

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYAISHTA, 1937

WP(C).No. 14684 of 2015 (I)

PETITIONER(S):

**MARIAN SOLDIERS SECURITIES AND CONTRACT LABOURERS
ASSOCIATION, REG.NO.GEN/TC/307/2014, ARPUTHA SWAMY HOUSE,
NEAR MILK SOCIETY, WALAYAR DAM POST, CHANDRAPURAM,
WALAYAR, PALAKKAD- 678 642,
REPRESENTED BY ITS SECRETARY ZACHARIAS.**

BY ADV. ZACHARIAS, SECRETARY (PARTY IN PERSON)

RESPONDENT(S) :

- 1. THE DISTRICT LABOUR OFFICER,
OFFICE OF THE DISTRICT LABOUR OFFICER, CIVIL STATION,
PALAKKAD- 678 001.**
- 2. THE REGIONAL JOINT LABOUR COMMISSIONER,
OFFICE OF THE REGIONAL JOINT LABOUR COMMISSIONER,
CIVIL STATION, KAKKANAD, ERNAKULAM- 682 030.**
- 3. THE DISTRICT LABOUR ENFORCEMENT OFFICER,
OFFICE OF THE DISTRICT LABOUR OFFICER, CIVIL STATION,
PALAKKAD- 678 001.**
- 4. THE FACTORY INSPECTOR GRADE I,
OFFICE OF THE INSPECTOR OF FACTORIES & BOILERS GRADE 1,
2ND FLOOR, CIVIL STATION, PALAKKAD- 678 001.**
- 5. THE REGIONAL PROVIDENT FUND COMMISSIONER,
SUB REGIONAL OFFICE, BHAVISHYA NIDHI BHAVAN, KALOOR,
KOCHI- 682 017.**
- 6. THE DIRECTOR, E.S.I. CORPORATION,
MALU'S COMPLEX, KALOOR, ERNAKULAM- 682 017.**
- 7. THE DEPUTY LABOUR COMMISSIONER,
OFFICE OF THE DISTRICT LABOUR OFFICER, CIVIL STATION,
PALAKKAD- 678 001.**
- 8. THE DEPUTY SUPERINTENDENT OF POLICE,
SPECIAL BRANCH POLICE, DISTRICT POLICE HEADQUARTERS,
PALAKKAD- 678 001.**

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**9. THE MANAGING DIRECTOR,
M/S.MALABAR CEMENTS LTD., WALAYAR, PALAKKAD- 678 624.**

**10. THE MANAGING DIRECTOR,
M/S.RAVEN BECK SECURITY SERVICES,
C/O. MALABAR CEMENT LTD., RAVEN BECK TOWER,
CHETTICHIRA, SUBHASH BOSE ROAD, VYTTILA P.O.,
ERNAKULAM- 682 019.**

**R1 TO R4, R7 & R8 BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA
R5 BY DR.S.GOPAKUMARAN NAIR (SENIOR ADVOCATE)
ADV. SRI.A.RAJASIMHAN,S.C
R6 BY ADV. SRI.P.SANKARANKUTTY NAIR, S.C
R9 BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE REPRESENTATION DATED 28-04-2015
SUBMITTED BEFORE THE 1ST RESPONDENT.**

**EXHIBIT P2: TRUE COPY OF THE REPRESENTATION DATED 04-03-2015
SUBMITTED BEFORE THE 2ND RESPONDENT.**

**EXHIBIT P3: TRUE COPY OF THE REPRESENTATION DATED 09-03-2015
SUBMITTED BEFORE THE 3RD RESPONDENT.**

**EXHIBIT P3(A): TRUE COPY OF THE REPRESENTATION DATED 06-04-2015
SUBMITTED BEFORE THE 3RD RESPONDENT.**

**EXHIBIT P4: TRUE COPY OF THE REPRESENTATION DATED 09-03-2015
SUBMITTED BEFORE THE 4TH RESPONDENT.**

**EXHIBIT P5: TRUE COPY OF THE REPRESENTATION DATED 23-04-2015
SUBMITTED BEFORE THE 5TH RESPONDENT.**

**EXHIBIT P6: TRUE COPY OF THE REPRESENTATION DATED 23-04-2015
SUBMITTED BEFORE THE 6TH RESPONDENT.**

**EXHIBIT P7: TRUE COPY OF THE REPRESENTATION DATED 27-03-2015
SUBMITTED BEFORE THE 7TH RESPONDENT.**

**EXHIBIT P8: TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE
THE 8TH RESPONDENT ON 27-03-2015.**

EXHIBIT P9: JUDGMENT IN WRIT APPEAL NO.1380/2014.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.14684 of 2015

Dated this the 25th day of May, 2015.

JUDGMENT

The petitioner alleges that the employees who are the members of the petitioner's association working in the Malabar Cement are harassed and the office bears of the petitioner are prevented to contact them within the company premises and they are attacked and abused. The petitioner further alleges that about 90% employees belonging to the petitioner association are terminated and the remaining are harassed and exploited. The petitioner alleges that in the light of the above, the petitioner association submitted Exts.P1 to P8 representations before the respondent. But, no effective action has been taken so far.

2. The petitioner's association is represented by the Secretary, who appeared in person.

3. I have heard the petitioner's Secretary, the learned Standing Counsel for the 6th respondent and the learned Standing Counsel for the 9th respondent in the matter.

4. As the petitioner's Secretary who appeared in person,

confined his arguments to the limited prayer for a direction to the respondents to consider Exts.P1 to P8 representations, this Court is of the view that the writ petition can be disposed of allowing the said prayer.

5. The learned Standing Counsel for the 9th respondent submitted that on the basis of the complaint submitted by the petitioner, the authorities has started the enquiry and the 9th respondent has already co-operated with the enquiry.

In the result, this writ petition is disposed of directing the respondents concerned to consider and pass appropriate orders on Exts.P1 to P8 representations, within a period of two months from the date of receipt of a copy of this judgment, after affording the petitioner an opportunity of being heard. To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition as well as the copy of the judgment before respondents concerned at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.