

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

WP(C).No. 4665 of 2015 (G)

PETITIONER(S):

**K.MOHAN RAJ,
S/O. LATE R. KUPPUSWAMY, NEAR TEA MUSEUM
NALLATHANNY ROAD, MUNNAR.**

**BY ADVS.SRI.S.VINOD BHAT
SRI.LEGITH T.KOTTAKKAL**

RESPONDENT(S):

- 1. LABOUR COMMISSIONER
OFFICE OF THE LABOUR COMMISSIONER, THOZHIL BHAVAN
THIRUVANANTHAPURAM -695 033.**
- 2. STATE OF KERALA,
REPRESENTED BY SECRETARY, DEPARTMENT OF LABOUR
THIRUVANANTHAPURAM- 695 001.**
- 3. A.K. MANI
EX-M.L.A, NADAYAR ROAD, MUNNAR - 685 612.**
- 4. K.D.H.P. COMPANY PRIVATE LIMITED,
REGISTERED OFFICE, KDHP HOUSE, MUNNAR - 685 612
REPRESENTED BY ITS INDUSTRIAL RELATION MANAGER.**

**R BY SRI.M.GOPIKRISHNAN NAMBIAR
R BY GOVERNMENT PLEADER SRI. BIJU MEENATTOOR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 4665 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1- TRUE COPY OF THE CLAIM STATEMENT FILED BY THE IST
 PETITIONER BEFORE THE IST RESPONDENT.**

RESPONDENT(S)' EXHIBITS

// TRUE COPY //

PA TO JUDGE.

SB

K. VINOD CHANDRAN, J.

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W.P.(C) No.4665 of 2015 - G

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Dated this the 16th day of February, 2015

J U D G M E N T

The petitioner claims to be the elected President of South Indian Plantation Workers Union (S.I.P.W) having registration No.42/1950. The petitioner claims consideration of Ext.P1 application for issuance of duplicate registration certificate of the Union. The basis on which such an application has been filed is that, the 3rd respondent, a disgruntled member of the Union has now formed another Union by name SIPW (INTUC) and is illegally using the registration number 42/1950 for the subsequently formed Union. Hence, the contention is that, the 3rd respondent is styling himself as the President of the Union, which actually has elected the petitioner herein as the President. That is not a ground for issuance of a duplicate registration.

2. The averments in the writ petition indicate that the petitioner's grievance is that the 3rd respondent is carrying on the activities of the Union and he is not entitled to so carry on the said activities, for reason of the Union having elected the petitioner as the President of the Union. That would be an issue, which would have to be considered by an appropriate civil forum.

3. Ext.P1 lays bare, number of disputes pending between the members of the Union before the various forums. The SIPW Union led by the petitioner claims to have dissociated itself from the Indian National Trade Union (I.N.T.U.C) while the 3rd respondent asserts allegiance to the I.N.T.U.C. These are not disputes based on which a duplicate registration certificate of the Union, registered with the 1st respondent, can be sought for or issued. The dispute essentially is one of the two rival factions claiming and asserting their exclusive right to declare themselves as the Union with the registration number

42/1950. The two factions would have to agitate their cause before the appropriate forum and the issuance of a duplicate registration certificate cannot be made on the facts disclosed.

The writ petition is devoid of merit and would stand dismissed, leaving liberty to the petitioner to approach the appropriate forum.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

// true copy //

P.A to Judge