

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

WP(C).No. 21537 of 2014 (N)

PETITIONER(S):

- 1. SHIYAS AGED 29 YEARS
S/O.IBRAHIM, HEADLOAD WORKER, CHITTATHUKUDI HOUSE
ASAMANNOOR VILLAGE, KUNNATHUNADU TALUK
ERNAKULAM DISTRICT.**
- 2. SIDHIK C.M. AGED 33 YEARS
S/O.IBRAHIM, HEADLOAD WORKER, CHITTATHUKUDI HOUSE
ASAMANNOOR VILLAGE, KUNNATHUNADU TALUK
ERNAKULAM DISTRICT.**

BY ADV. SRI.SIRAJ KAROLY

RESPONDENT(S):

- 1. DISTRICT LABOUR OFFICER
ERNAKULAM
(APPELLATE AUTHORITY UNDER THE HEAD LOAD WORKER'S ACT 1978)
CIVIL STATION, KAKKANAD, KOCHI-31.**
- 2. ASSISTANT LABOUR OFFICER
ASSISTANT LABOUR OFFICE, MINI CIVIL STATION
PERUMBAVOOR-683542.**
- 3. STATE OF KERALA
REPRESENTED BY SECRETARY, MINISTRY OF LABOUR WELFARE
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
- 4. THE SUB INSPECTOR OF POLICE
KURUPPUMPADY, PERUMBAVOOR.**

**ADDL.5. P.V.IBRAHIM
S/O.VEERAVU, INJAKKUDY HOUSE, EKKUNNAM KARA
ASAMANNOOR VILLAGE, KUNNATHNADU TALUK. PIN -683542**

**ADDL.6. SHEREEF
S/O.MUHAMMED, OLIPARAMBIL HOUSE, EKKUNNAM KARA
ASAMANNOOR VILLAGE, KUNNATHUNADU TALUK. PIN- 683542.
ADDL. R5 & R6 ARE IMPEADED AS PER ORDER DATED 21/08/2014 IN IA
11442/2014.**

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**ADDL.7. KERALA HEAD LOAD WORKERS' WELFARE BOARD
DISTRICT COMMITTEE, REPRESENTED BY ITS CHAIRMAN
POOKKARAMUKKU, KOCHI - 682 035.**

**ADDL.8. KERALA HEAD LOAD WORKERS' WELFARE BOAD,
SUB COMMITTEE, PERUMBAVOOR
REPRESENTED BY ITS CHAIRMAN, PERUMBAVOOR**

**ADDL.R7 & ADDL.R8 ARE IMPEADED AS PER ORDER DATED 21.10.2014 IN IA
14156/14**

**R7 & R8 BY ADV. SRI.C.S. AJITH PRAKASH, SC, KHWWB
R1 TO R4 BY GOVERNMENT PLEADER SRI. NOUSHAD THOTTATHIL**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 21537 of 2014 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: TRUE COPY OF APPLICATION 10 IN NUMBER, SUBMITTED BY THE PETITIONERS AND THEIR CO-WORKER.

EXHIBIT-P2: TRUE COPY OF THE IDENTITY CARDS ISSUED BY THE 2ND RESPONDENT 10 IN NUMBERS.

EXHIBIT-P3: TRUE COPY OF THE NO.C 5217/2014 DATED 18.7.2014.

RESPONDENTS EXHIBITS: NIL

/TRUE COPY/

P.A. TO JUDGE

SKV

P.V.ASHA, J.

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W.P.(C). No.21537 OF 2014

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Dated this the 10th day of June, 2015

JUDGMENT

Identity cards were issued to the petitioners under Rule 26A of the Kerala Headload Workers' Rules. On the basis of certain complaints, the District Labour Officer cancelled their registration as per Ext.P3, on 18.7.2014. The petitioners are challenging Ext.P3 order to the extent it relates to the cancellation of their registration.

2. I heard the learned counsel for the petitioner as well as the learned Government Pleader and Standing Counsel for Head Load Workers' Board. According to the petitioner the order has been passed by the District labour officer without hearing them. They submitted that even though they received intimations regarding hearing, as they had entrusted the the trade union leaders to appear before the District Labour Officer, they were under the impression that trade union leaders will do the needful.

3. The learned Government Pleader pointed out that the order has been passed after giving notice to all parties and when the petitioners received the notice, it was up to them to appear and contest their case.

4. At the same time, learned Government pleader fairly conceded that there occurred certain anomaly in the order passed by the District Labour officer in deciding the matter by himself without relegating the matter to the Assistant labour Officer, for adjudication afresh.

5. The order Ext.P3 is seen issued on an appeal received Under Rule 26(c) of the Kerala Headload Workers' Rules, 1981 from M/s E.V. Ibrahim and Sheriff, who were impleaded as additional respondents 5 and 6 respectively in this writ petition. Even though notice in this Writ Petition was served on them, they have not appeared before this court. On enquiry into the grievances raised in the appeal, the District labour Officer found that the registration was granted to the petitioners and certain others, by the Assistant Labour Officer, without conducting proper enquiry. It was found that most of the labourers who were

granted registration by the Assistant Labour Officer were persons who were either not belonging to that locality/abroad/ not involved in head load work.

6. The limited relief sought for by the petitioners is to relegate the matter to the District Labour officer for a re-hearing. In order to enable the re-consideration I quash Ext. P3 order to the extent it relates to the petitioners. Accordingly this Writ Petition is disposed of, directing the District Labour Officer to re-consider the appeal submitted by the additional respondents 5 and 6 afresh to the extent it relates to the petitioners herein, with notice to the additional respondents 5 to 8 and petitioners herein and the to pass orders afresh within a period of 3 months.

Pending decision in the appeal, the registration already granted to the petitioners shall remain suspended. The writ petition is disposed of accordingly.

Sd/-
P.V.ASHA, JUDGE

SKV