

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 21378 of 2012 (V)

PETITIONER(S):

**VALLY,
PF NO. 1504, EX-WORKER, EAST DIVISION,
CHOKKANAD ESTATE, MUNNAR P.O.**

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENT(S):

- 1. THE MANAGER, CHOKKANAD ESTATE,
MUNNAR P.O., KERALA-685 612.**
- 2. THE CHIEF INSPCTOR OF PLANTATIONS,
KOTTAYAM-682 002.**
- 3. LABOUR COMMISSIONER,
THIRUVANANTHAPURAM-695 001.**

**R1 BY ADVS. SRI.M.GOPIKRISHNAN NAMBIAR
SRI.P.GOPINATH
SRI.P.BENNY THOMAS
SRI.K.JOHN MATHAI**

R2 & R3 BY GOVERNMENT PLEADER SRI.T.J.MICHAEL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
15-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 21378 of 2012 (V)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P1: TRUE COPY OF ORDER DATED 6.8.2007 ISSUED BY THE 2ND RESPONDENT.

**EXT.P2: TRUE COPY OF MEMORANDUM OF APPEAL FILED BY THE PETITIONER
BEFORE THE 3RD RESPONDENT.**

EXT.P3: TRUE COPY OF ORDER DATED 9.7.2012 ISSUED BY THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

K. VINOD CHANDRAN, J

W.P(C) No. 21378 of 2012

Dated this the 15th day of January, 2015

J U D G M E N T

The petitioner is aggrieved with the order to evict her from the quarters allotted to her, by the respondent which has been confirmed by Ext.P3. The petitioner is an employee, who has retired from the service of the management. The petitioner's contention is that the petitioner ought to be allowed to continue, since the petitioner's son was engaged as a temporary worker. The learned counsel would in fact, specifically take this Court to the definition of worker in sub-section (k) of Section 2 of the Plantation Labour Act, 1951, which excludes any person temporarily employed in a plantation, in any work relating to the construction, development or maintenance of buildings, roads, bridges, drains or canals. The argument advanced is that since such specific exclusion is provided, the temporary worker engaged in the plantation would definitely come within the definition of worker.

2. The learned counsel for the respondent

however, submits that at present the son of the petitioner is not engaged even temporarily. Admittedly, there is also a dispute with respect to his regularisation. In any event, going by the claim of the petitioner the son of the petitioner is a temporary worker which, again, is a disputed fact. Taking all the aforesaid aspects into consideration this Court does not find any reason to interfere with Ext.P3 order, especially, since the son, whose temporary employment is alleged is not before this Court. Respondents would be entitled to proceed in accordance with Ext.P3.

Writ petition stands dismissed.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge