

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

WP(C).No. 10022 of 2015 (C)

PETITIONER(S) :-

1. K P ABDUL AZEEZ, AGED 54 YEARS
S/O.MOIDEEN KOYA, MANDAL, FOOD CORPORATION OF INDIA
FSD NILESWAR, P.O.NILESWAR, KASARAGOD 671 316.
2. K.BALAKRISHNAN, AGED 58 YEARS, S/O.AYYAPPAN,
MANDAL, FOOD CORPORATION OF INDIA
FSD NILESWAR, P.O. NILESWAR, KASARAGOD - 671 316.

BY ADV. SRI.MAHESH V RAMAKRISHNAN

RESPONDENT(S) :-

1. THE DISTRICT POLICE CHIEF, KASARAGOD - 671 001.
2. SUB INSPECTOR OF POLICE
NILESWARAM POLICE STATION, KASARAGOD - 671 316.
3. THE FOOD CORPORATION OF INDIA
REPRESENTED BY ITS GENERAL MANAGER (REGION) ,
FOOD CORPORATION OF INDIA
REGIONAL OFFICE, THIRUVANANTHAPURAM - 695 004.
4. THE AREA MANAGER, FOOD CORPORATION OF INDIA
MUZHAPPILANGAD, KANNUR 670 001.
5. THE DEPOT -MANAGER, FOOD CORPORATION OF INDIA
FSD NELESWAR, P.O.NILESWAR, KASARAGOD - 671 316.
6. K.SUDHAKARAN, AGED 52 YEARS, S/O.AYYAPPAN,
HANDLING LABOUR (DPS NO.28) , ,
FOOD CORPORATION OF INDIA, FSD NILESWAR, P.. NILESWAR
KASARAGOD - 671 316.

7. T.SURESH, S/O.DEVAKI, AGED 45 YEARS
HANDLING LABOUR (DPS NO.26)
FOOD CORPORATION OF INDIA, FSD NILESWAR, P.O.NILESWAR
KASARAGOD - 671 316.
8. T.SURESH (DELETED), AGED 45 YEARS
S/O.DEVAKI, HANDLING LABOUR (DPS NO.26)
FOOD CORPORATION OF INDIA, FSD NILESWAR PO, NILESWAR
KASARAGOD 671 316.[DELETED]
- [8TH RESPONDENT IS DELETED FROM THE PARTY ARRAY
AS PER ORDER DATED 23.06.2015 IN IA 8284/15.]
9. M.P.CHANDRAN, AGED 48 YEARS
HANDLING LABOUR (DPS NO.39)
FOOD CORPORATION OF INDIA - FSD NILESWAR, P.O. NILESWAR
KASARAGOD - 671 316.
10. K.RAJAN, AGED 50 YEARS
HANDLING LABOUR (DPS NO.83)
FOOD CORPORATION OF INDIA - FSD NILESWAR, P.O. NILESWAR
KASARAGOD - 671 316.
11. K.V.GANESAN, AGED 50 YEARS
HANDLING LABOUR (DPS NO.68)
FOOD CORPORATION OF INDIA - FSD NILESWAR, P.O. NILESWAR
KASARAGOD - 671 316.
12. K.CHANDRAN, AGED 60 YEARS
HANDLING LABOUR (DPS NO.47)
FOOD CORPORATION OF INDIA - FSD NILESWAR, P.O. NILESWAR
KASARAGOD - 671 316.
13. K.K.VELAYUDHAN, AGED 51 YEARS
HANDLING LABOUR (DPS NO.5)
FOOD CORPORATION OF INDIA - FSD NILESWAR, P.O. NILESWAR
KASARAGOD - 671 316.
14. M.SADANANDAN,, AGED 49 YEARS
HANDLING LABOUR (DPS NO.80)
FOOD CORPORATION OF INDIA - FSD NILESWAR, P.O. NILESWAR
KASARAGOD - 671 316.
15. K.P.RAJAN, AGED 53 YEARS, S/O.CHINNAPPU,
HANDLING LABOUR (DPS NO.12)
FOOD CORPORATION OF INDIA - FSD NILESWAR, P.O. NILESWAR
KASARAGOD - 671 316.

16. A.V.AYYAPPAN, AGED 55 YEARS, S/O.KUNHIKORU,
HANDLING LABOUR (DPS NO.54)
FOOD CORPORATION OF INDIA - FSD NILESWAR, P.O. NILESWAR
KASARAGOD - 671 316.
17. M.P.SREENIVASAN, AGED 45 YEARS
HANDLING LABOUR (DPS NO.78)
FOOD CORPORATION OF INDIA - FSD NILESWAR, P.O. NILESWAR
KASARAGOD - 671 316.
18. K.K.SURESHBABU, AGED 49 YEARS
HANDLING LABOUR (DPS NO.66)
FOOD CORPORATION OF INDIA - FSD NILESWAR, P.O. NILESWAR
KASARAGOD - 671 316.
19. THE FOOD CORPORATION OF INDIA WORKERS UNION
REPRESENTED BY ITS GENERAL SECRETARY, NO.58
DIAMOND HARBOUR ROAD, CALCUTTA - 700 034.

R3, R4 & R5 BY ADV. SMT.A.RAJESWARI, SC
R1 & R2 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

WP(C).No. 10022 of 2015 (C)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXT.P1- TRUE COPY OF THE JUDGMENT DATED 16.12.2013 IN WP(C)
NO.29286 OF 2013.

EXT.P2- TRUE COPY OF THE LETTER NO.NI.IR(L/1/04) DATED 7.10.2014
ISSUED BY THE AREA MANAGER, F.C.I, KANNUR.

EXT.P3- TRUE COPY OF THE PETITION DATED 10.11.2014 SUBMITTED BY
THE PETITIONERS AND OTHERS TO THE 5TH RESPONDENT ALONG WITH ITS
ENGLISH TRANSLATION.

EXT.P4- TRUE COPY OF THE PETITION DATED 10.12.2014 SUBMITTED BY
THE 2ND PETITIONER AND ANOTHER TO THE 5TH RESPONDENT ALONG WITH
ITS ENGLISH TRANSLATION.

EXT.P5- TRUE COPY OF THE POLICE PETITION DATED 26.2.2015 LODGED BY
THE PETITIONERS BEFORE THE SHO, NILESWAREM POLICE STATION, ALONG
WITH ITS ENGLISH TRANSLATION.

EXT.P6- TRUE COPY OF THE RECEIPT DATED 26.2.2015 ISSUED BY THE
SHO, NILESWAREM ALONG WITH ITS ENGLISH TRANSLATION.

EXT.P7- TRUE COPY OF THE PETITION DATED 12.3.2015 SUBMITTED BY
THE PETITIONERS BEFORE THE 1ST RESPONDENT ALONG WITH ITS ENGLISH
TRANSLATION.

EXT.P8- TRUE COPY OF THE WRITTEN INSTRUCTIONS DATED NIL ISSUED BY
THE AREA MANAGER, FCI, THRISSUR ALONG WITH ITS ENGLISH
TRANSLATION.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.P.(C) No.10022 of 2015

Dated this the 10th day of August 2015

J U D G M E N T

Shaffique, J.

The petitioners have approached this Court seeking for police protection to their life and property to attend their duty at the Food Corporation of India - Food Storage Depot, Nileswar. It is alleged that respondents 6 to 19 are frequently threatening, assaulting and manhandling the petitioners. The petitioners' grievance was that after the implementation of the gang system in all the Food Corporation of India Depots in the State of Kerala, pursuant to the judgment of this Court in W.P.(C) No.29286 of 2013, there had been certain issues, by which, the petitioners were being prevented from carrying on their work. It is stated that instead of the issues being taken up before the competent authorities, respondents 6 to 19 have declared that they shall not permit the petitioners to work in the promoted posts and from 7.7.2014 onwards, there being continuous obstruction from the side of private respondents in carrying on the petitioners' work.

2. Counter affidavit has been filed by respondents 3, 4 and 5 inter alia stating that there is no issue as alleged by the petitioners inside the FCI premises. There is no law and order

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situation and sufficient security is available for peaceful working condition in the said area. The petitioners are deliberately not coming for the work and the question of police protection does not arise in the matter.

3. Learned Government Pleader on instructions would submit that under the guise of obstruction being created by respondents 6 to 19, the petitioners are not attending their work.

4. Having regard to the aforesaid factual situation, we do not think that the relief as sought for can be granted, as the police cannot involve in any labour dispute. That apart, no law and order situation has arisen in the matter inside the premises/godown at Nileswar as stated by the learned counsel appearing for the Food Corporation of India.

Under such circumstances, we do not think that any direction as sought for can be granted in this writ petition. Accordingly, the same is dismissed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE