

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

WP(C).No. 21101 of 2015 (K)

PETITIONER:

**ALIND STEEL PRODUCT EMPLOYEES FEDERATION,
KUNDARA, KOLLAM, KERALA, REPRESENTED BY ITS
SECRETARY G.ASOKAN, S/O.GANGADHARAN, AGED 40 YEARS,
RESIDING AT NEDIYAVILA VEEDU, OZHUKKUPARA,
POLACHIRA POST, KOLLAM, PIN-691 334.**

BY ADV. SRI.R.KISHORE.

RESPONDENTS:

- 1. M/S. ALUMINIUM INDUSTRIES LTD.,
NO.1, CERAMIC FACTORY ROAD, KUNDARA POST,
KOLLAM, REPRESENTED BY ITS CHAIRMAN & MD,
PIN-691 501.**
- 2. THE LABOUR COMMISSIONER,
THIRUVANANTHAPURAM-695 001.**

R2 BY GOVT. PLEADER SMT.K.A. SANJEETHA.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 21101 of 2015 (K)

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 TRUE COPY OF THE NOTICE DATED 30/11/1998 ISSUED BY THE
 1ST RESPONDENT COMPANY THROUGH ITS SENIOR MANAGER.**
- P2 THE TRUE COPY OF THE ORDER DATED 11/02/2014 PASSED BY
 THE BIFR.**
- P3 THE TRUE COPY OF THE PETITION DATED 12/03/2014 FILED BY THE
 PETITIONER AND OTHERS BEFORE THE 2ND RESPONDENT.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 21101 of 2015

Dated this the 14th day of July, 2015.

JUDGMENT

The petitioner is seeking a direction to the second respondent to send the report contemplated under Section 12 of the Industrial Disputes Act to the appropriate Government within a time frame.

2. The first respondent M/s. Aluminium Industries Ltd was referred to BIFR by way of reference No.93/1987. During the pendency of the proceedings before the BIFR, the first respondent company through its Senior Manager had issued Ext.P1 notice to the employees stating that it is not imperative to the employees to report for duty on all days and it was also stated that the employees are not required to punch their attendance cards till further orders. Before the BIFR, the first respondent company submitted a draft rehabilitation scheme and the said scheme had been sanctioned by the BIFR by way of Ext.P2 order. Subsequent to Ext. P2 order, the petitioner

and others raised a dispute before the second respondent by way of Ext.P3 petition dated 12.3.2014. Even though it was mandated in Section 12(6) of the Industrial Disputes Act that a report under Section 12 had to be made within a maximum period of 14 days there from, the second respondent maliciously, malafidely and purposeful delaying and protracting the proceedings for favouring the management and for causing irreparable loss and injury to the workers of the petitioner and for the same, the second respondent had not made any report as contemplated in Sec. 12 of the Industrial Disputes Act till now. In the above circumstances, it has become highly necessary in the interest of justice to send the report contemplated under Sec.12 of the Industrial Disputes Act to the appropriate Government at the earliest within a time frame and for the same, the petitioner is left with no other efficacious remedy, other than to file this writ petition under Article 226 of the Constitution of India.

3. I have heard the learned counsel for the petitioner

and the learned Government Pleader in the matter.

4. As the limited prayed in this writ petition is to direct the second respondent to send the report under Section 12 of the Industrial Disputes Act to the appropriate Government, this Court is of the view that the writ petition can be disposed of even without issuing notice to the first respondent.

In the result, the writ petition is disposed of directing the second respondent to send a report under Section 12 of the Industrial Disputes Act in respect of Ext.P3 to the appropriate Government within a period of two weeks from the date of receipt of a copy of this judgment.

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 second respondent at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.