

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WP(C).No. 6573 of 2011 (V)

AGAINST THE ORDER/JUDGMENT IN CP 42/2005 of LABOUR COURT, ERNAKULAM
DATED 24.12.2007

PETITIONER(S):

P.M.SAJEEVAN
YEARS, PULPARAKUDIYIL HOUSE, BOOTHATHANKETTU
KOTHAMANGALAM.

BY ADV. SRI.P.P.JACOB

RESPONDENT(S):

1. KALLUCHETHU VYAVASAYA THOZHILALI
SAHAKARANA SANGHAM, KOTHAMANGALAM RANGE LTD.NO.E, 1043
KOTHAMANGALAM REPRESENTED BY ITS, SECRETARY
PIN-686691.
2. THE KALLUCHETHU VYAVASAYA THOZHILALI
SAHAKARANA SANGHAM, KOTHAMANGALAM RANGE LTD.NO.E, 1043
KOTHAMANGALAM REPRESENTED BY ITS, PRESIDENT
PIN-686691.
3. THE DISTRICT LABOUR OFFICER, DISTRICT
LABOUR OFFICE, CIVIL STATION, KAKKANAD
ERNAKULAM, PIN-682030.
4. THE DISTRICT COLLECTOR, COLLECTORATE,
CIVIL STATION, KAKKANAD, ERNAKULAM
PIN-682030.
5. THE ASSISTANT EXCISE COMMISSIONER,
EXCISE OFFICE, KACHERIPADY, ERNAKULAM
PIN-682018.
6. STATE OF KERALA, REPRESENTED BY
SECRETARY TO EXCISE DEPARTMENT, SECRETARIAT
TRIVANDRUM-1.

R3-R6 BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
21-01-2015, ALONG WITH WPC. 6635/2011, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

WP(C).No. 6573 of 2011 (V)

PETITIONER(S) ' EXHIBITS

EXT.P1 : TRUE PHOTOCOPY OF THE ORDER IN C.P 42/2005 DATED 24.12.2007
OF THE LABOUR COURT.

EXT.P2 : TRUE PHOTOCOPY OF THE LETTER ISSUED BY THE PETITIONER TO THE
4TH RESPONDENT DATED 30.07.2010.

EXT.P3 : TRUE PHOTOCOPY OF THE LETTER ISSUED BY OFFICE OF THE 4TH
RESPONDENT TO THE PETITIONER DATED 06.08.2010.

EXT.P4 : TRUE PHOTOCOPY OF THE LETTER ISSUED BY 3RD RESPONDENT TO
THE PETITIONER DATED 08.02.2011.

RESPONDENT(S) ' EXHIBITS NIL

//TRUE COPY//

P.A TO JUDGE

vdv

K.VINOD CHANDRAN, J.

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W.P(C) No.6573 of 2011

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Dated this the 21st day of January, 2015

JUDGMENT

The petitioner seeks expeditious proceedings for recovery of the amounts, which the petitioner is found to have been entitled, as per Ext.P1 order of the Labour Court, Ernakulam. The application before the Labour Court by the petitioner was under Section 33 C(2) of the Industrial Disputes Act, 1947. Admittedly, Ext.P1 has achieved finality. The petitioner contends that despite recovery proceedings having been initiated through the District Labour Officer, the 3rd respondent, nothing has been realised till date.

2. Government has filed a counter affidavit contending that the Society does not have any assets which can be proceeded against. The learned counsel for the petitioner however submits that if the managing committee members had executed a solvency certificate, then, that has to be

proceeded against. However, solvency, if at all executed, is for the purpose of realization of kist amounts and it cannot be related to the amounts due from the Sangham to the employees. Hence, if there are any assets of the Sangham, movable or immovable, the same shall be proceeded with.

Writ petition stands disposed of. No costs.

Sd/-

K.VINOD CHANDRAN, JUDGE

vdv //True copy//

P.A to Judge