

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 17TH DAY OF JULY 2015/26TH ASHADHA, 1937

WP(C).No. 5614 of 2015 (B)

PETITIONERS:

1. AHAMMED KANNU,
PORTER, HANTEX REGIONAL OFFICE, KOLLAM
(S/O.ABUWAYAD, AGED 55 YEARS,
HOUSE NO 624, NEW COLONY, VADAKEVILA,
KOLLAM.
2. T.S HARIDAS,
PORTER, HANTEX ERNAKULAM REGIONAL CENTRAL DEPOT,
KALAMASSERY (S/O.P K SREEDHRAN, AGED 50 YEARS,
THOTTIPARAMBIL HOUSE,
WEST KADUNGALLOOR, ALUVA)
3. M. S THUSHARA,
PORTER, HANTEX HEAD OFFICE, OOTTUKKUZHY,
THIRUVANANTHAPURAM. (W/O.RAJEEV, AGED 31 YEARS,
RAJAJI NAGAR, CHENGAL CHULLA,
THIRUVANANTHAPURAM 1)
4. K RAVINDRAN NAIR, AGED 58 YEARS
PORTER, HANTEX -DO-(S/O KRISHNA PILLAI, RAVI BHAVAN
KOCHIRAKKAM, AYIROOPPARA P O, POTHANCODE
THIRUVANANTHAPURAM-4)
5. G SOMAN, AGED 61 YEARS,
RETD. PORTER, HANTEX HEAD OFFICE
OOTTUKUZHY, THIRUVANANTHAPURAM, (S/O.GOPALAN
FLAT NO 92. RAJAI NAGAR, CHENGAL CHULLA
SECRETARAIT WARD, THIRUVANANTHAPURAM)

BY ADVS.SRI.K.S.MADHUSOODANAN
SRI.THOMAS CHAZHUKKARAN
SRI.M.M.VINOD KUMAR
SMT.K.M.RAMYA
SRI.P.K.RAKESH KUMAR
SRI.K.S.MIZVER

RESPONDENTS:

1. STATE OF KERALA
TO BE REPRESENTED BY SECRETARY
INDUSTRIES DEPARTMENT, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM - 695 001.

2. DIRECTOR OF HANDLOOM AND TEXTILE
(REGISTAR OF HANDLOOM AND TEXTILE)
VIKAS BHAVAN, THIRUVANANTHAPURAM - 695 001.

3. MANAGING DIRECTOR
KERALA STATE HANDLOOM WEAVERS' CO-OPERATIVE SOCIETY
LTD NO H 232,
THIRUVANANTHAPURAM- 695 001.

R3 BY ADV. SRI.T.M.RAMAN KARTHA, SC, HANTEX
R BY SRI. G. GOPAKUMAR, GOVERNMENT PLEADER
R BY SRI.T.M.RAMAN KARTHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
17-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 5614 of 2015 (B)

APPENDIX

PETITIONER'S EXHIBITS :

P1:-PHOTOCOPY OF THE DECISION NO 9(2)OF THE DIRECTOR, BOARD OF HANTEX DTD 15/12/11.

P2:-PHOTOCOPY OF THE JUDGMENT IN WPC 8079/12 DTD 31/5/2013.

P3:-PHOTOCOPY OF THE LETTER OF 2ND RESPONDENT TO THE 1ST RESPONDENT DTD 11/9/2013 BEARING NO HL C1416/2012 TO ACCORD SANCTIN TO THE SCALE OF PAY TO PORTERS.

P4:-PHOTOCOPY OF THE LETTER OF THE 1ST RESPONDENT DTD 28/10/2014 BEARING NO 29587/C1/13/ID REQUESTING TO SUBMIT STAFF PATTERN INCLUSIVE OF 7 PORTERS FOR APPROVAL.

P5:-PHOTOCOPY OF THE FORWARDING LETTER DTD 5/11/2014 OF THE 3RD RESPONDENT TO THE 2ND RESPONDENT ENCLOSING BOARD DECISION AND STAFF PATTERN PROPOSAL.

P5(a):-PHOTOCOPY OF THE BOARD DICISION NO. 21 DTD. 31/7/12.

P5(b):-PHOTOCOPY OF THE STAFF PATTERN PROPOSAL FOR THE POST OF PORTER.

P5(c):-PHOTOCOPY OF THE PRESENT STAFF PATTERN IN HANTEX.

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 5614 of 2015 (B)

Dated this the 17th day of July, 2015.

JUDGMENT

Heard the learned counsel for the petitioner, the learned Government Pleader and the learned Standing Counsel for respondents 2 and 3, apart from perusing the record.

2. The petitioners 1 to 3 are Porters in the godowns of the 3rd respondent, whereas petitioners 4 and 5 have already retired as Porters. On 15.12.2011, the Board of Directors of the 3rd respondent decided to allow the pay of last grade to the Porters at the rate of ₹ 2610–3680; even this Court, through Ext.P2 judgment dated 31.05.2013 in W.P.(C) No. 8079 of 2013, directed the second respondent to pass appropriate orders within two months on Ext.P1 recommendation of the third respondent. In compliance thereof, the second respondent has recommended through Ext.P3 proceedings dated 11.09.2013.

3. Acting on Ext.P1 recommendation, as has been

recommended by the second respondent through Ext.P3, the first respondent through Ext.P4 directed the second respondent to furnish proposal for staff pattern of Hantex, by including the Porters as well, for the approval of the Government. Though the said directive of the first respondent has been complied with, as is evidenced by Ext.P5 to P5(c), the first respondent, according to the petitioners, has not further acted to sanction the necessary permission in terms of Ext.P1 decision of the 3rd respondent, despite the recommendation of the second respondent.

4. In response to the submissions made by the learned counsel for the petitioners, the learned Government Pleader has submitted that the first respondent will take expeditious steps to consider the issue of pay fixation involving the Porters of the third respondent, at the earliest.

in the facts and circumstances, having regard to the respective submissions of the learned Counsel for the petitioners and the learned Government Pleader, this Court,

without expressing any opinion on the merits of the matter, disposes of the writ petition with a direction to the first respondent to consider the issue of pay fixation involving the Porters of the third respondent in accordance with law and pass appropriate orders thereon, as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment.

sd/-DAMA SESHADRI NAIDU, JUDGE.

rv

