR OFFICER
WADAKKANCHERY, PIN - 680 582.
3. A.I.T.U.C.
PAMPADY UNIT, PAMPADY WEST P.O., THIRUVILWAMALA
THRISSUR DISTRICT, PIN - 680 588
REPRESENTED BY ITS SECRETARY SRI. AJI.
4. AITUC THIRUVILWAMALA UNIT,
THIRUVILWAMALA P.O., THRISSUR DISTRICT, PIN - 680 588
REPRESENTED BY SECRETARY KUMARAN.
5. THRISSUR DISTRICT LOADING & UNLOADING GENERAL WORKERS UNION (C.I.T.U)
PAMPADY UNIT, PAMPADY WEST P.O.
PIN - 680 588 REPRESENTED BY SECRETARY, SASI.
6. CITU
THIRUVILWAMALA UNIT, THIRUVILWAMALA P.O.
THRISSUR DISTRICT, PIN - 680 588 REPRESENTED BY ITS SECRETARY GOPI.

R1 & 2 BY SR. GOVERNMENT PLEADER SRI. CR. SYAMKUMAR
R5 BY ADV. SRI. RENJITH THAMPAN (SR.)
R5 BY ADV. SMT. P.R. REENA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF ACKNOWLEDGEMENT OF REGISTRATION DATED 22/06/2012.

EXT.P2: TRUE COPY OF MUSTER ROLL UP TO SEPTEMBER, 2014.

EXT.P3: TRUE COPY OF NOTICE DATED 07/12/2012 RECEIVED BY THE PETITIONER.

EXT.P3(a): TRUE COPY OF ENGLISH TRANSLATION OF EXHIBIT P3.

EXT.P4: TRUE COPY OF THE JUDGEMENT IN WPC.NO. 30915/2012 DATED 02/07/2013
OF THIS HON'BLE COURT.

EXT.P5: TRUE COPY OF ORDER IN R.P.NO. 580/2013 IN WPC.NO. 30915/2012 DATED 23/09/2014
OF THIS HON'BLE COURT.

EXT.P6: TRUE COPY OF JUDGMENT IN WPC.NO. 27146/2014 DATED 04/11/2014 OF THIS
HON'BLE COURT.

EXT.P7: TRUE COPY OF REPRESENTATION DATED 30/01/2015 SUBMITTED BY
MR.K.PRADEEP BEFORE THE 1ST RESPONDENT.

EXT.P7(a): TRUE COPY OF ENGLISH TRANSLATION OF EXHIBIT P7.

EXT.P8: TRUE COPY OF PROCEEDINGS BEFORE 2ND RESPONDENT ON 19.11.2014.

EXT.P8(a): TRUE COPY OF ENGLISH TRANSLATION OF EXHIBIT P8.

EXT.P9: TRUE COPY OF PROCEEDINGS DATED 5.1.2015 BEFORE ASSISTANT LABOUR
OFFICER, WADAKKANCHERRY.

EXT.P9(a): TRUE COPY OF ENGLISH TRANSLATION OF EXHIBIT P9.

EXT.P10: TRUE COPY OF ORDER NO.751/14 DATED 8.1.2015 OF 2ND RESPONDENT.

EXT.P10(a): TRUE COPY OF ENGLISH TRANSLATION OF EXHIBIT P10.

EXT.P11: TRUE COPY OF CERTIFICATION OF REGISTRATION OF VEHICLE NO.KL-7-BT-3299

EXT.P12: TRUE COPY OF CERTIFICATION OF REGISTRATION OF VEHICLE NO.KL-9AB/6635

RESPONDENT(S)' EXHIBITS

EXHIBIT R3(A) : TRUE COPY OF THE MEMORANDUM OF SETTLEMENT UNDER THE
HEADLOAD WORKERS ACT DATED 5.1.2015 WITH ENGLISH TRANSLATION.

// TRUE COPY //

P.A. TO JUDGE

ASHOK BHUSHAN, CJ & A.M.SHAFFIQUE, J

W.P(C). No. 3324 of 2015

Dated this the 21th day of December, 2015

JUDGMENT

Shaffique, J

Petitioner has approached this Court seeking police protection alleging that there has been obstruction and threat from respondents 3 to 6 in the matter relating to loading and unloading work being carried on by the petitioner in his unit.

2. An interim order has already been passed by this Court on 2.2.2015 directing the police to provide necessary protection to the petitioner for loading and unloading work being carried on by registered workers. Exhibit P10 is the order dated 8.1.2015 passed by the Assistant Labour Officer, Wadakkancherry, where cards under Rule 26A of the Headload Workers Rules have issued to three permanent workers of the petitioner.

3. Learned counsel for the third respondent submits that the entire material particulars have not been placed before this Court as there is a settlement between the petitioner and

workers in the locality with reference to loading and unloading being carried on, in the petitioner's premises.

4. Be that as it may, in so far as the petitioner has his own workers having registration cards under Rule 26A of the Headload Workers Rules, it is always open for the petitioner to carry on loading and unloading work with his workers, which cannot be obstructed by respondent 3 to 6 or their men.

5. In such circumstances, if there is any such obstruction, it is the obligation of the first respondent to maintain law and order and ensure that no such obstruction is created by respondents 3 to 6.

6. Hence this writ petition is disposed of directing the first respondent to provide necessary protection to the petitioner for loading and unloading work being carried on in the premises of the petitioner with his registered workers.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M.SHAFFIQUE,
JUDGE