

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

WP(C).No. 15963 of 2012 (U)

PETITIONER(S):

- 1. SANTHA.T.N. AGED 39 YEARS
WORKING AS INCENTIVE WORKER
DIVISION B-II ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT VILLARI (SOUPARNIKA) MANJAPRA P.O.
ERNAKULAM.**
- 2. BANEESHA K.V.
WORKING AS INCENTIVE WORKER
DIVISION B-II ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT KOOTALLI HOUSE VETTLA PARA P.O.
TRISSUR.**
- 3. VIJI K.I
WORKING AS INCENTIVE WORKER
DIVISION B-II ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT KULANGARA VETTELAPARA P.O, PIN-680721.**
- 4. MINIMOL K.V.
WORKING AS INCENTIVE WORKER
DIVISION B-II ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT KARINGHEN HOUSE, KALADY PLANTATION P.O.
AYYAMBHUZHA.**
- 5. PRAMEELA K.G.
WORKING AS INCENTIVE WORKER
DIVISION B-II ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT MALAYIL KIZHAKETHIL VETTIAPPARA P.O.
PIN-680721.**
- 6. JISHA E.J.,
WORKING AS INCENTIVE WORKER
DIVISION B-II ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT MALIYEKKAL HOUSE, ATHIRAPPILLY
AYYAMBUZHA.**

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7. DEEPA T.G.
WORKING AS INCENTIVE WORKER
DIVISION B-I ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT KANNATTUPADATH HOUSE, VETILAPPAR P.O.
AROOR MUZHI.
8. SHYBI M.K.,
WORKING AS INCENTIVE WORKER
DIVISION A-III ATHIRAPPILLY ESTATE
KALADY PLANTATION, RESIDING AT MOOKANAMATTOM HOUSE
AYYAMBUZHA P.O.
9. BIJU VARGHESE,
WORKING AS INCENTIVE WORKER
DIVISION A-I ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT MAREKADAN HOUSE, VETILAPARA P.O.
CHALAKUDY.
10. SHIBU M.V.
WORKING AS INCENTIVE WORKER
DIVISION A-I ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT MALIYEKKAL HOUSE
VETILAPPARA P.O PARIYARAM VIA.
11. VASANTHAKUMARI P.K.
WORKING AS INCENTIVE WORKER
DIVISION A-I ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT PALATHINGAL HOUSE, VETILAPPARA P.O
TRISSUR.
12. SABITHA V.V.
WORKING AS INCENTIVE WORKER
DIVISION A-I ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT KUTTIYIL HOUSE, VETILAPARA P.O.
ATHIRAPPILLI.
13. MINI K.K.
WORKING AS INCENTIVE WORKER
DIVISION A-I ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT KOKKADAN HOUSE, VETILAPPARA P.O.
CHALAKUDI.
14. ROSA E.O,
WORKING AS INCENTIVE WORKER
DIVISION A-I ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT CHIRAYKKAL HOUSE, VETILAPPARA P.O
PARIYARAM.

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15. PREETHA V.G.,
WORKING AS INCENTIVE WORKER
DIVISION A-I ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT PARAVLI HOUSE, VETTELAPPARA P.O
CHALAKKUDY.
16. GIGI A.D.,
WORKING AS INCENTIVE WORKER
DIVISION A-I ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT MACHARAPPILLY HOUSE, VETTELAPPARA P.O
CHALAKUDY.
17. SIJU FRANCIS,
WORKING AS INCENTIVE WORKER
DIVISION A-I ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT KALAPARAMBIL HOUSE, VETTELAPPARA P.O.
PARIYARAM.
18. PRAKASH K.G.,
WORKING AS INCENTIVE WORKER, DIVISION A-III
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT KUZHIPARAMBIL HOUSE, THABORE P.O.
PIN:683 577.
19. SUNITHA K.S.
WORKING AS INCENTIVE WORKER
DIVISION D-I ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT KUZHIPARAMBIL HOUSE, THABORE P.O.
PIN:683 577.
20. BINDU V.A.,
WORKING AS INCENTIVE WORKER
DIVISION D-I ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT VADKETHALA HOUSE, KALADY PLANTATION P.O
VETTELAPPARA.
21. BIJU P.L.,
WORKING AS INCENTIVE WORKER
DIVISION D-I ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT POZHOLI PARAMBIL HOUSE
KALADY PLANTATION P.O., VETTELAPPARA.
22. PRASANNAKUMAR K.B.
WORKING AS INCENTIVE WORKER
DIVISION B-III ATHIRAPPILLY ESTATE
KALADY PLANTATION, RESIDING AT KAINIKKARA HOUSE
KALADY PLANTATION, ATHIRAPPILLY.

