

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

WP(C).No. 24100 of 2011 (J)

PETITIONER(S):

**K.K. THOMAS, KANNYAKAKONIL,
NEDUMKANDOM.P.O, NEDUMKANDOM, IDUKKI - 685 552.**

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENT(S):

- 1. SENIOR DIVISIONAL MANAGER,
DIVISIONAL OFFICE, LIC OF INDIA, JEEVAN PRAKASH
P.B. NO. 609, NAGAMPADOM, KOTTAYAM - 686 001.**
- 2. THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT, ERNAKULAM - 682 031.**

R,R1 BY ADV. SRI.S.EASWARAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 05-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT-P1- TRUE COPY OF THE LETTER DATED 13/08/2007 SUBMITTED BY THE PETITIONER.

EXHIBIT-P2- TRUE COPY OF THE CERTIFICATE DATED 13/08/2007 ISSUED BY THE BRANCH MANAGER, LIC OF INDIA, NEDUMKANDOM.

EXHIBIT-P3- TRUE COPY OF THE LETTER DATED 17/09/2008.

EXHIBIT-P4- TRUE COPY OF THE LETTER DATED 03/09/2009.

EXHIBIT-P5- TRUE COPY OF THE SUMMONS DATED 15/02/2010.

EXHIBIT-P6- TRUE COPY OF THE AWARD DATED 19/03/2010 IN I.D NO. 10/2010.

EXHIBIT-P7- TRUE COPY OF THE LETTER DATED 06/05/2010.

EXHIBIT-P8- TRUE COPY OF THE VARIOUS VOUCHERS ISSUED BY THE LIC OF INDIA.

RESPONDANTS'S EXHIBITS : NIL

// TRUE COPY //

PA TO JUDGE.

SB

K. VINOD CHANDRAN, J.
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W.P.(C) No.24100 of 2011 - J
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Dated this the 5th day of January, 2015

J U D G M E N T

The petitioner is aggrieved with the award passed at Ext.P6, obviously an ex-parte award. The petitioner claimed continuous employment in the respondent Corporation and raised a dispute with respect to the alleged termination from such employment. The appropriate Government referred the same for adjudication to the Central Government Industrial Tribunal Cum-Labour Court, Ernakulam, which passed the impugned award, finding that there is no subsisting dispute, since the workman did not appear before the Labour Court.

2. It is to be noticed that summons was issued to the petitioner to appear on 08.03.2010 and the petitioner failed to appear on the said date and also on the next date being 19.03.2010; on the later date of which Ext.P6 award

was passed. The petitioner again committed delay insofar as approaching this Court in explanation of which the petitioner contends that he was laid up.

3. In any event, it is to be noticed that a Casual Labourer had approached the Labour Court for adjudication of a dispute, wherein, he had claimed continuous employment in the respondent Corporation and termination. True, the workman did not appear twice when summons was issued to him by the Central Government Industrial Tribunal Cum-Labour Court. Considering the only fact that the workman/petitioner belongs to the marginalised section of society, this Court is of the opinion that the award Ext.P6 be set aside and the petitioner's dispute be directed to be considered afresh.

4. The petitioner and the respondent Corporation shall appear before the Central Government Industrial Tribunal Cum-Labour Court, Ernakulam on 02.02.2015. The Labour Court shall consider the same and pass award

within a period of four months from that date. It is made clear that this Court has not expressed any opinion on the merits of the case or on the status of the workman/petitioner.

The writ petition would stand allowed. No costs.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

// true copy //

P.A To Judge.