

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

WP(C).No. 34883 of 2007 (C)

PETITIONER(S):

**P.RAJAN, S/O.POKKAN,
PALLIPPARATH HOUSE, P.O.KEEZHARA, CHERUKUNNU,
KANNUR DISTRICT.**

**BY ADVS.SRI.P.CHANDRASEKHAR
SRI.P.M.SATHEESH**

RESPONDENT(S) :

- 1. PARAMBATH GOVINDAN,
CONTRACTOR FOR 2000-2001, TODDY SHOP NO.20,
ERIPURAM P.O, PAYANGADI, KANNUR DISTRICT.**
- 2. THE SECRETARY,
PAPPINISSERY RANGE CHETHUTHOZHILALI,
SAHAKARANA SANGHOM, LTD.NO.C-1543,
ERIPURAM P.O, PAYANGADI, KANNUR DISTRICT.**
- 3. LABOUR COURT,
KANNUR.**

**R2 BY ADV. SRI.M.SASINDRAN
R3 BY GOVERNMENT PLEADER SRI.V.K.RAFEEQ**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 05-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

WP(C).No. 34883 of 2007 (C)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE AWARD DATED 01.02.2007 IN I.D.56/2002 OF
THE 3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

K. Vinod Chandran, J.

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W.P.(C)No.34883 of 2007

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Dated this the 5th day of February, 2015.

JUDGMENT

1. Petitioner is aggrieved with the denial of employment allegedly made by the person, who was conducting a toddy shop under licence from the Excise Department, being T.S.No.20 of Pappinissery range. Petitioner contended that, during the year 2000-01, he was a salesman in the said toddy shop under the first respondent. Later on, in the year 2002-03, as a matter of policy, Government entrusted the toddy shops to Co-operative Societies and the second respondent came into the management of such toddy shop.
2. The dispute referred for adjudication is the denial of employment from 1.4.2001 by the second respondent, who was the management. There was considerable dispute with respect to the licensee of the year 2000-01. There is no necessity to go into that, since the Labour Court clearly found that, the first respondent was, in fact, the owner

of the shop, despite the licence being issued to another and seven others. But the denial of employment itself was alleged against the second respondent society, who had come to the management of the shop on 1.4.2001 for the period 2001-02. Subsequently, the first respondent again came into the management of the shop. The workman/petitioner admitted that he was given employment by the first respondent. The workman only contended that his wages were reduced and that he was asked to resign. There was absolutely no evidence whether he was subsequently denied employment.

3. The Labour Court found that, even if there was subsequent denial of employment, then there is a separate cause of action, which could be raised before the appropriate Government under Section 10 or before the Labour Court itself under Section 2A of the Industrial Disputes Act, 1947. The specific question referred for adjudication in the present case, being denial of employment by the second respondent, the Labour Court found that, the petitioner is entitled to continuity of

service in the year 2001-02, when the second respondent, a society, was in management. Backwages also were granted during the said period. No orders were passed against the first respondent, since the first respondent was not responsible for the denial of employment as on 1.4.2001 for reason of the admitted position that the second respondent society came into the licence of the shop from 1.4.2001. In such circumstances, this Court does not find any reason to interfere with the Labour Court award. Writ petition would stand dismissed.

K. Vinod Chandran, Judge.

sl.