

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

WP(C).No. 17145 of 2015 (P)

PETITIONER / UNION : -

THE GENERAL SECRETARY,
WORKERS' CONGRESS (INTUC), MUNNAR P.O.,
IDUKKI, REPRESENTING THE WORKMAN,
BY SHRI.MOHANKUMAR,
GENERAL SECRETARY,
WORKERS CONGRESS, MUNNAR.

BY ADV.SRI.BABU PAUL

RESPONDENT / MANAGEMENT : -

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1. THE DEPUTY LABOUR OFFICER,
MUNNAR, PIN - 685 612.
 2. THE MANAGER,
GUDERALE ESTATE,
MUNNAR, DEVIKULAM. PIN -685 612.

BY GOVERNMENT PLEADER SMT. K.A. SANJEETHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS : -

- EXT.P-1 : TRUE COPY OF THE COMPLAINT DATED 22.5.2015 BY THE PETITIONER.
- EXT.P-2 : TRUE COPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT.
- EXT.P-3 : TRUE COPY OF THE REPLY BY THE PETITIONER DATED 27.5.2015.
- EXT.P-4 : TRUE COPY OF NOTICE DATED 28.5.2015 BY THE 1ST RESPONDENT.
- EXT.P-5 : TRUE COPY OF THE REPRESENTATION DATED 4.6.2015 BY PETITIONER.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

A.V. RAMAKRISHNA PILLAI,J.

W.P.(c) No. 17145 of 2015

Dated this the 09th day of June, 2015

JUDGMENT

Aggrieved by the inordinate delay in holding conciliation of the dispute by the first respondent, the petitioners' union representing the workers has come up before this Court.

2. The petitioner Union on 22.05.2015 filed a complaint before the first respondent alleging unfair and illegal labour practice which forced the workers to raise protest against the management. The first respondent called the petitioner as well as the second respondent for a conciliation, but the second respondent did not participate in the meeting instead sought time. It seems the second respondent has given written statement to the first respondent regarding the issue with a totally concocted version. Therefore, the petitioner again filed a detailed

narration of the incident and the reasons for the agitation taken up by the petitioner. The first respondent registered the dispute as I.D. No. 673/15 and issued notice to the petitioner as well as the second respondent to have conciliation of the dispute on 03.06.2015. However, on that day also there was no participation from the second respondent and the conciliation could not be proceeded. Therefore, the petitioner has addressed a representation to the Labour Commissioner with copies to the Regional Joint Labour Commissioner and District Labour Officer. Due to the inordinate delay in holding a conciliation of the dispute by the first respondent the workers affiliated to the petitioner union is put to undue hardship and misery.

3. I have heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

Considering the nature of prayer and submission, this writ petition is disposed of directing the first respondent to expedite the conciliation proceedings on the basis of Exhibit P1 within a period of two weeks from the date of receipt of a copy of this judgment.

To facilitate an early action, the petitioner shall be at liberty to produce a copy of this judgment as well as a copy of this writ petition before the first respondent at the earliest.

**A.V. RAMAKRISHNA PILLAI
JUDGE**

DMR/-