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23. **NEETHU K.V.**
WORKING AS INCENTIVE WORKER, DIVISION A-II
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT KOLUTHAPPILLI HOUSE, EZHATTUMUGHAM P.O.
MUNNOORPPILLI-683 577.
24. **AMBILI A.R.,**
WORKING AS INCENTIVE WORKER, DIVISION A-II
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT KANNATTUPADAM BLOCK 2
ATHIRAPPILLY ESTATE.
25. **SIGI N.V.**
WORKING AS INCENTIVE WORKER, DIVISION A-II
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT NEDUVELI EZHATTUMUGHAM P.O.
MUNNOORPPILLI-683577.
26. **BINDU K.M,**
WORKING AS INCENTIVE WORKER, DIVISION A-II
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT KUZHIPARAMBIL HOUSE, THABORE P.O.
PIN:683577.
27. **AMBILI C.S.**
WORKING AS INCENTIVE WORKER, DIVISION A-II
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT CHAMAVALAPPIL HOUSE, DIVISION B2
ATHIRAPPILLY.
28. **VINTO M.S.**
WORKING AS INCENTIVE WORKER, DIVISION A-II
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT CHAMAVALAPPIL HOUSE, DIVISION B2
ATHIRIPPILLY.
29. **AGINI A.A.,**
WORKING AS INCENTIVE WORKER, DIVISION A-II
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT KAINIKKARA HOUSE, KALADY PLANTATION P.O
ATHIRAPPILLY.
30. **FASEELA A.A.**
WORKING AS INCENTIVE WORKER, DIVISION B-III
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT NADUVATHU HOUSE BLOCK 10, ATHIRAPPILLY.

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31. SEBI DEVASSI,
WORKING AS INCENTIVE WORKER, DIVISION B-III
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT MAROTTIKUDI HOUSE BLOCK 9
KALADY PLANTATION, ATHIRAPPILLY.
32. GIRIJA V.C.,
WORKING AS INCENTIVE WORKER, DIVISION B-III
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT VELUTHUPARAMBIL HOUSE
EZHATTUMUGHAM P.O.
33. SHINI M.P.,
WORKING AS INCENTIVE WORKER, DIVISION B-III
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT KUZHIPPIILLY HOUSE, BLOCK 18
KALADY PLANTATION ATHIRAPPILLY.
34. MOLI E.,
WORKING AS INCENTIVE WORKER, DIVISION B-III
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT CHAKKARA HOUSE, KALADY PLANTATION
ATHIRAPPILLY.
35. SATHI P.M.,
WORKING AS INCENTIVE WORKER, DIVISION B-III
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT PALAYKKA PARAMBIL HOUSE
KALADY PLANTATION, ATHIRAPPILLY.
36. MARY RANSOM S.L.
WORKING AS INCENTIVE WORKER, DIVISION B-III
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT KALATHIL HOUSE BLOCK 10, ATHIRAPPILLY.
37. SHAJI N.M.
WORKING AS INCENTIVE WORKER, DIVISION B-III
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT NADUVATHU HOUSE
BLOCK 10 KALADY PLANTATION, ATHIRAPPILLY.
38. SHEEBA A.U.,
WORKING AS INCENTIVE WORKER, DIVISION B-III
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT KUZHIMADATHIL KALADY PLANTATION
ATHIRAPPILLY

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39. SHOBHA M.A.,
WORKING AS INCENTIVE WORKER, DIVISION B-III
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT KADUKUTTIKARAN HOUSE
BLOCK 10 KALADY PLANTATION, ATHIRAPPILLY.
40. SHYNI M.T.
WORKING AS INCENTIVE WORKER, DIVISION B-III
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT MOOTHEDAN HOUSE ATHIRAPPILLY.
41. SIVADAS K.V.
WORKING AS INCENTIVE WORKER, DIVISION D-IV
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT KADAYANTHRA HOUSE, EZHATTUMUGHAM P.O.
42. ASHAMOL E.A.,
WORKING AS INCENTIVE WORKER, DIVISION A-III
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT IRUNNALI HOUSE, ATHIRAPPILLY.
43. SHIBI K.J.,
WORKING AS INCENTIVE WORKER, DIVISION A-III
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT KOLANCHERI HOUSE
MARAMKODU KUTTICHIRA P.O., TRISSUR-680721.
44. VIVEK M.V.,
WORKING AS INCENTIVE WORKER, DIVISION A-III
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT MOOTHEDATH HOUSE
ATHIRAPPILLY ESTATE KALADY PLANTATION P.O.
PIN:683 583.
45. JAYA T.O.,
WORKING AS INCENTIVE WORKER, DIVISION A-III
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT THEKKETHALA HOUSE
ATHIRAPPILLY ESTATE KALADY PLANTATION.
46. RAMESH P.R.
WORKING AS INCENTIVE WORKER, DIVISION A-III
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT PADINJAREKUNNU HOUSE, ATHIRAPILLY ESTATE
KALADY PLANTATION.

