

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

WP(C).No. 22814 of 2015 (B)

PETITIONER(S) :

1. PRADEEPKUMAR R.S,
S/O.RAMACHANDRAN NAIR, SANTHIBHAVAN, ERAVOOR,
ARYANADU P.O., THIRUVANANTHAPURAM.
2. JAYACHANDRAN R.,
S/O.RAJAPPAN NAIR, MITHILAPURI, OOROTTAMBALAM P.O.,
THIRUVANANTHAPURAM.
3. SURESHKUMAR S.,
S/O.SUKUMARAN NAIR, KRISHNAPURI, CHAVADY,
KUNNATHUKAL P.O., THIRUVANANTHAPURAM.
4. SUBHASHLAL,
S/O.M.P.HARAN, T C 11/493-1, REKSHAPURI LANE,
KESHAVADASAPURAM, PATTAM P.O., THIRUVANANTHAPURAM.
5. RATHEESH V.,
RAJANIBHAVAN, KALLARA, ANAVOOR,
ANAVOOR P.O., THIRUVANANTHAPURAM.
6. SURESHKUMAR M.,
MELETHOOVAKKADU, VELLARADA P.O., THIRUVANANTHAPURAM.
7. AHAMMEDALIKABEER,
S/O.AHAMMADALI, SHAHINMANZIL, THOPPIL,
BALARAMAPURAM, THIRUVANANTHAPURAM.
8. SOBHANA D.,
PERINGOTTKONAM, VADALOKUMKARA PUTHEN VEEDU, VADAKODE,
NEYATTINKARA, THIRUVANANTHAPURAM.
9. SREEKUMAR P.S.,
S/O.PRABHAKARAN, KARTHIKA, KOZHIYILAKONAM,
KOTTUKAL P.O., THIRUVANANTHAPURAM.
10. HARICHANDRAN S.,
S/O.SUKUMARAN, VINAYAKA, VENGAPOTTA,
KAZHIVOOOR P.O., THIRUVANANTHAPURAM.

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11. SUBASH K.,
S/O.P.KRISHNANKUTTY, VISHAKAM, KUZHIVILAKONAM,
KOTTUKAL P.O, THIRUVANANTHAPURAM.
12. SATHEESHKUMAR R.,
S/O.V.RAVEENDRAN, LEELABHAVAN, CHEENIVILA,
KOOVALASSERY P.O, THIRUVANANTHAPURAM.
13. SANTHOSH KUMAR V.S.,
S/O.M.VELAPPAN, VINUBHAVAN, ALAYIKULAM,
VENKADAMBU P.O, THIRUVANANTHAPURAM.
14. SYED ALI S.,
S/O.ISMAIL, V.P.XI/543, I.S.MANZIL,
KODUNGANNOOR P.O., VATTIYOORKAVU, THIRUVANANTHAPURAM.
15. K.N.MOHANAKUMAR,
S/O.KOCHUNARAYANAN, MINIBHAVAN, PANDIODU,
ARUVIKKARA P.O, THIRUVANANTHAPURAM.
16. SIBI B.S.,
S/O.G.BABU , CHOTHI, UCHAKKADA,
PAYATTUVILA P.O., THIRUVANANTHAPURAM.
17. K.VIJU,
S/O.P.KESAVANKUTTY, K.S.BHAVAN, VALLAMCODU,
KALLIYOOR P.O., THIRUVANANTHAPURAM.
18. D.UDAYAKUMAR,
S/O.G.DIVAKARAN, BUNGLOW VILA VEEDU, KUZHIVILAKONAM,
KOTTUKAL P.O, THIRUVANANTHAPURAM.
19. C.G.SAMRAJ,
S/O.N.GEORGE, VIJAYALAYAM, ARAKUNNU,
IRUMBIL, ARUVIPPURAM P.O., THIRUVANANTHAPURAM.
20. HAREENDRANATH D.,
S/O.DHAMODHARAN NAIR, KANNANPAZHINJI HOUSE,
KUDUMBANNOOR, PARAVACHAMBALAM, NEMOM P.O.,
THIRUVANANTHAPURAM.
21. PRADEEP KUMAR.J.,
S/O.N.JANARDHANAN, SARAJ, UDIYANKULANGARA,
AMARAVILA P.O, THIRUVANANTHAPURAM.
22. SANTHOSH R.K.,
S/O.RAVEENDRAN, V.S.SADANAM, S.N.NAGAR,
NARUVAMMOODU P.O., THIRUVANANTHAPURAM.

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23. ANIL V.V,
S/O.VIKRAMAN NAIR, GEETHABHAVAN, BHGAVATHINADA P.O.,
THIRUVANANTHAPURAM.

