

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

WP(C).No. 3755 of 2014 (T)

PETITIONER(S) :

- 1. V.B.RAJESHKUMAR, AGED 37 YEARS,
S/O.T.BHASKARAN, VALUPARAMBIL HOUSE,
CHAMANIKKADU P.O, KOTTAYAM.**
- 2. S.SUNIL,
S/O.V.M.S.NAIR, SREYAS, MALAKUNNAM P.O,
KOTTAYAM.**
- 3. V.S.RADHAKRISHNAN NAIR,
S/O.G.SRIDHARAN PILLAI, VATHUKKADU HOUSE,
KUZHIMATTOM P.O., KOTTAYAM.**

**BY ADVS.SRI.A.X.VARGHESE
SRI.A.V.JOJO**

RESPONDENT(S) :

- 1. THE LABOUR COMMISSIONER,
OFFICE OF THE LABOUR COMMISSIONER,
THIRUVANANTHAPURAM, PIN- 695 001.**
- 2. TECIL CHEMICALS AND HYDRO POWER LIMITED,
REPRESENTED BY ITS MANAGING DIRECTOR, S.B.SOMANI,
REGISTERED OFFICE AND WORKS AT CHINGAVANAM,
CHINGAVANAM P.O, KOTTAYAM DISTRICT, PIN- 686 531.**
- 3. RAMABHADRAN.K,
S/O.C.K.KUNJUPILLAI HASSAN, 14 PALM GREEN VILLAS,
VYTILA, KOCHI, PIN- 682 019.**

**R1 BY GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN
R2 BY ADVS. SRI.MATHEWS K.UTHUPPACHAN
SRI.TERRY V.JAMES**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: TRUE COPY OF THE ASSIGNMENT AGREEMENT DATED 12/07/2011.

**EXHIBIT-P2: TRUE COPY OF THE MEMORANDUM OF SETTLEMENT
DATED 24/06/2011.**

**EXHIBIT-P3: TRUE COPY OF THE MEMORANDUM OF SETTLEMENT BETWEEN
THE 3RD RESPONDENT AND THE UNION DATED 24/06/2011.**

EXHIBIT-P4: TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONERS.

EXHIBIT-P5: TRUE COPY OF THE LETTER DATED 16/11/2013.

RESPONDENT(S)' EXHIBITS

**EXHIBIT R2(A): TRUE COPY OF THE RECEIPT DATED 11.08.2011 ISSUED TO
THE 1ST PETITIONER BY THE 2ND RESPONDENT IN FULL AND
FINAL SETTLEMENT OF HIS DUES.**

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. Vinod Chandran, J.

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W.P.(C)No.3755 of 2014

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Dated this the 10th day of March, 2015.

JUDGMENT

Petitioners are aggrieved with the alleged refusal of a reference under Ext.P5. The second respondent Company was allegedly laid out from 17.5.2009 and locked out from 5.7.1999. The said lay out and lock out are said to be illegal. The employees were before the Conciliation Officer in which a settlement was arrived at as per Exts.P2 and P3. Subsequently, the employees have raised another complaint, as per Ext.P4, which is not seen dated. In any event, the Labour Commissioner, called for a hearing and in the hearing, the employees submitted that, there was a settlement entered into between the employees and the management on 24.6.2011 before the Labour Commissioner and that they have received the amounts due to them as per the said agreement. In such circumstance, the issue was closed. The conciliation, originally initiated, having concluded

in a settlement, there is no cause for a further reference to be made.

The writ petition would stand dismissed. No costs.

K. Vinod Chandran, Judge.

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