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47. NEETHU U.V.,
WORKING AS INCENTIVE WORKER, DIVISION A-III
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT OROTHU HOUSE, KUTTICHIRA P.O.
TRISSUR-680721.
48. ANILKUMAR C.S.,
WORKING AS INCENTIVE WORKER, DIVISION A-II
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT CHAKKAMADATHIL HOUSE
POOLANI P.O TRISSUR-680311.
49. BENNY THOMAS,
WORKING AS INCENTIVE WORKER, DIVISION B-II
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT THUNDIYIL HOUSE, ATHIRAPPILLY ESTATE
KALADY PLANTATION-683 583.
50. SHEEBA K.R.,
WORKING AS INCENTIVE WORKER, DIVISION C-II
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT KUTTIYIL HOUSE, ATHIRAPPILLY ESTATE
BLOCK 15, KALADY PLANTATION-683583.
51. SHEELA A.S.,
WORKING AS INCENTIVE WORKER, DIVISION C-III
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT THORAPPILLY HOUSE
ATHIRAPPILLY ESTATE KALADY PLANTATION-P.O.
52. SHIJI M.A.
WORKING AS INCENTIVE WORKER, DIVISION C-III
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT KAIPREMBADAN HOUSE, EZHATTUMUGHAM P.O.
MUNNOORPILLI-683577.
53. MADHU K.K.
WORKING AS INCENTIVE WORKER, DIVISION C-III
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT KOKKADAN HOUSE, MUNNAPPILLY P.O., TRISSUR.
54. VASANTHI K.M.,
WORKING AS INCENTIVE WORKER, DIVISION C-II
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT PUNNAKKATHARA HOUSE, ATHIRAPPILLY ESTATE
KALADY PLANTATION P.O., AYYAMBUZHA.

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55. MARY P.U.,
WORKING AS INCENTIVE WORKER, DIVISION C-III
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT PAINADATH HOUSE, CHOOLI P.O., ERNAKULAM.
56. SUSAN M.P.
WORKING AS INCENTIVE WORKER, DIVISION C-III
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT KOCHUTHADANTHIL HOUSE
ATHIRAPPILLY ESTATE, KALADY PLANTATION P.O.
57. RENUKA K.V.
WORKING AS INCENTIVE WORKER, DIVISION C-III
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT KADAYANTHRA HOUSE, EZHATTUMUGHAM P.O.
58. UNNI CHANDRIKA,
WORKING AS INCENTIVE WORKER, DIVISION C-II
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT LANTHURUTHIL HOUSE
ATHIRAPPILLY ESTATE KALADY PLANTATION P.O.
59. SOPHIA C.,
WORKING AS INCENTIVE WORKER, DIVISION C-II
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT CHITTAYAM HOUSE, ATHIRAPPILLY ESTATE
KALADY PLANTATION P.O.
60. PREETHI C.V.,
WORKING AS INCENTIVE WORKER, DIVISION B-II
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT THYKOOTTATHIL HOUSE, VYSSERI
VETILAPPARA P.O.
61. MINI T.D.,
WORKING AS INCENTIVE WORKER, DIVISION B-II
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT THOROPALA HOUSE, ATHIRAPPILLY ESTATE
KALADY PLANTATION P.O.
62. SANDHYA P.,
WORKING AS INCENTIVE WORKER, DIVISION A-III
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT KEERIPARAMBIL HOUSE, KALADY PLANTATION
VETILAPPARA.
63. SHYLAJA T.U.,
WORKING AS INCENTIVE WORKER, DIVISION G
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT NJANIKONATH HOUSE, VETILAPPARA PO. CHALAKKUDY.

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64. PUSHPA C.S.,
WORKING AS INCENTIVE WORKER, DIVISION A-III
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT CHIRAYATH HOUSE, PERINGHAL KUTHU P.O.
PIN-680 721.
65. RUBY P.A.,
WORKING AS INCENTIVE WORKER, DIVISION G
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT PAINADATH HOUSE
KALADY PLANTATION P.O. PIN:883 583.
66. SINDHU C.V.
WORKING AS INCENTIVE WORKER, DIVISION G-II
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT VATTOLI PARAMBIL HOUSE
KALADY PLANTATION P.O.
67. SHYNI C.J.
WORKING AS INCENTIVE WORKER, DIVISION G
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT KOZHUPP;ILLYTHARA HOUSE, AYYAMBUZHA P.O.
PIN:683 581.
68. LISSY AGUSTINE,
WORKING AS INCENTIVE WORKER, DIVISION B
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT VELUTHEPPILLY HOUSE
KALADY PLANTATION P.O PIN:683 583.
69. AMBIKA E.K.,
WORKING AS INCENTIVE WORKER, DIVISION B
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT PALLIYANA HOUSE KALLALA ESTATE
KALADY PLANTATION P.O.
PIN:683 583.
70. P.V. SHEEBA,
WORKING AS INCENTIVE WORKER, DIVISION B
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT VALAPPINAKATH HOUSE
KALLAL ESTATE KALADY PLANTATION P.O., PIN:683583.
71. KRISHNAVENI C.G.,
WORKING AS INCENTIVE WORKER, DIVISION B
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT KUNNAPPILLY HOUSE, VETTELAPPARA PO.
TRISSUR.

