

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 6985 of 2013 (W)

PETITIONER :

**HIGH RANGE PLANTATION WORKERS UNION
PEERUMEDU, PEERUMEDU P.O.
IDUKKI DISTRICT
REPRESENTED BY ITS PRESIDENT
M.I. RASHEED**

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENT(S) :

- 1. LABOUR COMMISSIONER
VIKAS BHAVAN, THIRUVANANTHAPURAM-695 001.**
- 2. REGIONAL PROVIDENT FUND COMMISSIONER-I
REGIONAL OFFICE, BHAVISHYA NIDHI BHAVAN
EMPLOYEES' PROVIDENT FUND ORGANIZATION
PATTOM, THIRUVANANTHAPURAM-695 004.**
- 3. SUB REGIONAL OFFICER
EMPLOYEES' PROVIDENT FUND ORGANIZATION
CHALAKKUZHI BUILDING, C.M.S.COLLEGE ROAD,
KOTTAYAM-686 001.**
- 4. DEPUTY LABOUR COMMISSIONER AND GRATUITY CONTROLLER
DEPUTY LABOUR COMMISSIONER'S OFFICE, KOTTAYAM-686 001.**
- 5. INSPECTORS OF PLANTATIONS
PEERUMEDU, IDUKKI DISTRICT-685 586.**
- 6. HOPE PLANTATIONS
REPRESENTED BY GENERAL MANAGER
GOLDEN VIEW VYAPAR PVT. LTD., GLEN MARY ESTATE
PEERUMEDU PO., IDUKKI DT.-685 586.**

7. THOMAS MATHEW
MANAGING DIRECTOR,
BATHEL PLANTATIONS, PATHANAMTHITTA-689 645

8. SHEEL DHAR PANDE
CHAIRMAN, LIFE TIME REALITY PVT.LTD., 425/426, THE MALL
LAXMI ESTATE LINK ROAD
ANDERY WEST, MUMBAI - 400 053.

R1 & R4 BY GOVT. PLEADER SRI. V.K. RAFAEK
R2 & R3 BY ADVS. SMT.T.N.GIRIJA, SC
SRI.JOY THATTIL ITOOP, SC
R6 BY ADV. SRI.BECHU KURIAN THOMAS
R8 BY ADVS. SRI.P.B.KRISHNAN
SRI.P.M.NEELAKANDAN
SRI.P.B.SUBRAMANYAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Mn

...3/-

WP(C).No. 6985 of 2013 (W)

APPENDIX

PETITIONERS' EXHIBITS :

**EXHIBIT-P1 - TRUE COPY OF THE DETAILS OF ARREARS TO THE
EMPLOYEES PROVIDENT FUND ORGANIZATION FROM THE
6TH RESPONDENT.**

**EXHIBIT-P2 - TRUE COPY OF THE LIST OF CASES PENDING AT JFMC-I,
PEERMADE.**

EXHIBIT-P3- TRUE COPY OF THE REPORT OF THE 5TH RESPONDENT.

RESPONDENT(S)' ANNEXURES :

**ANNEXURE R2(a) COPY OF THE ORDER OF ATTACHMENT OF THE IMMOVABLE
PROPERTY BEARING NO.KR/KTM/401/RECOVERY/ENG.1(6)/
2012 DATED 18.12.2012.**

**ANNEXURE R2(b) COPY OF THE LETTER BEARING
NO. KR/KTM/401/RECOVERY/ENF.1(6)/2012 DATED 18.12.2012
ISSUED TO THE SUB REGISTRAR, PEERMADE.**

//TRUE COPY//

P.S. TO JUDGE

Mn

K.VINOD CHANDRAN, J

W.P.(C).No. 6985 of 2013

Dated 15th January, 2015

JUDGMENT

The petitioner/Union is concerned with the inaction of respondents 1 to 5 in initiating proper action against respondents 6 to 8 for settlement of arrears due from respondents 6 to 8, employers under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (EPF & MP Act), Payment of Gratuity Act, 1972 and the benefits under the Plantation Labour Act. The petitioner is a Union who seek to represent the employees of the 6th respondent Plantation.

2. The learned Standing Counsel appearing for the EPF Organization has placed a statement on record contending that they had proceeded against the 6th respondent and had also realized an amount of Rs.2,12,47,055/- and there is an amount of Rs.1,12,95,528/- due from the establishment which

is pending, only due to the stay orders issued by the Courts.

3. Though it is contended by the petitioner that payment of gratuity is due, none of the awards in favour of the employees have been produced herein. The other contention is with respect to the non-maintenance of the quarters of the labourers which is said to be revealed from Ext.P3 report filed before the State Human Rights Commission.

4. If any of the retired employees have a valid claim for disbursal of provident fund, it is for such employees to approach the 2nd respondent, the authority under the EPF & MP Act for such disbursal which definitely will have to be considered by the respondent Organization. With respect to the gratuity claimed, since nothing is produced in the writ petition to indicate the awards passed or the request for revenue recovery,

this Court cannot issue any positive orders on that. The dispute with respect to the non-maintenance of the quarters of the workers is also said to be pending before the Human Rights Commission. The petitioner would also be entitled to take up the matter with the appropriate authority unless the said enactment.

5. In the circumstances stated above, this Court does not see any reason why the writ petition should be kept pending. The averments made are broad and non-specific and no relief could be granted on the general terms indicated in the writ petition. The petitioner and its members would be entitled to move the appropriate authorities for reliefs and there can be no orders issued herein. The reliefs are for enforcement of claims under the various enactments. Without specific instances or orders the enforcement of which are sought; the same cannot be allowed. Neither can transfer of immovable property be interdicted in a petition

under Article 226 of the Constitution of India,
without specific compelling cause shown.

The writ petition hence would stand closed.

Sd/-

K.VINOD CHANDRAN
Judge

Mrcs

//True Copy//