

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG. CHIEF JUSTICE MR. ASHOK BHUSHAN
&
THE HONOURABLE MR. JUSTICE A.M. SHAFFIQUE

FRIDAY, THE 9TH DAY OF OCTOBER 2015/17TH ASWINA, 1937

WP(C).No. 13485 of 2015 (I)

PETITIONER(S):

P.K. UNNI, PROPRIETOR,
NETHAJI POLYMERS, 1/452-A
INDUSTRIAL DEVELOPMENT PLOT, WEST HILL
KOZHIKODE-673005.

BY ADV. SRI. NIRMAL. S

RESPONDENT(S):

1. THE DISTRICT POLICE CHIEF, KOZHIKODE - 673001.
2. THE SUB INSPECTOR OF POLICE
VELLAYIL POLICE STATION, KOZHIKODE-673001.
3. THE ASSISTANT LABOUR OFFICER
CIVIL STATION, KOZHIKODE-673001.
4. THE HEAD LOAD WORKERS UNION (CITU)
REP. BY ITS SECRETARY
CITU DISTRICT COMMITTEE OFFICE, ANNIE HALL ROAD
KOZHIKODE-673001.
5. MR. NISHAD
CONVENOR, 'D' POOL AREA, HEAD LOAD WORKERS UNION (CITU)
EXHIBITION ROAD, WEST HILL, KOZHIKODE-673005.
6. MR. UDAYAN
MEMBER, 'D' POOL AREA, HEAD LOAD WORKER'S UNION (CITU)
EXHIBITION ROAD, WEST HILL, KOZHIKODE-673005.

R5 BY ADV. SRI. U.K. DEVIDAS

R1-3 BY SR. GOVERNMENT PLEADER SRI. C.R. SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 13485 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE REGISTRATION CARD ISSUED TO MR. JIBIN.

EXHIBIT P2: TRUE COPY OF THE REGISTRATION CARD ISSUED TO RANJITH KUMAR.

EXHIBIT P3: TRUE COPY OF THE REGISTRATION CARD ISSUED TO K.K.JOSEPH.

EXHIBIT P4: TRUE COPY OF THE COMPLAINT DATED 29.4.2015 TO THE 2ND RESPONDENT.

EXHIBIT P5: TRUE COPY OF THE RECEIPT ISSUED TO THE PETITIONER DATED 30.4.2015.

RESPONDENT(S)' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

Sou.

ASHOK BHUSHAN, CJ & A.M.SHAFFIQUE, J

W.P(C). No. 13485 of 2015

Dated this the 9th day of October, 2015

JUDGMENT

Shaffique, J

This writ petition is filed seeking police protection inter alia contending that respondents 4 to 6 Unions are not permitting the petitioner to carry on with the loading and unloading work in his business premises. The petitioner has workers to carry on loading and unloading works, registered under 26A of the Kerala Headload Workers Rules. An interim order has already been issued by this Court as per order dated 5.5.2015 directing the police to ensure law and order in the matter relating to any obstruction being caused by the respondent Unions.

2. Learned counsel for the petitioner submits that in the meantime, while the interim order was in force, the District Labour Officer has cancelled Exhibit.P1, P2 and Exhibit.P3 cards issued to permanent employees. The petitioner had preferred Writ Petition No.21873 of 2015 and initially an interim order of stay of cancellation of registration cards has been issued, which has been extended till further orders.

3. Learned counsel for the 5th respondent submits that since the cards issued in favour of the petitioner has already been cancelled, he is not entitled to proceed with the loading and unloading work. Further it is stated that the persons mentioned in Exhibit P1 to P3 are not carrying on any loading and unloading work. They are engaged in other works.

4. Be that as it may, this court had already stayed the order passed by the District Labour Officer to the extent that Exhibit P1, P2 and P3 cards are still in force. Therefore, if there is any obstruction caused by respondents 4 to 6 Unions in the matter relating to loading and unloading carried on by the petitioner through the registered workers, police is bound to interfere and provide necessary protection. However, this order will be subject to further orders passed by this court in W.P(C). No.21873 of 2015 and the police authorities shall be bound by such orders as well.

The Writ Petition is disposed of accordingly.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M.SHAFFIQUE,
JUDGE

// True copy //