

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937

WP(C).No. 17552 of 2015 (T)

PETITIONER(S):

1. JOSEPH JOHN E., S/O.JOHN,
PALATHARA HOUSE, PEROOR P.O.,
ETTUMANOOR, KOTTAYAM, PIN-686 631.
2. SAIJU JOSEPH, S/O.JOSEPH,
PALATHARA HOUSE, PEROOR P.O.,
ETTUMANOOR, KOTTAYAM, PIN-686 631.
3. GOPI N.K., VILLOOTHARA HOUSE,
NAGAMPADOM, KOTTAYAM, PIN-686 001.
4. V.R. GOPALAKRISHNAN,
KOLLAMPARAMBIL HOUSE, AYMANAM P.O.,
KALLUMALA, KOTTAYAM, PIN-686 015.

**BY ADVS.SRI.S.RANJIT (KOTTAYAM),
SRI.GOKUL DAS V.V.H.**

RESPONDENT(S):

1. DISTRICT LABOUR OFFICER,
OFFICE OF THE DISTRICT LABOUR OFFICER,
COLLECTORATE P.O., KOTTAYAM, PIN-686 001.
2. ASSISTANT LABOUR OFFICER (GRADE II),
OFFICE OF THE ASSISTANT LABOUR OFFICER, KOTTAYAM,
PIN-686 001.
3. KERALA HEADLOAD WORKERS WELFARE BOARD,
REPRESENTED BY ITS CHAIRMAN, 11, 147-E,
MARYMATHA ROAD, THRIKKAKARA, ERNAKULAM,
PIN-680 030.
4. V.M. PRASAD, PRATHIBHA NIVAS,
PARAMPUZHA P.O., MOSCO,
KOTTAYAM, PIN-686 032.

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- 5. SUDHEESH S.,
CPM BRANCH COMMITTEE OFFICE (CITU OFFICE),
NAGAMPADOM, KOTTAYAM, PIN-686 001.**
- 6. K. MOHANAN, PALLIPURATHU MALI,
ARAYARATHU BHAGOM, PEROOR P.O.,
KOTTAYAM, PIN-686 637.**
- 7. MANIKUTTAM K.R., KUZHIYIL HOUSE,
PEROOR P.O., KOTTAYAM, PIN-686 637.**
- 8. ANUJITH, S/O.SUNIL KUMAR,
KAVUVALA VEEDU, CHATHAYAKAZHIPPU KARA,
MUTTAMBALAM VILLAGE, KOTTAYAM, PIN-686 001.**
- 9. RAJEEV, S/O.PUSHPARAJAN,
KOLLAMPARAMBIL HOUSE, KAVUMBHAGOM,
KANDANCHIRA, PEROOR P.O., KOTTAYAM, PIN-686 637.**
- 10. RENJITH V.P., VILLOOTHARA HOUSE,
NAGAMPADOM, MUTTAMBALAM VILLAGE,
KOTTAYAM, PIN-686 001.**

**R1 & R2 BY GOVT. PLEADER SMT.K.A. SANJEETHA.
R3 BY ADVS. SRI.P.M.M.NAJEEB KHAN, SC,
SRI.C.S. AJITH PRAKASH, SC.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 17552 of 2015 (T)

APPENDIX

PETITIONER'S EXHIBITS:-

**P1 : TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONERS BEFORE THE 1ST RESPONDENT.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.17552 of 2015

Dated this the 12th day of June, 2015.

JUDGMENT

Aggrieved by the inaction on the part of the respondent in considering and passing orders on Ext. P1 representation, petitioners have come up before this Court.

2. Petitioners are headload workers registered under the Kerala Headload Workers Act, 1978 as well as under the Kerala Head Load Workers' (Regulation of Employment and Welfare) Scheme, 1983. Petitioners allege that they are belonging to Pool No.16 of the Kottayam District Committee and as per the decision of the third respondent herein, there are altogether seven headload workers including the petitioners in the above pool. Respondents 4 to 6 are also members of Pool No.16. Petitioners belong to the AITUC faction and respondents 4 to 6 belong to AITUC who are presently having allegiance with the CITU. After joining the CITU, respondents 4 to 6 are bringing respondents 8 to 10 wearing the uniform of CITU to the work site which is

earmarked for headload workers of Pool No.16. Respondents 8 to 10 are not registered under the provisions of the Kerala Headload Workers Act, 1978 and the Scheme made thereunder. Petitioners have every right and are legally entitled to work under the provisions of the Kerala Headload Workers Act, 1978 and Rules and Scheme made thereunder; it is alleged. However, respondents 4 to 10 are causing forcible obstruction and hindrance to the carrying of any work by the petitioners in the subject area. It is only with the motive to defeat the lawful rights of the petitioners that respondents 4 to 10 are acting in absolute derogation of the provisions of the Kerala Headload Workers Act, 1978. On 23.5.2015, when petitioners were again obstructed from taking up work, they questioned the illegal act and unlawful activity of respondents 4 to 10. As a result thereof, the petitioners were ruthlessly manhandled by respondents 4, 5, 7 and 8 herein and injuries were caused on the petitioners. A crime is also registered by the Kottayam West Police for the above incident. Though the petitioners submitted Ext.P1 representation before the first

respondent, it did not evoke any response and no action is taken on the same.

3. I have heard the learned counsel for the petitioner, the learned Standing counsel for the third respondent and the learned Government Pleader in the matter.

As the limited prayer in this writ petition is only for a direction to the respondent for a time bound disposal of Ext.P1, this Court is of the view that the writ petition can be disposed of even without issuing notice to respondents 4 to 10.

Therefore, the writ petition is disposed of directing the first respondent to consider and pass orders on Ext.P1 after affording the petitioner, party respondent and any other affected parties, an opportunity of being heard, within a period of one month. 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 this judgment before the first respondent at the earliest.

Sd/-

A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.