

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

WP(C).No. 16523 of 2015 (M)

PETITIONER(S):

- 1. SILK EMPLOYEES UNION (CITU),
REG.NO.140/81, AUTOKAST UNIT,
REPRESENTED BY ITS SECRETARY - M.DEVADAS,
S.N.PURAM P.O., CHERTHALA, ALAPPUZHA, PIN : 688 582.**
- 2. KERALA INDEPENDENT SILK EMPLOYEES' UNION (AITUC),
REG.NO.3/24 OF 1988, AUTOKAST UNIT,
REPRESENTED BY ITS SECRETARY - E.M.SANTHOSH KUMAR,
S.N.PURAM P.O., CHERTHALA, ALAPPUZHA, PIN : 688 582.**
- 3. ALL KERALA SILK EMPLOYEES UNION (INTUC),
REG.NO.229/81, AUTOKAST UNIT,
REPRESENTED BY ITS SECRETARY - M.A.SHAJI,
S.N.PURAM P.O., CHERTHALA, ALAPPUZHA, PIN : 688 582.**

**BY ADVS.SRI.ASOK M.CHERIAN
SRI.T.R.RENJITH
SRI.R.ROHITH
SRI.K.JANARDHANA SHENOY
SRI.V.K.PRASAD**

RESPONDENT(S):

- 1. M/S.AUTOKAST LTD.,
REPRESENTED BY ITS MANAGING DIRECTOR, S.N.PURAM P.O.,
CHERTHALA, ALAPPUZHA, PIN : 688 582.**
- 2. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT OF KERALA,
DEPARTMENT OF INDUSTRIES, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**

**R1 BY SRI.K.ANAND,SENIOR ADVOCATE
ADV. SMT.LATHA KRISHNAN, SC, AUTOKAST LTD.
R2 BY GOVERNMENT PLEADER SMT. ANITHA RAVINDRAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 30-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

WP(C).No. 16523 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P-1: A TRUE COPY OF THE REPRESENTATION SUBMITTED JOINTLY BY
 THE PETITIONERS BEFORE THE 1ST RESPONDENT, DATED 30.4.2015**

**EXT.P-2: A TRUE COPY OF THE REPRESENTATION SUBMITTED JOINTLY BY
 THE PETITIONERS BEFORE THE 2ND RESPONDENT, DATED 30.4.2015**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.16523 of 2015

Dated this the 30th day of July, 2015.

JUDGMENT

The petitioners have approached this Court with the following reliefs:

(i) to issue a writ in the nature of mandamus directing respondents to grant State DA to the non-managerial employees of the first respondent.

(ii) to issue any other writ, declaration, order or direction appropriate in the circumstances of the case.

2. The first respondent is a Kerala Government undertaking. Petitioners are trade unions representing the workers employed in the first respondent industrial establishment. The petitioners allege that dearness allowance being paid to the non-managerial employees of the first respondent is at the rates prescribed by Statistical Bureau for Thrissur District as the dearness allowance being paid to the managerial employees is at the rates prescribed for State

Government employees which is much higher than what is being paid to the non managerial employees. There is no nexus to the object to be achieved by classifying those working in non-managerial cadre for the purpose of paying DA at lesser rate than those working in managerial cadre who draw higher pay. Petitioners demanded justice by submitting Exts. P1 and P2 representations before the first respondent and second respondent respectively. The respondents have a duty to consider the same on merits and pass appropriate orders, which the first respondent is refusing to do.

3. I have heard the learned counsel for the petitioners, learned Government Pleader and the learned Standing Counsel for the first respondent in the matter.

As the learned counsel for the petitioners confined his argument to the limited for a direction to the second respondent to consider Ext.P2, the writ petition is disposed of directing the second respondent to consider Ext.P2 and pass orders on the same, after affording the petitioner and the

affected parties an opportunity of being heard, within a period of two months from the date of receipt of a copy of this judgment.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.