

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

WP(C).No. 24062 of 2010 (G)

AGAINST THE ORDER/JUDGMENT IN CP 76/2006 of LABOUR COURT, ERNAKULAM
DATED 9.3.2010

PETITIONER(S):

CHELANGAT PUSHPARAJ, S/O.PERU,
CHELANGAT HOUSE, CIVIL STATION P.O., KOZHIKODE.

BY ADVS.SMT.A.K.PREETHA
SRI.C.ANIL KUMAR

RESPONDENT(S):

1. THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT, ERNAKULAM.
2. SENIOR PLANT MANAGER,
INDIAN BOTTLING PLANT, INDIAL OIL CORPORATION, LTD.
TENHIPALAM P.O., MALAPPURAM DISTRICT.
3. V.KHALID, S/O.KUNJAHAMMED, VECHARATH,
NARANGAYIL, RAMANATTUKARA P.O., KOZHIKODE-33.
4. M.M.SIVADASAN, S/O.CHOYIKUTTY,
KANNAMKUNNARI HOUSE, VELLIMUKKU P.O., KOZHIKODE-17.
5. V.T.SAIDALAVI, S/O.MUHAMMED,
VELLAKAMTHODI, MUDIYAMMADU, VELLIMUKKU P.O.
KOZHIKODE-17.
6. T.KASSIM, S/O.HASSAIN HAJI,
CHAPPAPARA HOUSE, TENHIPALAM, CHENKKALANGADI P.O.
7. BABU K., S/O.VELAYUDHAN,
PUTHERIVALAPPIL HOUSE, CHELARI, VELLIMUKKU P.O.
KOZHIKODE-17.
8. VASU P., S/O.AYYAPPAN,
CHENARVEEDU HOUSE, TANHIPALAM, CHENKALANGADI P.O.
9. K.SUBRAMANIAN, S/O.SANKARAN,
KUTTIKKATTIL, TENHIPALAM, CHENKALANGADI P.O.
10. A.P.ABOOBACKER, S/O.MUHAMMED,
KODALKUZHI HOUSE, TENHIPALAM P.O., PIN-673 636.

11. REGIONAL LABOUR COMMISSIONER,
OFFICE OF THE REGIONAL LABOUR COMMISSIONER
(CENTRAL), KENDRIYA SHRAM SADAN, KAKKANAD
KOCHI-30.

R,R1,11 BY ADV. SRI.P.S.BAIJU
R,R2 BY ADV. SRI.E.K.NANDAKUMAR, STANDING COUNSEL, IOC
R,R3 TO 10 BY ADV. SRI.H.B.SHENOY
R,R3 TO 10 BY ADV. SRI.B.ASHOK SHENOY
R,R3 TO 10 BY ADV. SMT.LAKSHMI B.SHENOY
R,R3 TO 10 BY ADV. SRI.ABU MATHEW
R,R3 TO 10 BY ADV. SRI.SOBHAN GEORGE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03-
11-2015, ALONG WITH WPC. 7526/2009, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

W.P. (C)nO.24062/2010

APPENDIX

PETITIONERS EXHIBITS

P1-TRUE COPY OF THE ORDER PASSED BY THE FIRST RESPONDENT DATED 9.3.2010
IN CP.76/2006

P2-TRUE COPY OF THE NOTICE FOR RECOVERY ISSUED BY THE 11TH RESPONDENT
DATED 2.7.2010.

RESPONDENTS EXHIBITS

NIL

TRUE COPY

SKS

P.A TO JUDGE

V.CHITAMBARESH, J.

W.P(C)NOs. 24062 of 2010 & 7526 of 2009

Dated this the 3rd day of November, 2015

JUDGMENT

The order dated 9.3.2010 in C.P.No.76 of 2006 passed under Sec.33-C(2) of the Industrial Disputes Act was the subject matter of the Writ Petition(C)No.13920/2011. The said writ petition was disposed of by judgment dated 22.5.2014 wherein it was inter alia concluded as follows:

“It is made clear that, after effecting the payment due to the workers based on Ext.P3, the balance amount if at all any, payable to the ninth respondent/contractor shall be effected without delay.”

2. The contractor was very much a party to the writ petition No. 13920/2011 and is hence bound by the directions aforequoted. The balance amount outstanding after effecting the payment shall therefore be disbursed to the contractor by the principal employer without delay. The entire exercise shall be completed within a period of one month from the date of receipt of a copy of this judgment.

3. Nothing said herein above will affect the right of the petitioners in I.A.No.13617/09 in W.P(C)No.7526/2009 pending before the Central Government Industrial Tribunal cum Labour Court, Ernakulam. It is made clear that I have not pronounced anything on merits as regards the claim of the petitioners in I.A.No.13617/09 in W.P(C) No.7526/2009 in order to saddle liability on the principal employer or the contractor.

The writ petitions are disposed of as above.

V.CHITAMBARESH, JUDGE

sks