

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 16391 of 2009 (T)

PETITIONER(S):

- 1. KERALA AGRO MACHINERY CORPORATION
EMPLOYEES UNION, REPRESENTED BY ITS GENERAL, SECRETARY
P.A.BASHEER, REG.NO.146/74, ATHANI P.O.
683 585, ERNAKULAM.**
- 2. KAMCO EMPLOYEES CENTRE (U.T.U.C)
REPRESENTED BY ITS SECRETARY, MR.RAMACHANDRAN NAIR
REG.NO.07-49/98, ATHANI P.O 683 585
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.C.S.AJITH PRAKASH
SRI.T.D.SALIM
SRI.PAUL C THOMAS**

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY, AGRICULTURAL DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE SECRETARY,
LABOUR AND REHABILITATION DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
- 3. THE LABOUR COMMISSIONER,
OFFICE OF THE LABOUR COMMISSIONER, SANTHI NAGAR
THIRUVANANTHAPURAM.**
- 4. THE DEPUTY LABOUR COMMISSIONER,
CIVIL STATION, KAKKANAD, ERNAKULAM.**
- 5. KERALA AGRO MACHINERY CORPORATION LTD.,
(KAMCO LTD), (GOVERNMENT OF KERALA UNDERTAKING)
REPRESENTED, BY MANAGING DIRECTOR, KAMCO LTD
REGD OFFICE, ATHANI 683 585.**
- 6. THE MANAGING DIRECTOR,
KERALA AGRO MACHINERY CORPORATION LTD.
ATHANI 683 585, ERNAKULAM.**

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***ADDL. R7 IMPEADED**

**KAMCO EMPLOYEES FEDERATION (AITUC)
REG:NO.359/1982,
ATHANI, ERNAKULAM,**

**IS IMPEADED AS ADDL. R7 AS PER ORDER DATED 13.7.2009 IN I.A.
NO.8448/09**

**R5 & 6 BY ADV. SRI.E.K.NANDAKUMAR
R5 & 6 BY ADV. SRI.A.K.JAYASANKAR NAMBIAR
R5 & 6 BY ADV. SRI.K.JOHN MATHAI
R5 & 6 BY ADV. SRI.P.BENNY THOMAS
R5 & 6 BY ADV. SRI.ANIL D. NAIR
R5 & 6 BY ADV. SRI.V.J.ANAND
ADDL.R7 BY ADV. SRI.C.ANIL KUMAR
ADDL.R7 BY ADV. SMT.A.K.PREETHA
BY SRI.E.K.NANDAKUMAR, SC FOR KAMCO
BY SRI.E.K.NANDAKUMAR, SC FOR KAMCO**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

SKV

C.K.ABDUL REHIM, J

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W.P.(C). No.16391 OF 2009

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Dated this the 15th day of January, 2015

JUDGMENT

Steps taken for conducting a referendum among the trade unions in the 5th respondent company was under challenge in this writ petition. The impugned notices pertain to the referendum which was proposed during the year 2009. There was no interim order granted restraining the conduct of the referendum. It is submitted by the learned Standing Counsel appearing for respondents 5 and 6 that the referendum was already conducted pursuant to the impugned notices, during the year 2009 itself, and also during the subsequent periods. Therefore it is evident that the relief sought for in this writ petition has become infructuous.

2. However, the petitioner will be at liberty to question the incorporation of different units of the 5th respondent company or to question any referendum

proposed in view on that basis to the extent sustainable under law, in appropriate proceedings.

3. Under the above mentioned circumstances this writ petition is dismissed as infructuous reserving liberty to the petitioner to the extent as mentioned above.

Sd/-
C.K.ABDUL REHIM, JUDGE.

/TRUE COPY/

P.A. TO JUDGE

SKV