

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&**

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

WP(C).No. 26846 of 2015 (E)

PETITIONER :

**PHILIP THANKACHAN,
MYLANTHRA VEEDU, ITHITHANAM.P.O.,
CHANGANASSERY, KOTTAYAM DISTRICT.**

**BY ADVS.SRI.JOMY GEORGE
SRI.SEBASTIAN THOMAS
SMT.K.B.SONY
SRI.DEEPAK MOHAN
SMT.A.MINI JOSEPH**

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY ITS CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001**
- 2. SUPERINTENDENT OF POLICE, KOTTAYAM-686 001**
- 3. SUB INSPECTOR OF POLICE, VAIKOM POLICE STATION,
KOTTAYAM-686 141**
- 4. T.K.BIJU, THARAYIL HOUSE, VAIKOM.P.O.,
KOTTAYAM DISTRICT-686 141**
- 5. P.V.PUSHKARAN, PERAYIL HOUSE, POLASSERY,
VAIKOM.P.O., KOTTAYAM DISTRICT-686 141**
- 6. C.P.JAYARAJ, PERAYAIL HOUSE, POLASSERY,
VAIKOM.P.O., KOTTAYAM DISTRICT-686 141**
- 7. PRAMOD, ARAYASSERIL VEEDU, KOLOTHUMKADAVU,
VAIKOM, KOTTAYAM DISTRICT-686 141**
- 8. RAJEEV, ARAYASSERIL VEEDU, KOLOTHUMKADAVU,
VAIKOM, KOTTAYAM DISTRICT-686 141**

R1 TO R3 BY SR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE RETRENCHMENT NOTICE UNDER CLAUSE (C) OF SECTION 25 F OF THE INDUSTRIAL DISPUTES ACT 1992 WITH THE ANNEXURE TO THE SECRETARY OF THE GOVERNMENT OF INDIA, MINISTRY OF LABOUR, NEW DELHI WITH COPY TO ASSISTANT LABOUR COMMISSIONER AND REGIONAL LABOUR COMMISSIONER**
- P2 COPY OF THE RETRENCHMENT NOTICE AND THE CHEQUE ISSUED TO THE 7TH RESPONDENT, ALONG WITH ITS ENGLISH TRANSLATION.**
- P3 COPY OF THE RETRENCHMENT NOTICE AND THE CHEQUE ISSUED TO THE 8TH RESPONDENT, ALONG WITH ITS ENGLISH TRANSLATION**
- P4 COPY OF THE CHEQUE ISSUED TO THE 7TH RESPONDENT BY REGISTERED POST AS WAGES IN LIEU OF THE NOTICE UNDER SECTION 25F(A) OF THE INDUSTRIAL DISPUTES ACT ALONG WITH ITS COVERING LETTER AND ITS ENGLISH TRANSLATION**
- P5 COPY OF THE CHEQUE ISSUED TO THE 8TH RESPONDENT BY REGISTERED POST AS WAGES IN LIEU OF THE NOTICE UNDER SECTION 25F(A) OF THE INDUSTRIAL DISPUTES ACT ALONG WITH ITS COVERING LETTER AND ITS ENGLISH TRANSLATION**
- P6 COPY OF THE COMPLAINT ALONG WITH ITS ENGLISH TRANSLATION DATED 30/8/2015 FILED BY THE PETITIONER BEFORE 3RD RESPONDENT**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.P.C.No.26846 of 2015

Dated this the 7th day of September 2015

J U D G M E N T

Shaffique, J

Heard learned counsel for the petitioner and the learned Government Pleader. No notice is being issued to respondents 4 to 8 in view of the judgment being passed today.

2. Petitioner submits that he is running an ice plant at Kovilakathukadavu, Fish Market, Vaikom. On account of huge loss being suffered, he had retrenched two workers after giving notice in terms of Clause (c) of Section 25F of the Industrial Dispute Act,1992. However, workers, along with certain office bearers of the trade unions, are threatening the petitioner that unless the workers aforesaid are taken back, they will not permit the petitioner to function the ice plant. This, according to the petitioner, would cause substantial loss to him. Though complaint was given to the police, no action was taken in the matter and therefore petitioner has approached this Court seeking police protection.

3. The learned Government Pleader, on instructions, would submit that on receipt of a complaint from the petitioner, parties were summoned to the police station and according to the learned Government Pleader, matter has been settled. Respondents 4 to 8 were directed not to interfere with the functioning of the petitioner's establishment and they have agreed so and if at all there is any further complaint, police shall look into the matter and take appropriate action, in accordance with law.

We record the aforesaid submission of the learned Government Pleader and close the writ petition.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)
(A.M.SHAFFIQUE, JUDGE)

jsr

