

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

WP(C).No. 24035 of 2015 (D)

PETITIONER :

**R.T.SAHITHEE DEVI, AGED 53 YEARS,
D/O.RAJAPPAN ASARI, PROPRIETRIX,
AMMAL AGENCIES, KP-11/610, NEAR LPG GODOWN,
PUTHUVACKAL, KATTAKADA, THIRUVANANTHAPURAM-695 572.**

BY ADV. SRI.AYYAPPAN SANKAR

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, STATUE,
THIRUVANANTHAPURAM-695 001**
- 2. SECRETARY, HOME DEPARTMENT,
GOVERNMENT SECRETARIAT, STATUE,
THIRUVANANTHAPURAM-695 001**
- 3. DISTRICT COLLECTOR, COLLECTORATE, CIVIL STATION,
KUDAPPANAKKUNNU.P.O., THIRUVANANTHAPURAM.**
- 4. DISTRICT LABOUR OFFICER, THOZHIL BHAVAN,
PMG, THIRUVANANTHAPURAM.**
- 5. DEPUTY SUPERINTENDENT OF POLICE,
NEYATTINKARA, THIRUVANANTHAPURAM.**
- 6. CIRCLE INSPECTOR OF POLICE, KATTAKADA,
THIRUVANANTHAPURAM.**
- 7. SUB INSPECTOR OF POLICE, KATTAKADA,
THIRUVANANTHAPURAM.**
- 8. RETNAKUMAR.A.R., COMMITTEE MEMBER,
B.M.S. KATTAKADA ZONAL COMMITTEE, THIRUVATHIRA, M.P.351/B,
THACHOTTUKAVU, MALAYINKEEZH.P.O.,
THIRUVANANTHAPURAM-695 571**

WP(C).NO.24035/2015

9. VINOD.V., UNIT SECRETARY,
B.M.S. AMMAL AGENCIES UNIT,
RESIDING AT ELAMPLANJI HOUSE, CHAMAVILA,
POOVACHAL.P.O., THIRUVANANTHAPURAM-695 572.
10. SHIBU.S., UNIT PRESIDENT, B.M.S AMMAL AGENCIES UNIT,
RESIDING AT SHAJI BHAVAN, PERUMKULANGARA,
NEYYARDAM.P.O., THIRUVANANTHAPURAM.

R1 TO R7 BY SR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
R8 TO R10 BY ADVS. SRI.SHAJI THOMAS
SRI.BINU PAUL
SRI.T.V.VINU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13-08-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

sts

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE NOTICE DATED 20/8/2013 ALONG WITH POSTAL RECEIPT AND ACKNOWLEDGEMENT CARD ISSUED BY PETITIONER ASKING AN EMPLOYEE WHO REMAINED ABSENT TO REPORT FOR DUTY WITHIN 7 DAYS OR ELSE TO SUFFER TERMINATION OF SERVICE.**
- P1(A) COPY OF ENGLISH TRANSLATION OF EXHIBIT-P3**
- P2 COPY OF THE NOTICE OF TERMINATION OF SERVICE DATED 5/1/2014 ALONG WITH TRUE ENGLISH TRANSLATION.**
- P2(A) COPY OF THE ENGLISH OF EXHIBIT P2**
- P3 COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 3RD RESPONDENT DISTRICT COLLECTOR ON 31/7/2015 WITH THE ENDORSEMENT OF DISTRICT COLLECTOR FORWARDING THE SAME TO DISTRICT LABOUR OFFICER (4TH RESPONDENT)**
- P3(A) COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P3**
- P4 COPY OF THE SUSPENSION NOTICE DATED 31/7/2015**
- P4(A) COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P4**
- P5 COPY OF THE COMMON JUDGMENT DATED 6/4/2015 OF THE HON'BLE DIVISION BENCH OF THIS HON'BLE HIGH COURT IN WP(C).NO.482/2015 AND WP(C).NO.274/2015.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.S.TO JUDGE

sts

ASHOK BHUSHAN, C.J.
&
A.M. SHAFFIQUE, J.
=====

W.P. (C) No. 24035 of 2015

=====

Dated this, the 13th day of August, 2015

J U D G M E N T

Shaffique, J.

Petitioner is conducting a gas agency under the name and style “Ammal Agencies”. Petitioner is aggrieved by the action of respondents 8 to 10 trade union leaders who have instigated the workers to conduct a strike. As a result of the strike, they have obstructed the distribution of gas cylinders to the customers of the petitioner. Petitioner submitted complaint before the police seeking police protection for carrying out the distribution of LPG cylinders and since no action has been taken in the matter, petitioner has approached this Court seeking police protection.

2. Counter affidavit is filed by respondents 8 to 10 stating that they have raised certain issues with reference to the work being carried on. Though the petitioner has a customer base of more than 30,000 persons, the employees are asked to cater to the demands of more than 1000 customers a day. Respondents

have taken up the issue before the District Labour Officer in order to have a normal working period and working arrangements. It is submitted by the learned counsel for respondents 8 to 10 that on account of the mediation that has taken place, presently, employees are all working and they had not created any obstruction.

3. Learned counsel for the petitioner however submits that after an interim order was passed by this Court on 07/08/2015, the police had interfered in the matter and presently, adequate protection is being granted for the proper functioning of the distribution.

4. Having regard to the aforesaid factual situation, we are of the view that the claim of respondents 8 to 10, if any, has to be worked out through the appropriate channels. They have already approached the District Labour Officer, who is competent to take any decision in the matter regarding their claim. But they have no right to prevent the functioning of the distribution of LPG, especially, being an essential commodity, which has to be distributed to the customers of the petitioner. Under such

W.P(C) No.24035/15

-:3:-

circumstances, if there is any obstruction from respondents 8 to 10 or their men, police shall provide adequate protection for effectively carrying out the distribution of LPG cylinders.

Writ petition is disposed of as above.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge