

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

W.P.(C).No.21848 of 2005 (A)

PETITIONER(S):-

1. KERALA HYDRO ELECTRIC PROJECT WORKERS UNION REGISTER NO.06/89,
CHERUTHONY, IDUKKI COLONY P.O., REPRESENTED BY ITS PRESIDENT
SULAIMAN RAVUTHAR.
2. P.K. CHANDRAN,
PULIKAL HOUSE, KALLARKUTTY P.O., PANAMKUTTY, IDUKKI DIST.
3. P.J. JOSE,
PORMATOM HOUSE, THATTEKANI P.O., PAMBLA, IDUKKI.
4. V.G. SATHYAN,
VELLAKKATTU HOUSE, KALARKUTTY P.O., AMKUTTY, IDUKKI.
5. THRESIAMMA PAPPACHAN, W/O. PAPPACHAN,
PARELPURADATHIL, KEEITHODU P.O., PAKUTHYPPALAMPO
NERIYAMANGALAM, IDUKKI DIST.
6. ANCY JOSEPH,
KALLUPURAKKAL, PANAMKUTTY, KALLARKUTTY P.O., IDUKKI
7. P.T. ANNA,
POTHANAMPURATH, KALLARKUTTY P.O., PANAMKUTTY, IDUKKI.
8. ALIYAMMA VARGHESE, W/O. VARGHESE,
PURAPPARAYIL HOUSE, PANAMKUTTY P.O., KALLARKUTTY P.O.
IDUKKI DIST.

BY ADVS.SRI.RAJU SEBASTIAN VADAKKEKKARA
SRI.S.KRISHNA KUMAR (MANGALAM)

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF LABOUR AFFAIRS,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
2. DIST. LABOUR OFFICER, IDUKKI, THODUPUZHA.
3. JOINT LABOUR COMMISSIONER, KAKKANADU, KOCHI-30.
4. THE EXECUTIVE ENGINEER,
K.S.E.B. N.E.S. PROJECT, THATTEKANNI P.O., PAMBLA.
5. M/S. ASIAN TECHS LTD.,
REPRESENTED BY ITS PROJECT MANAGER,
M.N.BALAKRISHNAN NAIR @ M.N.B.NAIR,
PROJECT OFFICE, POOMANGALATHU BLDG., PANAMKUTTY,
KALLARKUTTY P.O., PIN-685 562.

R1 TO R3 BY GOVERNMENT PLEADER SRI.R.RANJITH.
R4 BY STANDING COUNSEL SRI.K.S.ANIL.
R5 BY ADV. SRI.K.A.SHAMSUDEEN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07-04-2015, ALONG WITH W.P(C) NO.7327 OF 2015-M, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:-

K. Vinod Chandran, J.

W.P(C) No.21848 of 2005-A & 7327 of 2015-M

Dated this the 07th day of April, 2015

JUDGMENT

The petitioners are said to be employees of a contractor, who had been awarded work in a project initiated by the Kerala State Electricity Board - the Neriamangalam Extension Scheme. The project itself is said to have been concluded in 2006. There was a dispute between the contractor and the employees, which had given rise to a conciliation proceeding as also W.P.(C).No.21848 of 2005 seeking reference of an industrial dispute. However, since the contract itself is concluded long back, nothing survives in W.P.(C). No.21848 of 2005 and the same is, hence, dismissed as infructuous.

2. As to W.P.(C).No.7327 of 2015, the petitioners claim that the industrial dispute raised against the contractor was with respect to denial of employment. However, since that does not survive, the petitioners have now claimed certain monetary benefits due to them during the period in which they worked, which, the petitioners contend, has been deposited by the contractor with the Kerala State Electricity Board. Exhibits P3 and P3(a) representations

have been given before the first respondent-Chief Engineer and the Labour Commissioner. In such circumstance, the 1st respondent shall consider the claim, at any rate, within a period of two months from the date of receipt of a certified copy of this judgment, after issuing notice to the petitioners and hearing their representative(s). If no favourable orders are issued, definitely the petitioners would be entitled to move the 2nd respondent for appropriate reliefs. W.P(C). No.7327 of 2015 is disposed of as above. No costs.

Sd/-
K. Vinod Chandran,
Judge

vku/

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