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72. P.D.SINI,
WORKING AS INCENTIVE WORKER, DIVISION B
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT MENACHERI HOUSE
KALLALA ESTATE KALADY PLANTATION P.O. PIN:683 583.
73. BABYMOL M.V.
WORKING AS INCENTIVE WORKER, DIVISION B
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT MADATHU BLAVATH HOUSE
VETTELAPPARA P.O. 15/2 CHECK POST TSR.
74. DHANYA M.V.,
WORKING AS INCENTIVE WORKER, DIVISION B
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT MADATH VILAKATH PUTHEN
VEEDU PERINGHALKUTHU P.O.
PULIYILAPARA CHALAKUDY-680721.
75. KARTHYANI P.R.,
WORKING AS INCENTIVE WORKER, DIVISION B-II
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT PALAIKAPARAMBIL HOUSE, KALLALA ESTATE
KALADY PLANTATION P.O., PIN:683583.
76. BABY M.A,
WORKING AS INCENTIVE WORKER, DIVISION F
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT MALIKUDI HOUSE, KALLALA ESTATE
KALADY PLANTATION P.O., PIN:683 583.
77. ANITHA P.S,
WORKING AS INCENTIVE WORKER, DIVISION C1
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT AMBOPPILLY HOUSE NADUVATTAM P.O.
PANDUPARA.
78. SHYNI M.D.,
WORKING AS INCENTIVE WORKER, DIVISION C-I
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT CHILLEMURAM HOUSE, NADUVATTOM P.O.
PANDUPURA.
79. RAMANI P.K.,
WORKING AS INCENTIVE WORKER, DIVISION B-I
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT MARETHUKUDI HOUSE, NADUVATTOM P.O.
PANDUPARA.

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80. MINI C.D.,
WORKING AS INCENTIVE WORKER, DIVISION B-II
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT VARAPUZHAKARAN HOUSE, NADUVATTOM P.O.
PANDUPARA.
81. ROSILY P.P.,
WORKING AS INCENTIVE WORKER, DIVISION A
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT MADAN HOUSE, AYYAMBUZHA P.O.
KANNIMANGALAM.
82. SNEHA JOSEPH,
WORKING AS INCENTIVE WORKER, DIVISION A
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT CHOKI HOUSE, AYYAMBUZHA P.O.
KANNIMANGALAM.
83. MARTIN C.K.,
WORKING AS INCENTIVE WORKER, DIVISION A
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT CHIRAMEL HOUSE, KANNIMANGALAM.
84. OMANA O.N.
WORKING AS INCENTIVE WORKER, DIVISION B-II
ATHIRAPPILLY ESTATE, KALADY PLANTATION
RESIDING AT PALLIYANAKOODAM HOUSE
KOLLAHOUSE AYYAMBUZHA P.O.
85. ANILA K.V.,
WORKING AS INCENTIVE WORKER, DIVISION E
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT KAKKADUHOUSE, KORATTI SOUTH P.O.
MANGALASSERI, TRISSUR-680 308.
86. VIJAYA P.P.,
WORKING AS INCENTIVE WORKER, DIVISION E
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT KUMBALATH HOUSE, YORDHANAPURAM P.O.
KALADY.
87. DAISY T.D.,
WORKING AS INCENTIVE WORKER, DIVISION E
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT MULAVARIKKAL HOUSE, THABORE P.O.
EDALAKKAD.
88. REMA P.R.,
WORKING AS INCENTIVE WORKER, DIVISION E
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT AMBATTUPARAMBIL HOUSE, BLOCK 12
KALADY PLANTATION.

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89. SHEEJA C.P.,
WORKING AS INCENTIVE WORKER, DIVISION E
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT KARUKAMPILLY HOUSE, AYYAMBUZHA P.O.
UDAYANAGAR.
90. SUVARNA P.K.
WORKING AS INCENTIVE WORKER, DIVISION E
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT KUDIAN HOUSE, AYYAMBUZHA P.O., THANIKODU.
91. SAHADEVAN E.P.,
WORKING AS INCENTIVE WORKER, DIVISION E
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT INJELIPARAMBIL HOUSE
KANNIMANGALAM NADUVATTOM P.O., PIN:683 574.
92. JAYASREE SREENIVAS,
WORKING AS INCENTIVE WORKER, DIVISION E
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT KUNNATH HOUSE, KOLLA KODU, AYYAMBUZHA P.O.
PIN:683581.
93. BINDU K.T.,
WORKING AS INCENTIVE WORKER, DIVISION D
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT KALAPURAKKAL HOUSE, PILIYANAM P.O.
ANGAMALY.
94. P.N. SHIBU,
WORKING AS INCENTIVE WORKER, DIVISION A
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT POONOR HOUSE
KANNIMANGALAM NADUVATTOM P.O., PIN:683 574.
95. JENSON JOSEPH,
WORKING AS INCENTIVE WORKER, DIVISION A
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT KALAPARAMBA HOUSE, AYYAMBUZHA, ARULAPURAM.
96. MANOJ PAUL,
WORKING AS INCENTIVE WORKER, DIVISION E
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT POONACHI HOUSE AYYAMBUZHA P.O.
KADUKULANGARA PIN:683 581.
97. SINDHU M.K.,
WORKING AS INCENTIVE WORKER, DIVISION A
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT CHEMBKASSERI HOUSE AYYAMBUZHA P.O
POTTA PIN:683 581.

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98. VIJI P.P.,
WORKING AS INCENTIVE WORKER, DIVISION F
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT MADAN HOUSE, KALLALA ESTATE
KALADY PLANTATION.
99. PRIYA P.C.,
WORKING AS INCENTIVE WORKER, DIVISION F
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT PARAKKAL HOUSE, KALADY PLANTATION P.O.
PIN:683 583.
100. V.T.POLACHAN,
WORKING AS INCENTIVE WORKER, DIVISION B
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT VETTUNDAKUDI HOUSE CHULLI P.O AYYAMBUZHA.
101. ANITHA M.P.,
WORKING AS INCENTIVE WORKER, DIVISION F
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT MAZHUVANCHERI HOUSE, AYYAMBUZHA P.O
KATTING.
102. LINI A.P.
WORKING AS INCENTIVE WORKER, DIVISION C
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT KURUPASSERI HOUSE, BLOCK 16
KALADY PLANTATION P.O.
103. SUNITHAMOL N.P.
WORKING AS INCENTIVE WORKER, DIVISION C
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT CHALAKA HOUSE, MANJAPRA P.O.
PARAKULAM PIN:683 581.
104. SUJA RAVI,
WORKING AS INCENTIVE WORKER, DIVISION C
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT NADAPARAMBAN HOUSE, MANJAPRA P.O.
JBS NADUVATTOM PIN:683 581.
105. AMBIKA V.K.,
WORKING AS INCENTIVE WORKER, DIVISION C
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT KARIKKOLLIL HOUSE, AYYAMBUZHA P.O.
KATTING, PIN:683 581.
106. REENA N.G.,
WORKING AS INCENTIVE WORKER, DIVISION D
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT THONIPARAMBIL HOUSE, AYYAMBUZHA P.O.
UDAYANAGAR, PIN:683 581.

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107. VINESH VASU,
WORKING AS INCENTIVE WORKER, DIVISION E
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT CHEKATTIL HOUSE, KALADY PLANTATION
PIN:683 583.
108. SHERLY P.S.,
WORKING AS INCENTIVE WORKER
DIVISION D KALLALA ESTATE, KALADY PLANTATION
RESIDING AT PERIYAPPADAN HOUSE, NADUVATTOM P.O.
NADUVATTOM PIN:683 584.
109. VALSALA M.P.,
WORKING AS INCENTIVE WORKER, DIVISION D
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT VETTIKADAN HOUSE, AYYAMBUZHA P.O
AYYAMBUZHA PIN:683 581.
110. ASHA P.D.
WORKING AS INCENTIVE WORKER, DIVISION A
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT VIDHAYATHIL HOUSE, MANJAPRA P.O.
PIN:683 581.
111. SHALI P.P.,
WORKING AS INCENTIVE WORKER, DIVISION A-III
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT PARAKKAL HOUSE, AYYAMBUZHA P.O.
POIN:683 581.
112. SUSEELA K.K.,
WORKING AS INCENTIVE WORKER, DIVISION E
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT MANGALAPPILI HOUSE AYYAMBUZHA P.O
KODALI, PIN:683 581.
113. BAIJU P.S.,
WORKING AS INCENTIVE WORKER, DIVISION E
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT PUNNAKKAKUDI HOUSE, AYYAMBUZHA P.O.
PIN:683 581.
114. SHYNI C.S.,
WORKING AS INCENTIVE WORKER, DIVISION E
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT CHITTINAPPILLI HOUSE, AYYAMBUZHA P.O.
PIN:683 581.
115. ALPHONSA JOSEPH,
WORKING AS INCENTIVE WORKER, DIVISION C
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT ARAKKA CHOKKI HOUSE, MANJAPRA P.O.
ANGAMALY PIN:683 581.

WP(C).No. 15963 of 2012 (U)

116. REENA M.G.,
WORKING AS INCENTIVE WORKER, DIVISION B
KALLALA ESTATE, KALADY PLANTATION
RESIDING AT THYKODATHIL HOUSE, MANJAPRA P.O.
MARUGIRI, PIN:683 581.
117. PRADEEP K.T.,
KADAMBRA HOUSE AYYAMBUZHA P.O., AMALAPURAM.
118. SREENI K.A.,
KARUVELLIL DIVISION C., KALLALA ESTATE
KALADI PLANTATION P.O.
119. DITTO K. PAUL,
KOTTAKKAL HOUSE, KALADY PLANTATION P.O., BLOCK 15
DIVISION C, ATHIRAPPILLY ESTATE.
120. P.R.SHINOJ,
CHAMMANATHUM MOOLA HOUSE, KALADY PLANTATION P.O.
PIN:683 583.
121. MANOJ C.C.,
CHULLIPARAMBIL, DIVISION D1, ATHIRAPPILLY ESTATE
KALADY PLANTATION P.O.
- BY ADVS.SRI.P.V.SURENDRANATH
SMT.BINDUMOL JOSEPH
SRI.B.S.SYAMANTHAK

RESPONDENT(S):

1. PLANTATION CORPORATION OF KERALA LTD.,
REGISTERED OFFICE, MUTTAM KOTTAYAM-686 001
REPRESENTED BY ITS MANAGING DIRECTOR.
2. GENERAL MANAGER,
PLANTATION CORPORATION KERALA LTD.
REGISTERED OFFICE, MUTTAM KOTTAYAM-686 001.

RR1 BY ADV. SRI.V.ABRAHAM MARKOS
RR1 BY ADV. SRI.MATHEWS K.UTHUPPACHAN
RR1 BY ADV. SRI.BINU MATHEW
RR1 BY ADV. SRI.TERRY V.JAMES
RR1 BY ADV. SRI.B.J.JOHN PRAKASH
RR1 BY ADV. SRI.TOM THOMAS (KAKKUZHIYIL)
RR1 & 2 BY ADV. SRI.RAJU SEBASTIAN VADAKKEKARA, SC,
PLANTATION CORPORATION O
THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09-12-2015, ALONG WITH WPC. 28060/2013, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

- EXHIBIT P1: A TRUE COPY OF THE RELEVANT PORTION OF RESOLUTION OF THE BOARD OF DIRECTORS OF THE 1ST RESPONDENT DATED 3.12.2010.**
- EXHIBIT P2: A TRUE COPY OF THE RESOLUTION OF THE BOARD OF DIRECTORS OF THE 1ST RESPONDENT DATED 15.12.2010.**
- EXHIBIT P3: A TRUE COPY OF THE DIRECTION DATED 31.12.2010 ISSUED by the 2ND RESPONDENT TO THE MANAGER OF THE ATHIRAPPILLY ESTATE.**
- EXHIBIT P4: A TRUE COPY OF THE NOTIFICATION PUBLISHED IN MATHRUBHOOMI DAILY DATED 10.1.2011.**
- EXHIBIT P5: A TRUE COPY OF THE NOTIFICATION PUBLISHED IN MALYALA MANORAMA DAILY DATED 10.1.2011.**
- EXHIBIT P6: A TURE COPY OF CALL LETTER ISSUED TO THE PETITIONER NO.94 SRI. SHIBU.**
- EXHIBIT P7: A TURE CPY OF THE SELECTION LIST FOR APPOINTMENT OF ESTATE WORKERS.**
- EXHIBIT P8: A TRUE COPY OF THE ITEM NO.368/OA 28 OF RESOLUTION DATED 28.2.2011.**
- EXHIBIT P9 COPY OF THE NOTIFICATION DTD. 27.9.13 PUBLISHED IN MATHRUBHOOMI DAILY DTD. 30.9.13**
- EXHIBIT P10 COPY OF THE BOARD NOTE DATED 28.2.11**
- EXHIBIT P11 COPY OF THE RELEVANT PORTION OF THE RESOLUTION DTD. 1.10.99 WITH ITEM NO. 272-24**
- EXHIBIT P12 COPY OF THE RELEVANT BOARD NOTE OF THE AGENDA FOR THE 314TH MEETING OF THE BOARD OF DIRECTORS OF THE 1ST RESPONDENT DTD. 16.11.06**
- EXHIBIT P13 COPY OF THE RELEVANT PORTION OF THE RESOLUTION OF TH E BOARD OF DIRECTORS OF THE 1ST RESPONDENT WITH ITEM NO. 315-19 DTD. 5.12.06**
- EXHIBIT P14 COPY OF THE ITEM NO. 317-16 OF THE RESOLUTION OF THE BOARD OF DIRECTORS OF THE 1ST RESPONDENT DTD. 17.2.07 IS WITH RESPECT TO SELECTION OF CASUAL WORKERS FOR KODUMAN GROUP OF ESTATE UNDER THE 1ST RESPONDENT.**
- EXHIBIT P15 COPY OF THE ITEM NO. 343-OA10 OF THE RESOLUTION OF THE 1ST RESPONDENT DTD. 4.2.09**

CONTD..2..

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EXHIBIT P16 COPY FO THE BOARD NOTE DATED 2.2.09 WITH RESPECT TO THE AGENDA.

EXHIBIT P17 COPY OF THE ITEM NO. 346-OA 11 OF RESOLUTION OF THE BOARD OF DIRECTORS DTD. 29.5.09

EXHIBIT P18 COPY OF THE ITEM NO. 350-OA 10 OF RESOLUTION OF THE 1ST RESPONDENT BOARD D TD. 29.8.09

EXHIBIT P19 COPY OF THE RESOLUTION ITEM NO. 353-39 DTD. 30.11.09

EXHIBIT P20 COPY OF THE RESOLUTION OF THE BOARD OF DIRECTORS DTD. 3.12.10

EXHIBIT P21 COPY OF THE CIRCULAR DTD. 9.10.13 ISSUED BY THE MANAGING DIRECTORS

EXHIBIT P22 COPY OF THE COMMUNICATION DTD. 6.10.10 ISSUED BY THE INSPECTOR OF PLANTATIONS.

RESPONDENTS' EXHIBITS :

NIL

// TRUE COPY //

PA TO JUDGE

SB

K. VINOD CHANDRAN, J.

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**W.P.(C) Nos. 15963 of 2012 - U and
28060 of 2013 - F**

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Dated this the 09th day of December, 2015

J U D G M E N T

Certain among the petitioners are persons, who were selected for appointment, by a process in conclusion of which, a list (Ext.P2 in W.P.(C) NO.28060/2013) was published. The list drawn up as per the selection procedure was for appointment to contract employment in the various estates under the respondent Corporation. They along with the other petitioners are also said to be persons, who were employed for long as incentive workers in the Plantation Corporation. The respondent Corporation came out with Ext.P2 list and only some in the list are said to have been appointed. The petitioners in both the writ petitions challenge the subsequent notification made by the respondent Corporation by which the respondent Corporation

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had decided to go for recruitment of persons to be employed permanently as workers in the various estates in the Plantation Corporation.

2. The learned Senior Counsel appearing for the petitioner's relies on Exts.P5 to P15 documents to contend that the same would indicate that hitherto all the workers were appointed as casual laborers, for 179 days and continued for long with intermittent break. Many of whom were also regularised by the Corporation as is indicated by the documents. There is absolutely no warrant for a permanent recruitment at this stage, especially since, there are no executive orders, requiring such a selection procedure to be conducted. It is also stated that the recruitment process now attempted is a malafide attempt, to deny appointment to persons included in Ext.P2 list, is the contention. The petitioners want such casual employment to be continued and in due course regularised. The ground raised is the practice followed hitherto, which they claim is not

liable to be deviated from, especially since the government has not issued any executive orders to that effect.

3. The learned Standing Counsel for the Corporation would contend that the Board had taken a decision to make appointments to the post of workers and engage them on a permanent basis. The Corporation had been engaging persons, temporarily for 179 days on need-to basis alone, often by engagement of workers, who are available in the vicinity of the estate. No proper recruitment procedure was ever carried out in the Plantation Corporation, since the appointments had been done on a casual basis again only on such need arising, from amongst the persons available in the vicinity of the estates. The Board is said to have decided to make permanent appointments since, the employment on contract basis or on casual basis does not follow a proper recruitment policy and does not comply with the normal procedures required for making such recruitments; resulting in complaints being raised of engagement of some and

denial to others.

4. The Board also admits that till now, no permanent appointment was made to the post of workers in the various estates of the Corporation. A reading of the documents would also indicate that many a time, the Corporation has resorted to absorption of temporary employees, which had the sanction of the Board. Exts.P6, P8, P14 and P15 indicate regularisation having been made from such casual employees, which was sanctioned by the Board but on condition of the persons so regularised, having a definite duration of employment, under the Corporation.

5. However that cannot enure to a legal right on either the persons so employed or on other persons in the vicinity of the estate or even persons, who were included in a list prepared for employment as contract laborers; to be appointed as such temporary laborers and then eventually be granted regularisation. The Corporation is fully owned and controlled by

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the State Government, and has decided to appoint workers on a regular basis that too, after notifying the posts and calling for a regular recruitment. This definitely makes the selection itself fair and transparent. It cannot be resisted on the ground that the procedure followed hitherto had been of contract employment and subsequent regularisation.

