

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

WP(C).No. 31869 of 2011 (G)

PETITIONER(S):

MATHEW.M.M
AGED 48 YEARS, MANNOOR HOUSE, KANDANADU P..
PALA, NOW RESIDING AT MANNOOR HOUSE
BHARANANGANAM P.O., PALA.

BY ADVS.SRI.K.S.HARIHARAPUTHRAN
SRI.M.D.SASIKUMARAN
SRI.GEORGE MATHEW
SRI.DIPU JAMES
SRI.K.P.UNNIKRISHNAN (ELOOR)

RESPONDENT(S):

- 1. STATE OF KERALA REP. BY ITS SECRETARY LABOUR AND
REHABILITATION GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE DISTRICT COLLECTOR,
COLLECTORATE, KOTTAYAM-686 001.**
- 3. THE REVENUE DIVISIONAL OFFICER,
KOTTAYAM-686 001.**
- 4. THE DISTRICT LABOUR OFFICER,
KOTTAYAM-686 001.**
- 5. P.S.SUKUMARAN,
PALATHOTTIYIL HOUSE, KULATHIKANDAM
MELUKAVU MATTOM P.O., PALA-686 652.**

R5 BY ADV. SRI.BABY THOMAS
R5 BY ADV. SRI.GIGIMON ISSAC
R5 BY ADV. SRI.J.PRAKASH C.VADAKKAN
R1- R4 BY ADV. SMT.SUNITHA VINOD, GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04-11-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 31869 of 2011 (G)

APPENDIX

PETITIONER(S) EXHIBITS :

EXT.P1 TRUE COPY OF THE ORDER NO.G-587/11 (AD)1/11 DATED 24.11.2010.

**EXT.P2 TRUE COPY OF THE PERMISSION GRANTED BY THE RUBBER BOARD
DATED 22.03.2004.**

RESPONDENT'S EXHIBITS:

NIL

R.AV

//True Copy//

PA to Judge

K. ABRAHAM MATHEW, J.

W.P.(C)No.31869 of 2011

Dated this the 4th day of November, 2015

J U D G M E N T

Fifth respondent claimed that he was a rubber tapper on the plantation of the petitioner. A dispute arose between them. The matter came up for consideration before the Revenue Divisional Officer, Kottayam, who has passed impugned Ext.P1 order directing the petitioner to pay Rs.70,875/- (Rupees Seventy thousand eight hundred and seventy five only) as compensation and the same amount as gratuity. This is challenged.

2. The petitioner's case is that it is not on the basis of any evidence the impugned order was passed. In Ext.P1 order it is mentioned that the petitioner admitted that the fifth respondent had worked for him for eighteen years. According to the learned counsel, the petitioner did not make such an admission. The order does not disclose the basis for making such a statement in the order. It is pertinent to note that on the second date of hearing the petitioner was absent, which is recorded in the order itself. Since the basis for the conclusion of the Revenue Divisional

Officer is not disclosed, I am inclined to set aside this order.

In the result, this Writ Petition is allowed. Ext.P1 order is set aside. The Revenue Divisional Officer, Kottayam is directed to give an opportunity to both parties to adduce evidence before an order is passed on the claim made by the fifth respondent. If the proceedings is adjourned without fixing a date the Revenue Divisional Officer shall inform the parties concerned in writing about the next posting date. The proceedings shall be disposed of within two months from the date of receipt or production of a copy of this judgement.

sd/-

**K. ABRAHAM MATHEW
JUDGE**

R.AV

//True Copy//

PA to Judge

