

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

W.P.(C).No.20235 of 2004 (H)

PETITIONER(S):-

1. G.VENOGOPALA SHARMA, S/O.LATE GOPALAKRISHNAN POTTY, AGED 38, OVERSEER (ELECTRICAL), ELECTRICAL SECTION, PERUMPUZHA, KOLLAM, RESIDING AT PANCHAJANYAM, MULAVANAP.O. KUNDARA, KOLLAM DIST.
2. R.RAJENDRA BABU, S/O.LATE V.N.RAGHAVAN, AGED 45, OVER SEER (ELECTRICAL), ELECTRICAL SECTION, KULAKKADA, KOLLAM, RESIDING AT VETTAKALA THEKKETHIL VEEDU, THAZHATHU VADAKKE P.O., KOLLAM DIST.
3. GEORGE THOMAS, S/O.K.G.THOMAS, AGED 41, OVERSEER (ELECTRICAL), ELECTRICAL SECTION, KULANDA, PATHANAMTHITTA, RESIDING AT VALLIVILAYIL PUTHEN VEEDU, KOLAKKARA EAST P.O., KOLLAM DIST.

BY ADVS.SRI.S.SREEKUMAR [SENIOR ADVOCATE]
SRI.P.K.SOYUZ.

RESPONDENT(S):-

1. STATE OF KERALA,
REP. BY ITS SECRETARY (ELECTRICITY),
GOVERNMENT SECRETARIAT, TRIVANDRUM.
2. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, VYDYTUHI BAHVABN, PATTOM,
THIRUVANANTHAPURAM.
3. THE CHIEF ENGINEER (HRM),
THE KERALA STATE ELECTRICITY BOARD, VYDYUTHI BHAVAN
PATTOM, TRIVANDRUM.

R1 BY GOVERNMENT PLEADER SRI.T.R.RAJESH.
R2 & R3 BY SENIOR ADVOCATE SRI.P.SANTHALINGAM
R2 & R3 BY SENIOR ADVOCATE SRI.N.N.SUGUNAPALAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
14-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER'S EXHIBITS:-

- | | |
|--------|--|
| EXT.P1 | TRUE COPY OF THE RELEVANT PORTION OF SETTLEMENT DATED 2.12.1978. |
| EXT.P2 | TRUE COPY OF SETTLEMENT DATED 16.8.1986. |
| EXT.P3 | TRUE COPY OF RELEVANT PORTION OF SETTLEMENT DATED 2.8.1995. |
| EXT.P4 | TRUE COPY OF JUDGMENT IN OP.21479/2000 dated 1.1.02. |
| EXT.P5 | TRUE COPOY OF ORDER NOEB4-120(C)/1999 DATED 7.2.2003. |
| EXT.P6 | TRUE COPY OF SETTLEMENT DATED 11.8.2000. |
| EXT.P7 | TRUE COPY OF ORDER NO.PSI/GL/2003 DATED 26.5.2003. |
| EXT.P8 | TRUE COPY OF NOTE NO.EB4/2003/65 DATED 4.5.2004. |

RESPONDENT'S EXHIBITS:-

NIL.

Vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.20235 of 2004-H

Dated this the 14th day of October, 2015

JUDGMENT

The petitioners are aggrieved with the cancellation of a Bipartite Settlement effected, as per Exhibit P7. Admittedly, a long term settlement dated 11.08.2000 was arrived at between the recognized Trade Unions and the Kerala State Electricity Board [for brevity “the Board”]. The petitioners claim that under Clause 8 of Article VII, the petitioners who are Overseers, had vested right for such promotion and in such circumstance, the Board ought to have promoted them without effecting the cancellation as per Exhibit P7.

2. It is not clear from Exhibit P6 extract produced, as to the period of the long term settlement arrived at. The petitioners have failed to produce the entire settlement to understand as to whether the cancellation was proper. In any event, the long term settlement was in force till Exhibit P7 cancellation was made. If the petitioners had any grievance as to their promotions having not

been considered in accordance with the terms of the settlement, necessarily they ought to have approached the forum provided under the Industrial Disputes Act, 1947 [for brevity "ID Act"]. The termination of the agreement as per Exhibit P7 is also said to be under Article XI read with Section 19(2) of the ID Act. This Court does not have the privilege of looking at Article XI, since the petitioners have not produced the entire agreement. The extract produced at Exhibit P6 does not contain the said Article. Further, in the time elapsed when the writ petition was pending, the possibility of further agreements having been entered into between the parties also cannot be ruled out.

For all the above reasons, the writ petition is found to be devoid of merit and the same is dismissed. There will be no order as to costs.

Sd/-

K.Vinod Chandran
Judge.

vku/-

[true copy]