6. The regularisation as seen in Exts.P6, P8, P14 and P15 also does not commend a direction by this Court to continue the method of contract employment and the regularisation of such persons after a period of time, which is inherently prejudicial to the interest of workmen and the Corporation. The contract workmen are placed in a precarious position for reason only of lack of security in employment as also being often subject to hire and fire; which malady this Country has been striving to remedy for long. The employer too does not have a dedicated working force and are often confronted with claims for regularisation on specious claims of employment often not

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substantiated and many times for very short periods.

7. Temporary employment and consequent regularisation would also violate the constitutional mandate to provide for equal opportunity in public employment, which the Board is now attempting to undertake by way of public notifications inviting applications and carrying on a proper selection process for recruitment of regular workers. The Hon'ble Supreme Court has also deprecated the practice of making temporary appointment and then regularising it as has been reiterated in **State of Karnataka and others v. Umadevi and others [(2006) 4 SCC 1]**.

8. Further all most all of the petitioners in W.P.(C) No.15963 of 2012 have figured in the selection list and have also been appointed in the estates of the Plantation Corporation, except the 118th petitioner. With respect to the petitioners in W.P.(C)No.28060 of 2013 also, many of them are said to have figured in the list drawn up for selection to the posts in the

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estates. In such circumstance, this Court cannot countenance the contention of the petitioners that the present attempt to make regular appointments is a malafide one.

9. As to the contention that there are no executive orders regulating a selection process, the Board of the Corporation which has the ultimate control of the affairs of the Corporation has taken a decision, as has been stated in the counter affidavit, to make regular appointments to the post of workers, at its 391st meeting held on 04.07.2013. The Board by the aforesaid decision has also resolved to pay the workers, so appointed, identically and treat them similarly, so as to satisfy the principle of equal pay for equal work, which often; in the case of contract employment and incentive engagement would be absent.

10. This Court does not find any fault in the Board having introduced a transparent, fair method of selection, by which persons are appointed to regular posts of workers and

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having discontinued the earlier practice of making contractual appointment and at times regularising some of them. Definitely allegations of corruption and nepotism could be raised, if such appointments are allowed to be continued. The intermittent appointments made from amongst the persons available in the vicinity of the estate would also be at the whims and fancies of the persons supervising the particular estate work, which has to be avoided, when a public sector undertaking employs workers.

11. Apposite would be reference to **M.P. State Agro Industries Development Corporation Ltd. And Another v. S.C Pandey [(2006) 2 SCC 716]**. There the question was the termination of a temporary employee who was engaged for about 2 years, within which he was also subjected to transfer. The Labour Court directed regularisation of the employee and directed his classification in the post of Typist. The Hon'ble Supreme Court reversed the said finding of the Labour Court, confirmed by the Hon'ble High Court and held so in paragraph

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17, which is extracted hereunder:-

17. The question raised in this appeal is now covered by a decision of this Court in M.P. Housing Board v. Manoj Shrivastava wherein this Court clearly opined that: (1) when the conditions of service are governed by two statutes; one relating to selection and appointment and the other relating to the terms and conditions of service, an endeavour should be made to give effect to both of the statutes; (2) a daily-wager does not hold a post as he is not appointed in terms of the provisions of the Act and the Rules framed thereunder and in that view of the matter he does not derive any legal right; (3) only because an employee had been working for more than 240 days that by itself would not confer any legal right upon him to be regularised in service; (4) if an appointment has been made contrary to the provisions of the statute the same would be void and the effect thereof would be that no legal right was derived by the employee by reason thereof.

Herein there is no rules for recruitment. But that does not absolve the respondent, a public sector undertaking from not complying with the mandate of Articles 14 and 16 of the Constitution of India. The petitioners cannot seek for continuance of a selection procedure, inherently flawed for the evident arbitrariness encased therein.

12. For all the above reasons this Court is unable to sustain the contention raised by the petitioners and the writ

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petition is found to be devoid of merit. There can be no fault found on the Plantation Corporation having introduced a procedure for regular appointments to the post of workers and discontinuing casual employment; termed alternatively as contractual and incentive based.

13. The 118th petitioner in W.P.(C) No.15963 of 2012 is said to be over aged and has been excluded only for that reason. The learned Senior Counsel however submits that the 118th petitioner, was within the age limit, when he had been included in Ext.P2 list. If that be so, there is no reason why the Corporation should not consider his appointment, if he has figured in the second selection list also. The Board shall consider the same within a period of one month from the date of receipt of a certified copy of this judgment. The Board would be entitled to carry on the recruitment and appoint persons to regular vacancies. The casual employees shall be continued for now, till their period of employment expires or till the regular hand joins;

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whichever is earlier.

The writ petitions would stand disposed of with the
above directions. No costs.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB/09/12/2015

// true copy //

P.A to Judge.