

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 16TH DAY OF JULY 2015/25TH ASHADHA, 1937

WP(C).No. 24876 of 2008 (J)

PETITIONER(S):

**THE MANAGING DIRECTOR,
KERALA STATE DRUGS AND PHARMACEUTICALS LTD.,
NEW BAZAR ROAD, KALAVOOR, ALAPPUZHA.**

BY ADV. SRI.V.JAYAPRADEEP

RESPONDENT(S):

- 1. KERALA STATE HUMAN RIGHTS COMMISSION,
THIRUVANANTHAPURAM, REP. BY ITS REGISTRAR**
- 2. SRI.V.SURESH BABU,
ASWATHI NIVAS, NORTH ARYAD P.O., ALAPPUZHA-688 542.**

**BY ADVS. SRI.C.V.MANUVILSAN
SRI.SEBASTIAN DAVIS**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
16-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P1: THE COPY OF THE PETITION FILED BY THE 2ND RESPONDENT BEFORE THE 1ST RESPONDENT.

EXT.P2: THE COPY OF THE GAZETTE NOTIFICATION DTD.19TH SEPTEMBER 2007.

EXT.P3: TRUE COPY OF THE PROSECUTION NOTICE DTD.7.2.2006 ISSUED BY THE PF ORGANISATION.

EXT.P4: THE COPY OF THE REPRESENTATION BEFORE THE INDUSTRIES MINISTERS DTD.6.12.2004.

EXT.P5: THE COPY OF THE CORRESPONDENCE DTD.5.11.2004 BETWEEN THE GOVT. AND THE COMPANY.

EXT.P6: THE COPY OF REPRESENTATION OF THE PETITIONER TO THE INDUSTRIES MINISTER DTD.10.7.2004.

EXT.P7: THE COPY OF THE MINUTES OF THE MEETING HELD ON 23.11.2005 IN THE CHAMBER OF THE CM.

EXT.P8: THE COPY OF THE AGREEMENT WITH THE TRADE UNIONS DTD.27.7.2007.

EXT.P9: THE COPY OF THAT ORDER.

EXT.P10 & P11: NIL

EXT.P12: THE COPY OF THE GOVERNMENT ORDER DTD.13.3.2015.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

K. Vinod Chandran, J

W.P.(C).No.24876 of 2008-J

Dated this the 16th day of July, 2015

JUDGMENT

The petitioner challenges an interim order passed at Exhibit P9, in HRMP.No.2132 of 2005 pending before the 1st respondent-Commission. The interim order was one requesting the Managing Director to pay major portion of the arrears of salary to the 2nd respondent within 15 days and report.

2. It is to be noticed that there is no direction even in the said order. The order was stayed by this Court on admission of the writ petition. The learned counsel for the petitioner would contend that the proceedings itself is not maintainable, being one relating to the service conditions of the 2nd respondent and that Exhibit P2 notification suspends the liabilities of the petitioner-Company. In any event, since Exhibit P9 is only an interim order and the same was stayed in the writ petition, the same would stand set aside. The matter itself could be considered by the 1st respondent-Commission. All contentions of either parties would be left open.

Accordingly, the writ petition is disposed of, setting aside Exhibit P9 and reserving liberty of the petitioner and the 2nd respondent to agitate the matter before the 1st respondent-Commission, if the same is maintainable.

Sd/-

K.Vinod Chandran
Judge.

vku/-

[true copy]