

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937

WP(C).No. 25966 of 2015 (U)

PETITIONER :

**NEERU FAB, SIDCO INDUSTRIAL ESTATE,
PLOT NO.CA 13, SY: NO.591/1, PAPPANAMCODE, NEMOM.P.O.,
THIRUVANANTHAPURAM, REPRESENTED BY IT'S
PROPRIETOR A. AZHAKAPPAN, S/O.LATE V. APPU ACHARY,
RESIDING AT 'THIRUVATHIRA', T.C.50/1536, TRWA-106,
NEAM PAMPU HOUSE, THALIYAL, KARAMANA.P.O.,
THIRUVANANTHAPURAM-695 002**

BY ADV. SRI.RAVI KRISHNAN

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO DEPARTMENT OF LABOUR,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE ASSISTANT LABOUR OFFICER,
THIRUVANANTHAPURAM, 1ST CIRCLE,
THIRUVANANTHAPURAM,PIN-695 001**
- 3. THE DISTRICT LABOUR OFFICER,
THIRUVANANTHAPURAM,PIN-695 001**

BY GOVERNMENT PLEADER SMT. K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.25966/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE ACKNOWLEDGEMENT SHOWING THE DATE OF
COMMENCEMENT OF THE BUSINESS ESTABLISHMENT DATED 03/08/2015**
- P2 COPY OF THE APPLICATION BEFORE THE THIRD RESPONDENT UNDER THE
RULE.26A(1) OF THE KERALA HEAD LOAD WORKERS RULES 1881.**
- P3 COPY OF THE WORK AGREEMENT WITH BRAHMOS AEROSPACE
THIRUVANANTHAPURAM DATED 27/6/2015.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.S.TO JUDGE

sts

A.V.RAMAKRISHNA PILLAI, J

WPC No.25966 of 2015

Dated this the 21st day of August, 2015

JUDGMENT

The petitioner is seeking a direction from this Court to the third respondent for an expeditious disposal of Ext.P2.

2. The petitioner is a proprietary concern engaged in the business of manufacturing machinery parts etc. having its unit at SIDCO Industrial Estate at Pappanamcode, Thiruvananthapuram. The petitioner has commenced its operation from 18.6.2015 after obtaining proper license and statutory clearance from the Government as well as Local Body. According to the petitioner as per the nature of work carried out in the petitioner establishment, the loading and unloading work can be strictly under the supervision and control of the petitioner establishment. Hence, the petitioner establishment essentially require permanent headload workers. Therefore, the petitioner establishment has

submitted the applications before the third respondent under Rule 26A(1) of the Kerala Headload Workers Rules, 1881. The petitioner establishment has executed a work agreement with Brahmos Aerospace Thiruvananthapuram Limited and it is to be done expeditiously. Now, the local trade union leaders objected the head loading activities. It is with this background, the petitioner has come up before this Court.

2. I have heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

Considering the nature of submission and the nature of relief sought for, this writ petition is disposed of directing the third respondent to consider and pass orders on Ext.P2 application within a period of three weeks from the date of receipt of a copy of this judgment, after affording the petitioner and affected parties an opportunity of being heard.

sd/-A.V.RAMAKRISHNA PILLAI
JUDGE

CSS/

true copy

P.S.TO JUDGE