24. ANIL PRAKASH G.,
S/O.GOPINATH, CHARUVILA PUTHEN VEEDU, PAZHAVILA,
PANCHALLOOR P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.ANCHAL C.VIJAYAN

RESPONDENT(S) :

1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
TAXES(A)DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN-695 001.
2. SECRETARY TO GOVERNMENT,
DEPARTMENT OF LABOUR AND REHABILITATION(R), SECRETARIAT,
THIRUVANANTHAPURAM, PIN- 695 001.
3. KERALA STATE BEVERAGES(MANUFACTURING AND MARKETING),
CORPORATION LIMITED REPRESENTED BY ITS MANAGING DIRECTOR,
SASTHAKRIPA, SASTHAMANGALAM, THIRUVANANTHAPURAM- 695 010
4. THE MANAGING DIRECTOR,
KERALA STATE BEVERAGES CORPORATION, SASTHAKRIPA,
SASTHAMANGALAM, THIRUVANANTHAPURAM- 695 010.
5. KERALA ABKARI WORKERS WELFARE FUND BOARD,
REPRESENTED BY ITS CHIEF WELFARE FUND INSPECTOR,
K.C.P BUILDINGS, ARYASALA, THIRUVANANTHAPURAM-695 036.
6. CHIEF WELFARE FUND INSPECTOR,
KERALA ABKARI WORKERS WELFARE FUND BOARD,
K.C.P BUILDINGS, ARYASALA, THIRUVANANTHAPURAM- 695 036.

R1 & R2 BY GOVERNMENT PLEADER SMT.ANITHA RAVEENDRAN
R3 & R4 BY ADV. SRI.C.S.AJITH PRAKASH,SC,BEVERAGES CORP
R5 & R6 BY ADV. SRI.ROY CHACKO,SC,KERALA ABKARI WORKERS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1: TRUE COPY OF THE ORDER NO G.O(RT)212/2001/TD DATED 26/03/2001
ISSUED BY THE 1ST RESPONDENT.**
- P2: TRUE COPY OF THE AGREEMENT EXECUTED ON 28/10/2002 BY
THE 3RD RESPONDENT AND THE TRADE UNION LEADERS.**
- P3: TRUE COPY OF THE COMMUNICATION NO.K.S.B.C/AA/14695/14
DATED 03/07/2015 ISSUED BY THE 4TH RESPONDENT TO THE 5TH
RESPONDENT.**
- P4: TRUE COPY OF THE REPRESENTATION SUBMITTED BY
THE PETITIONERS TO THE 4TH RESPONDENT**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 22814 of 2015

Dated this the 29th day of July, 2015

J U D G M E N T

The petitioners have come up before this Court aggrieved by the denial of promotional opportunities to the abkari workers working under the service of the corporation and statutory benefits under the Employees Provident Fund Act, Gratuity Act and other pensionary benefits.

2. The petitioners are working in the service of the 3rd respondent corporation as abkari workers from the year 2001 onwards. As per Exts.P1 and P2, Abkari workers are entitled to get all service benefits applicable to similarly placed employees working in the service of the Corporation. According to the petitioners, abkari workers are considered as Last Grade employees of the Corporation, which is similar to the post of helpers. Due to the reason that Abkari Workers are not included in the Special Rules of the 3rd respondent Corporation,

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promotional opportunities are denied to this class of employees; it is alleged. Pursuant to the representations for promotional avenues and other statutory benefits under the Employees Provident Fund Act, Gratuity Act etc., the 4th respondent conducted a comparative study of the benefits given to abkari workers and similarly placed employees of the Corporation and endorsed Ext.P3 report to the 5th respondent for further steps in the matter. Due to the reason that Abkari Workers are enrolled as beneficiaries under the Abkari Workers Welfare Fund Scheme, statutory benefits under the Employees Provident Fund Act, Gratuity Act and other pension benefits are being denied to the Abkari Workers; and hence, they are suffering huge financial loss and promotion scope in the service; according to them. Since there is no further action on Ext.P3, the petitioners submitted Ext.P4 representation to respondents, which is pending before the respective respondents. Aggrieved by the denial of statutory benefits under various Welfare Legislations, they have come up before this Court for a direction to the 4th

..3..

respondent to consider and to take a decision on Ext.P4 for the redressal of the grievances of the petitioners and similar other Abkari Workers working in the service of the 3rd respondent Corporation.

3. Heard the learned counsel for the petitioners, the learned Government Pleader and the learned Standing Counsel for the respondent corporation.

4. The learned counsel for the petitioners confined his argument to the limited prayer for a direction to the respondent corporation to consider Ext.P4 representation within a time frame.

Therefore, the writ petition is disposed of directing the respondent corporation to consider Ext.P4 representation after affording the petitioners and the affected parties an opportunity of being heard within a period of 45 days, taking note of Ext.P3.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-