

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 16TH DAY OF JUNE 2015/26TH JYAISHTA, 1937

WP(C).No. 17985 of 2015 (W)

PETITIONER(S):

1. K.K. VINOD KUMAR, AGED 45 YEARS,
S/O. APPUTTY K.K., KOLLARKANDY HOUSE,
P.O. ARTS AND SCIENCE COLLEGE, MEENCHANDA,
KOZHIKODE - 673 018.
2. JYOTHISH LAL .A., AGED 40 YEARS,
S/O. BHARATHAN, KURUMBATTIL PARAMBA,
ANDATHODATH HOUSE, P.O. ARTS AND SCIENCE COLLEGE,
MEENCHANDA, KOZHIKODE - 673 018.
3. PRADEEP. K., AGED 49 YEARS,
S/O. CHOYIKUTTY K., KOZHAMBURATH HOUSE,
MOKAVUR, P.O. ERANJIKAL, KOZHIKODE - 673 303.

**BY ADVS.SRI.A.RANJITH NARAYANAN,
SMT.A.SIMI,
SRI.S.K.SAJU.**

RESPONDENT(S):

1. DISTRICT LABOUR OFFICER,
KOZHIKODE DISTRICT COLLECTOR, CIVIL STATION,
KOZHIKODE - 673 020.
2. SAKTHI AUTOMOBILES,
REPRESENTED BY ITS GENERAL MANAGER, MEENCHANDA,
P.O ARTS AND SCIENCE COLLEGE, KOZHIKODE - 673 018.
3. KOZHIKODE JILLA MOTOR AND ENGINEERING AND WORKERS UNION,
REPRESENTED BY ITS SECRETARY, CITY COMMITTEE,
PAVAMANI ROAD, KOZHIKODE - 673 001.

R1 BY GOVT. PLEADER SMT.K.A. SANJEETHA.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 17985 of 2015 (W)

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 - TRUE COPY OF THE JOB CARD DATED 20.05.2015 ALONG WITH THE TAX INVOICE.**
- P2 - TRUE COPY OF THE CASH BILL DATED 28.03.2015.**
- P3(A) & (B) - TRUE COPY OF THE COMPLAINT DATED 20.05.2015 ALONG WITH THE COVERING LETTER ADDRESSED TO THE 1ST RESPONDENT.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.17985 of 2015

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Dated this the 16th day of June, 2015

JUDGMENT

The limited prayer in this writ petition is for a direction to the first respondent to consider and pass orders on the complaint submitted by the petitioners before the first respondent.

2. The petitioners are workmen under the second respondent management conducting business of sales and service of automobile vehicles and have been so employed for the last several year. The petitioners allege that they have got sufficient documents and evidence to prove their employment.

3. On 31.3.2015, without notice to its workers and without arriving at any settlement, the second respondent management decided to close down the establishment. The petitioners' grievance is that they were not given closure compensation, terminal benefits and backwages. Hence, they preferred Exts.P3(a) and P3(b) before

the respondents. However, no action has been taken for conciliation by the first respondent; it is alleged.

4. The petitioners point out that it necessarily flows from the mandate of law that either the issue has to be conciliated or if such conciliation fails, the DLO has to send a report to the Government and in case of such industrial dispute, appropriate reference has to be made to the Labour Court. According to them, the DLO is not supposed to sit back on such complaint brought to its notice. It is with this background, the petitioners have approached this Court.

5. Notice to respondents 1 to 3 is dispensed with.

6. Heard both sides.

As the learned counsel for the petitioner confined his argument to the limited prayer for a speedy disposal of Exts.P3(a) and P3(b) complaints preferred by the petitioners, the writ petition is disposed of directing the respondents to consider and pass appropriate orders on Exts.P3(a) and P3(b) within a period of one month from the date of receipt of a copy of this judgment.

To facilitate early action, it shall be open to the petitioners to produce a copy of this judgment as well as copy of the writ petition before the respondent concerned at the earliest.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

krj