

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

WP(C).No. 33802 of 2007 (Y)

ID. NO.19/2004 OF LABOUR COURT, KOLLAM.

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PETITIONER/WORKER:

**MINI N.M., C/O. MADHAVAN NAIR,
NANGARIL HOUSE, KULATHOOR P.O.,
(VIA) VAIPUR, MALLAPPALLY TALUK.**

BY ADV. SRI.K.GOPALAN.

RESPONDENTS/MANAGEMENT:

- 1. SUB GROUP OFFICER,
TRAVANCORE DEVASWOM BOARD,
VAIPUR SUB GROUP OFFICE,
VAIPUR, MALLAPPALLY TALUK,
PATHANAMTHITTA DISTRICT.**
- 2. ASSISTANT DEVASWOM COMMISSIONER,
CHANGANACHERRY GROUP, TRAVANCORE DEVASWOM BOARD,
CHANGANACHERRY.**
- 3. THE TRAVANCORE DEVASWOM BOARD,
TRIVANDRUM, REPRESENTED BY ITS SECRETARY.**
- 4. THE LABOUR COURT, KOLLAM.**

**R1 TO R BY ADV. SRI.A.N.RAJAN BABU, SC.
R4 BY GOVT. PLEADER SRI.MANOJ KUNJACHAN.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE CLAIM STATEMENT DATED 19/06/2004 FILED BY PETITIONER IN LABOUR COURT, KOLLAM.
- EXT.P2 COPY OF THE JUDGMENT DATED 15/06/2005 IN WP(C).NO. 13813/2005 FILED BY RESPONDENTS 1 TO 3.
- EXT.P3 COPY OF THE JOINT WRITTEN STATEMENT FILED BY RESPONDENTS 1 TO 3 IN I.D. NO.19/2004 BEFORE THE LABOUR COURT, KOLLAM.
- EXT.P4 COPY OF THE SERVICE CERTIFICATE DATED 16/09/1998 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.
- EXT.P5 CERTIFIED COPY OF THE PETITIONER'S DEPOSITION (WW1) DATED 19/08/2006 BEFORE THE 4TH RESPONDENT IN I.D.19/2004.
- EXT.P6 CERTIFIED COPY OF THE MANAGEMENT'S WITNESS (MW1) DATED 28/10/2006 BEFORE THE 4TH RESPONDENT IN I.D.19/2004.
- EXT.P7 COPY OF THE AWARD DATED 05/02/2007 PRONOUNCED ON 09/04/2007 BY THE 4TH RESPONDENT, LABOUR COURT, KOLLAM IN I.D.19/2004.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

K. VINOD CHANDRAN, J

W.P(C) No. 33802 of 2007

Dated this the 26th day of February, 2015

J U D G M E N T

The petitioner is aggrieved with Ext.P7 award of the Labour Court which rejected her claims. The issue referred was with respect to the justifiability of the termination of the petitioner. The petitioner's claim was that she was appointed in Shree Ramakrishna Ashramam of Kulathoor Devaswom, Kulathoor as Part-time Sweeper from 01.01.1998 to 03.12.1999. She had been terminated on 03.12.1999, without paying her due entitlement under the Industrial Disputes Act, 1947. Upon which a dispute was raised and the justifiability of the termination was referred for adjudication.

2. Before the Labour Court, the petitioner examined herself as WWI and marked Ext.W1, being a certificate dated 16.09.1998 which is produced herein as Ext.P4. As the Travancore Devaswom Board had

ultimate control over the Ashramam, the Board was impleaded as the additional respondent before the Labour Court.

3. One witness was examined on behalf of the management, the Travancore Devaswom Board. The issue with respect to the management being an industry under the I.D Act and the petitioner being not a workman for reason of her duties, being confined to devotional matter were found in favour of the worker. With respect to the justifiability of the termination, the Labour Court found that the petitioner was only a contractual employee, appointed for a specified period, and there was no warrant for finding the termination to be illegal.

4. Ext.W1 certificate is the certificate of employment issued on 16.09.1998, wherein specifically it was indicated that the petitioner had been appointed on a contract basis from 01.01.1998 in a vacant post of Part-time sweeper. The petitioner having raised a claim against the illegal termination, ought to have specified as

to the date of the contract. The deposition of the management witness that she was appointed only for a specific term between 01.01.1998 to 31.12.1999 also stood uncontroverted. It was in such circumstance that the Labour court found that there is no termination, as such of the employment and the petitioner has ceased to be in employment only by reason of the expiry of the contractual period. This Court does not find any reason to interfere with the award under Article 226 of the Constitution of India.

Writ petition would stand dismissed. No costs.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

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P.A to Judge