

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C).No. 27072 of 2015 (H)

PETITIONER :

**G.SATHEESHKUMAR,
GENERAL SECRETARY, PATHENAMTHITTA DISTRICT,
HEAD LOAD & GENERAL WORKERS MAZDOOR SANGH,
BHARATHIYA MAZDOOR SANGH, PATHENAMTHITTA.**

BY ADV. SRI.P.VINODKUMAR

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REP BY THE SUPERINTEND OF POLICE,
PATHANAMTHITTA DISTRICT-689 645**
- 2. THE CIRCLE INSPECTOR OF POLICE,
MALLAPALLY POLICE STATION, PATHENAMTHITTA DT, PIN-689 645**
- 3. THE SUB INSPECTOR OF POLICE,
PERUMPATTY POLICE STATION, PERUMPATTY(PO),
PATHANAMTHITTA DT. PIN-689 541**
- 4. MR. ANSARI.P.A., DISTRICT PRESIDENT S.D.T.U,
PATHANAMTHITTA, PARALPUTHUPARAMPIL,
MUNDUKOTTACKAL.P.O., PATHANAMTHITTA DT, PIN-689 645**
- 5. NISHAD.M.J., CONVENOR, S.D.T.U, CHUNKAPPARA,
MATTAPPALY HOUSE, KULATHOOR.P.O., KOTTANGAL,
PATHANAMTHITTA-689 645**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.27072/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE ORDER NO.L.R.2592/15 DATED 22/7/2015 OF THE DISTRICT LABOUR OFFICER, PATHENAMTHITTA.**
- P1A COPY OF THE ENGLISH TRANSLATION OF EXT.P1**
- P2 COPY OF THE FIR NO.666/15 OF PALLICKATHODU POLICE STATION**
- P2A COPY OF THE ENGLISH TRANSLATION OF EXT.P2 PAGE 2, 5 & 6**
- P3 COPY OF THE PETITION DATED 20/8/2015**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.S.TO JUDGE

sts

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

=====

W.P. (C) No. 27072 of 2015

=====

Dated this, the 8th day of September, 2015

J U D G M E N T

Shaffique, J.

Petitioner has approached this Court seeking police protection to the person and property of the workers who are entitled to work in terms of Ext.P1 order. Ext.P1 is an order issued by the District Labour Officer in the matter relating to resolution of dispute by which certain claims have been raised by the members of respondents 4 and 5. It is stated that only certain workers registered in the area are entitled to carry on the work in the locality. According to the petitioner, by virtue of Ext.P1 order, respondents 4 and 5 and their men have no right to indulge in the work being carried on by the petitioner, who alone has the right in terms of Ext.P1 order.

2. On a perusal of the averments in the writ petition and after hearing the learned counsel for the petitioner, it seems that the petitioner claims to be the General Secretary of the headload

-:2:-

workers of the area. Their contention is that an incident occurred on 4/8/2015 while certain rubber logs were being carried in a lorry and obstruction was being caused by private respondents for which a crime has already been registered.

3. Having regard to the aforesaid factual situation, we are of the view that police cannot interfere in matters relating to the labour issues. Police can interfere only if any offence is committed or there is attempt to commit offence. Police cannot give blanket protection to the workers whom the petitioner represents. If there is an individual incident, it is always open for the concerned person or any person having knowledge of an offence to inform the police about the same for which the police is bound to take necessary action in accordance with the prescribed procedure. Other than that, we do not think that a direction as sought for can be issued.

With the above observation, this writ petition is closed.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PS to Judge