

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

WP(C).No. 5043 of 2015 (E)

PETITIONER(S):

RELCON FOUNDATIONS (P) LTD AGED 63 YEARS
DOOR NO.35/3078 H, 1ST FLOOR, PUKALAKKATTU COMPLEX
THAMMANAM ROAD, PALARIVATTOM
REP. BY ITS MANAGING DIRECTOR SRI.T.K.ALEXANDER VAIDIAN.

BY ADVS.SRI.V.M.KURIAN
SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS

RESPONDENT(S):

1. THE ASSISTANT COMMISSIONER OF POLICE
THRIKKAKKARA, KAKKANAD, ERNAKULAM - 682 030.

2. THE CIRCLE INSPECTOR OF POLICE,
INFO PARK CIRCLE OFFICE, KAKKANAD, KOCHI - 682 030.

3. ELDHO K.THOMAS,
KILUKHATTIL HOUSE, THENGOODE P.O., KAKKANAD - 682 021.

4. M.O.VARGHESE,
MOOKENNOOTIL HOUSE, NILAMPATHINJI MUGAL ROAD
KUSUMAGIRI P.O., KAKKANAD - 6820 039.

R3 & 4 BY ADV. SRI.G.G.MANOJ
R3 & 4 BY ADV. SRI.P.M.BENZIR
R1 AND R2 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMARF

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
27-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 5043 of 2015 (E)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1: TRUE COPY OF THE AGREEMENT EXECUTED BY THE PETITIONER WITH
M/S.LULUL TECH PARK LTD

P2: TRUE COPY OF THE AGREEMENT EXECUTED PILING ASSOCIATION AND UNION
IN THE PRESENCE OF DISTRICT LABOUR OFFICER

P2(A): TRUE COPY OF THE ENGLISH TRANSLATION OF THE AGREEMENT EXECUTED
BY PILING ASSOCIATION AND TRADE UNION IN THE PRESENCE OF DISTRICT
LABOUR OFFICER

P3: TRUE COPY OF THE LETTER NO.LULU/CYTR-2/PILE/05 DATED 21/01/2015
ISSUED BY THE PMC OF THE EMPLOYER

P4: TRUE COPY OF THE COMPLAINT DATED 9/2/2015 SUBMITTED BEFORE 2ND
RESPONDENT

P4(A): TRUE COPY OF THE ENGLISH TRANSLATION OF THE COMPLAINT DATED
9/2/2015 SUBMITTED BEFORE 2ND RESPONDENT

P5: TRUE COPY OF THE RECEIPT EVIDENCING ACCEPTANCE OF COMPLAINT
ISSUED BY 2ND RESPONDENT

P5(A): TRUE COPY OF THE ENGLISH TRANSLATION OF RECEIPT EVIDENCING
ACCEPTANCE OF COMPLAINT ISSUED BY 2ND RESPONDENT

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

PS TO JUDGE

ASHOK BHUSHAN, Ag.CJ & A.M.SHAFFIQUE, J

W.P(C).No.5043 of 2015

Dated this the 27th February, 2015

JUDGMENT

Shaffique, J.

The petitioner has approached this Court seeking police protection alleging that respondents 3 and 4 and their men are interfering with the work being carried on by the petitioner. It is submitted that the petitioner is a contractor, who has undertaken the piling work in respect of a particular project, which requires 150 persons per day to complete the piling work. However, respondents 3 and 4 union leaders are obstructing the work and they are not providing sufficient number of workmen.

2. A counter affidavit has been filed by respondents 3 and 4 indicating that they have not obstructed the work in any manner and still the work is going on. It is stated that for the night shift the petitioner had agreed to pay additional amount, but that is not being paid. Learned counsel for the private respondents also submits that the unions represented by respondents 3 and 4 are ready to supply enough number of

workers as and when required and they have no intention to create any obstruction.

3. As far as the claim for wages is concerned, if there is any dispute between respondents 3 and 4 or their men and the petitioner, the unions have to take up the matter before the competent authority.

4. In the light of the aforesaid factual situation, we direct the second respondent to ensure that law and order situation is maintained in the area and if there is any internal dispute between the petitioner and respondents 3 and 4, it has to be taken up before the appropriate authorities. If respondents 3 and 4 are not providing sufficient number of workers to the petitioner, it shall be open for the petitioner to engage their own workers in addition to the workers supplied by the unions represented by respondents 3 and 4.

The Writ Petition is disposed of as above.

**ASHOK BHUSHAN
ACTING CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs27/2/15