

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

WP(C).No. 20139 of 2011 (N)

PETITIONER(S):

**ERNAKULAM DISTRICT CONSTRUCTION WORKERS
SANGH (BHARATHIYA MAZDOOR SANGH)
REGISTER NO.7/15/01, I.S.PRESS ROAD,
KOCHI - 682018, REPRESENTED BY ITS GENERAL SECRETARY
A.D.UNNIKRISHNAN, S/O.DIVAKARAN, AGED 48 YEARS.**

**BY ADVS.SRI.K.SHRIHARI RAO
SMT.N.SHOBHA
SRI.K.S.BALAKRISHNAN**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
ERNAKULAM DISTRICT, CIVIL STATION, KAKKANAD
ERNAKULAM DISTRICT - 682030.**
- 2. THE DISTRICT LABOUR OFFICER,
ERNAKULAM DISTRICT, CIVIL STATION, KAKKANAD
ERNAKULAM DISTRICT - 682030.**
- 3. THE BUILDERS ASSOCIATION OF INDIA,
COCHIN CENTRE, 38/1870A, BUILDERS CHAMBERS
GANDHI NAGAR, KOCHI - 682020.**

**R1 & 2 BY GOVERNMENT PLEADER SRI.V.K.RAFEEQ
R3 BY ADVS. SRI.B.ASHOK SHENOY
SMT.LAKSHMI B.SHENOY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONERS' EXHIBITS

- P1: COPY OF THE LETTER NO.31884/05 DATED 25/4/2005 OF THE R2 TO THE PETITIONER UNION
- P2: COPY LETTER NO.C-5184/2005 DATED 24/2/2006 OF THE R2 TO THE PETITIONER UNION
- P3: COPY OF THE AGREEMENT ENTERED BETWEEN THE ASSOCIATION OF PILING CONTRACTORS WITH REGARD TO THE TRIPUNITHURA AREA WITH REGARD TO THE SERVICE CONDITIONS OF THE WORKERS FOR THE YEAR 2003-04 ITH THE PETITIONER UNION
- P4: COPY OF THE AGREEMENT DATED 13/12/2004 BETWEEN THE CONTRACTOR AND THE TRADE UNIONS INCLUDING THE PETITIONER UNION
- P5: COPY OF THE AGREEMENT DATED 20/10/2008 OF CHALAKKA (ANGAMALY) WITH THE TRADE UNION INCLUDING THE PETITIONER UNIONS
- P6: COPY OF THE AGREEMENT BETWEEN THE CONSTRUCTION COMPANES AND TRADE UNIONS FOR THE YEAR 2008-2009 ALONG WITH HE PETITIONER UNION
- P7: COPY OF THE AGREEMENT OF THE YEAR 2010-11 BETWEEN THE TRADE UNIONS EXCLUDING THE PETITIONER UNION
- P8: COPY OF THE PETITIONER LETTER DATED 23/3/11 SENT TO THE R3 BY THE PETITIONER UNION
- P9: COPY OF REPRESENTATION DATED 30/5/11 OF THE PETITIONER UNION TO THE RESPONDENT
- P10: COPY OF JUDGMENT DATED 23/10/2008 IN WPC.23752/08 OF THE HON 'BLE COURT.

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K.VINOD CHANDRAN, J

W.P.(C).No. 20139 of 2011

Dated 8th January, 2015

JUDGMENT

The petitioner in the above writ petition contended that they are affiliated to Bharathiya Mazdoor Sangh (BMS), an All India Trade Union. The grievance projected is that, they have not been called for the settlement of service conditions of construction workers, when the 3rd respondent enters into such agreement. The petitioner hence filed an application before the District Collector produced at Ext.P9 wherein it is stated that the 3rd respondent enters into agreements with the Indian National Trade Union Congress (INTUC) and the Centre for Indian Trade Union (CITU) alone. It is to be noticed that if any construction workers belonging to the petitioner's association are involved and they have a sizable representation, then necessarily they have to

raise their claim at that point when such agreements are entered into by the employer or the employer's Association. This Court cannot issue blanket directions to the District Collector to call the petitioner for a settlement wherein the wages of construction workers are settled with the workmen.

2. There could be no direction to the District Collector to consider Ext.P9, especially at this point of time when the representation itself is seen filed in 2011. It is also seen from the representation that the petitioner claims to be a member of a monitoring Committee constituted by the 1st respondent. However, the learned Government Pleader submits that there is no such monitoring Committee constituted.

For all the above reasons, there is no reason why the writ petition should be entertained or the same should be kept pending. Leaving open

the reservation as expressed herein above, the writ petition would stand closed.

Sd/-

K.VINOD CHANDRAN
Judge

Mrcs

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