

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No. 11953 of 2015 (T)

PETITIONER(S):

**1. THE DAKSHIN RAILWAY EMPLOYEES UNION (AFFILIATED TO CITU),
REGD. NO.3068, THIRUVANANTHAPURAM DIVISION
THIRUVANANTHAPURAM, REPRESENTED BY ITS PRESIDENT
N. RAVIKUMAR, AGED 48 YEARS
S/O G. NARAYAN PILLAI, HEAD TICKET EXAMINER
SOUTHERN RAILWAY, ERNAKULAM TOWN,
RESIDING AT:"32/1547 - A, PALLISSERY ROAD
PALARIVATTOM P.O, KOCHI - 25.**

**2. JAIS R., AGED 36 YEARS, S/O, C.K RAJAN
HEAD TRAIN EXAMINER, SOUTHERN RAILWAY'
ERNAKULAM TOWN RAILWAY STATION,
RESIDING AT FLAT NO.1/E/3
SOUTH STAR APARTMENTS, ERNAKULAM COLLEGE P.O,
GANDHI NAGAR, ERNAKULAM - 35.**

**BY ADVS.SRI.T.C.GOVINDA SWAMY
SMT.T.N.SREEKALA**

RESPONDENT(S):

**1. THE DIVISIONAL RAILWAY MANAGER
SOUTHERN RAILWAY, TRIVANDRUM DIVISIONAL HEAD QUARTERS
TRIVANDRUM - 695 014.**

**2. THE SENIOR DIVISIONAL COMMERCIAL MANAGER
SOUTHERN RAILWAY, TRIVANDRUM DIVISIONAL HEAD QUARTERS
TRIVANDRUM - 695 014.**

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3. THE RAILWAY BOARD, RAIL BHAVAN
NEW DELHI - 110 001, REPRESENTED BY ITS SECRETARY

4. THE DEPUTY CHIEF LABOUR COMMISSIONER, (CENTRAL)
OFFICE OF THE DEUTY CHIEF LABOUR COMMISSIONER, (CENTRAL)
KENDRIYA SHRAM SADAN, OLIMUGHAL, KAKKANAD
KOCHI - 682 030

5. THE ASSISTANT LABOUR COMMISSIONER (CENTRAL)
OFFICE OF THE DEPUTY CHIEF LABOUR COMMISSIONER, (CENTRAL)
KENDRIYA SHRAM SADAN, OLIMUGHAL, KAKKANAD
KOCHI - 682 030

6. THE SECRETARY TO THE GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT'
NEW DELHI - 110 001.

R1-R3 BY ADV. SRI.JELLY ABRAHAM
R4,R5&6 BY ADV. SRI.K.THYAGARAJESWARAN, CGC
R BY SRI.C.S.DIAS,SC, RAILWAYS
R BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

- EXT.P1** COPY OF COMMUNICATION DATED 23.4.14, ADDRESSED TO THE 4TH RESPONDENT, DEPUTY CHIEF LABOUR COMMISSIONER, CENTRAL.
- EXT.P2** COPY OF LETTER BEARING NO.97/TG-V/13/3 DATED 14.3.14, ISSUED BY THE 3RD RESPONDENT, RAILWAY BOARD.
- EXT.P3** COPY OF COMMUNICATION BEARING NO. V/C 569/MANNING OF TRAINS/2014 DATED 22.4.14, ISSUED BY THE 2ND RESPONDENT.
- EXT.P4** COPY OF THE TRAIN TIMINGS OF 16525 BANGALORE EXPRESS FOR TRAVEL BETWEEN KANYAKUMARI AND PALAKKAD DOWN LOADED FROM THE WEB SITE OF THE RAILWAY ADMINISTRATION.
- EXT.P5** COPY OF TRAIN TIMINGS OF CERTAIN TRAINS RUNNING BETWEEN TRIVANDRUM AND PALAKKAD AS DOWN LOADED FROM THE WEB SITE OF THE RAILWAYS.
- EXT.P6** COPY OF LETTER BEARING NO. V/C 56/TC MISC/2014 DATED 23.2.15, ISSUED BY THE 2ND RESPONDENT.
- EXT.P7** COPY OF LETTER BEARING NO.8/76/2014/D2 DATED 10.3.15/12.3.15, SENT BY THE 5TH RESPONDENT ADDRESSED TO THE SIXTH RESPONDENT.

RESPONDENTS EXHIBITS: NIL

// TRUE COPY //

PA to Judge

SB

K. VINOD CHANDRAN, J.
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W.P.(C) No.11953 of 2015 - T
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Dated this the 9th day of April, 2015

J U D G M E N T

The above writ petition has been filed on the ground that there is a change in work norms intended by the Management of the Indian Railways within the Trivandrum Division; against which a dispute has been raised before the appropriate Conciliation Officer. The conciliation was taken up, but having ended in failure, failure report as per Ext.P7 dated 12.03.2015 is recorded. The petitioner prays for an expeditious reference of the dispute to a Court/Tribunal as prescribed under the Industrial Disputes Act, 1947 and prays for status quo to be maintained till such reference is decided.

2. Definitely, there could be a direction to the appropriate Government to decide on the issue expeditiously and within a time frame. However, this Court

is not inclined to exercise jurisdiction under Article 226 of the Constitution of India to order status quo. As of now the appropriate Government, being the Central Government represented by the 6th respondent shall refer the dispute at any rate, within three months from the date of receipt of the certified copy of this judgment. The reference shall be made following the decision of the Hon'ble Supreme Court reported in **Telco Convoy Drivers Mazdoor Sangh and Another v. State of Bihar and Others [1989 KHC 920]**,

The writ petition is disposed of. No costs.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

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P.A to Judge