

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. 6635 of 2011 (D)

CP.NO. 38/2005 OF LABOUR COURT, ERNAKULAM

PETITIONER :

**P.M.SAJEEVAN, S/O.MADHAVAN, AGED 45 YEARS,
PULPARAKUDIYIL HOUSE, BOOTHATHANKETTU,
KOTHAMANGALAM.**

BY ADV. SRI.P.P.JACOB

RESPONDENT(S):

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- 1. K.A.PRABHAKARAN, UNION SECRETARY,C.I.T.U.,
TODDY TAPERS UNION, KOTHAMANGALAM RANGE,
A.K.G.CENTRE, KOTHAMANGALAM, PIN-686 691.**
 - 2. LISSY ANTO, W/O.LATE K.A.ANTO,
KOTTATHU HOUSE, ELANGAVAM, VARAPETTY,
KOTHAMANGALAM, PIN-688 691.**
 - 3. THE DISTRICT LABOUR OFFICER,
DISTRICT LABOUR OFFICE, CIVIL STATION, KAKKANAD,
ERNAKULAM, PIN-682 030.**
 - 4. THE DISTRICT COLLECTOR, COLLECTORATE,
CIVIL STATION, KAKKANAD, ERNAKULAM,
PIN-682 030.**
 - 5. THE ASSISTANT EXCISE COMMISSIONER,
EXCISE OFFICE, KACHERIPADY, ERNAKULAM,
PIN-682 018.**
 - 6. THE TAHASILDAR, TALUK OFFICE,
KOTHAMANGALAM, PIN-686 698.**

**R1 BY ADVS. SRI.SHAJI JOSEPH
SRI.K.P.WILSON (KOTHAMANGALAM)
R2 BY ADV. SRI.PEEYUS A.KOTTAM
R3 TO R6 BY SR GOVERNMENT PLEADER SRI.BIJU MEENATTOOR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 21-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

WP(C).NO.6635/2011

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE ORDER IN C.P.38/2005 DATED 24/8/2005 OF THE LABOUR COURT.**
- P2 COPY OF THE NOTICE ISSUED BY THE PETITIONER TO THE RESPONDENTS IN C.P.38/05 DATED 27/1/2005**
- P3 COPY OF THE ORDER ISSUED BY THE THIRD RESPONDENT DATED 14/5/2010**
- P4 COPY OF THE INFORMATION ISSUED BY THE OFFICE OF THE 5TH RESPONDENT DATED 19/8/2009.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

K.VINOD CHANDRAN, J.

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W.P(C) No.6635 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.

2. Herein one of the employers is said to be one K.A Anto, who is a contractor, who is no more and his legal heir has been impleaded as the 2nd respondent. The second opposite party in Ext.P1 is the 1st respondent, who is said to be the Toddy Tappers Union, which had conducted the shop on the strength of licence issued.

3. With respect to the 2nd respondent, the learned counsel appears and submits that by Ext.P4 the petitioner himself was informed that the 2nd respondent has not

inherited any property from the first opposite party and in such circumstance, there will be absolutely no possibility for recovery.

4. With respect to the first opposite party the petitioner's contention is that even as per the Government's counter the first petitioner had given solvency certificate before the abkari authorities for issuance of licence, and hence recovery could be effected from such sureties. However, such solvency certificate can be invoked only for realization of abkari dues and such sureties cannot be proceeded against for dues to a labourer. In such circumstance, if there are any assets found inherited on the 2nd respondent from her husband or any assets of the 1st respondent Union, then, the Revenue Recovery shall be proceeded with.

The writ petition is disposed of. No costs.

Sd/-
K.VINOD CHANDRAN, JUDGE