

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

WP(C).No. 35346 of 2007 (G)

PETITIONER(S):

**SABU.T.K., S/O.KUMARAN,
AGED 35, THADATHIL PULIMOOTTIL HOUSE, PATHAMUTTOM P.O.
PAPPANCHIRA, KOTTAYAM DIST.**

BY ADV. SRI.JOHNSON MANAYANI

RESPONDENT(S):

- 1. TODDY WORKERS WELFARE FUND INSPECTOR
OFFICE OF THE WELFARE FUND INSPECTOR, LOGOS CENTRE
NAGAMBADOM, KOTTAYAM DIST.**
- 2. CHIEF WELFARE FUND INSPECTOR,
KERALA TODDY WORKERS WELFARE FUND BOARD
ULLOOR MEDICAL COLLEGE P.O., TRIVANDRUM.**
- 3. STATE OF KERALA REP. BY ITS CHIEF
SECRETARY, SECRETARIAT, TRIVANDRUM.**

**R, BY ADV. GOVERNMENT PLEADER SRI. T.J. MICHEAL
R, BY ADV. SRI.A.K.JOHN, SC, KTWWF BOARD
R,R1 & R2 BY ADV. SRI.K.D.BABU,SC,KTWWFB(TODDY WORKERS WE**

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

APPENDIX

PETITIONERS EXHIBITS:

- EXT.P1 COPY OF THE JUDGMENT OF THE HON'BLE HIGH COURT OF KERALA IN
O.P.NO. 5980/2001 DTD. 29.6.2006.
- EXT.P2 COPY OF THE NOTES OF ARGUMENT FILED BY THE PETITIONER BEFORE
THE FIRST RESPONDENT.
- EXT.P3 COPY OF THE NOTICE AND IDENTITY CARD, DTD.19.12.2006.
- EXT.P4 COPY OF THE RECEIPT DTD.12.3.91.
- EXT.P5 COPY OF THE APPEAL FILED BY THE PETITIONER AGAINST EXT.P3
ALONG WITH EARLY HEARING PETITION.
- EXT.P6. COPY OF THE JUDGMENT IN W.P.C 4232 OF 2007 DTD.7.2.97.
- EXT.P7 COPY OF THE ORDER DTD.26.6.07 OF THE 2ND RESPONDENT.

RESPONDENTS EXHIBITS:

NIL

// TRUE COPY //

PA to Judge

SB

K. VINOD CHANDRAN, J.

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W.P.(C) No.35346 of 2007 - G

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Dated this the 2nd day of February, 2015

J U D G M E N T

The petitioner is aggrieved with the registration given at Ext.P3, which is only prospective from the date of issuance. The petitioner's contention is that, the petitioner had been agitating the cause of registration right from 2000, as is evident from Ext.P1 and when eventually registration was granted, the same was granted only prospectively from the date of its grant on 01.04.2005. The petitioner also relies on Ext.P4 to contend that, even in the year 1991, contributions were paid to the Fund, in his name.

2. Looking at Ext.P4, it cannot be said that the petitioner's name was included by the said employer, who had been carrying on T.S No.54. Ext.P4 only indicates contributions having been paid by the contractor.

3. Ext.P7 order passed in pursuance to Ext.P6, specifically states that on an enquiry conducted, there was absolutely no document to show that the petitioner had been working under any of the licensees from 1987 onwards; as claimed by the petitioner.

4. The Welfare Fund Inspector of Kottayam also filed a report, in which it was stated that, there was no document to prove the employment of the petitioner, before the authority under the Act. It was in such circumstance that, the petitioner was granted a registration under the Welfare Fund Act from 01.04.2005 for which employment alone, there was evidence. The petitioner having not produced any document to establish that the petitioner was in fact, employed under any of the licensees or that contributions were deducted from his salary, by any of the licensees for remittance to the welfare fund; this Court does not find any infirmity in Ext.P7 order.

The writ petition hence, would stand dismissed.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

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P.A to Judge