

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

WP(C).No. 35568 of 2008 (H)

PETITIONER :

M.SANGEETKUMAR, PROPRIETOR,
GUHAN GAS SERVICE, OPST.AMBALATHURA U.P.SCHOOL
THIRUVANANTHAPURAM.

BY ADVS.SRI.S.GOPAKUMARAN NAIR (SR.)
SRI.M.CHANDRA BOSE
SRI.A.RAJASIMHAN
DR.ABRAHAM P.MECHINKARA

RESPONDENTS :

1. KERALA STATE HEAD LOAD WORKERS'
WELFARE BOARD, REPRESENTED BY ITS SECRETARY
BOARD OFFICE, TRIVANDRUM.
2. THE CHAIRMAN, DISTRICT COMMITTEE,
KERALA HEAD LOAD WORKERS WELFARE BOARD
THIRUVANANTHAPURAM.
3. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, LABOUR DEPARTMENT
GOVT.SECRETARIAT, THIRUVANANTHAPURAM.
4. THE INDIAN OIL CORPORATION,
REPRESENTED BY THE AREA MANAGER (LPG) INDIANE
AREA OFFICE, 203, PANAMPILLY NAGAR
COCHIN-25.

R1,2 BY ADVS. SRI.KOSHY GEORGE
SRI.C.A.MAJEED, SC, KHWB
R3 BY GOVERNMENT PLEADER SRI.ABHIJETT LESSLI
R4 BY ADV.SRI.E.K. NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 35568 of 2008 (H)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF LETTER ADDRESSED TO ONE OF DISTRIBUTORS BY THE INDIAN OIL CORPORATION

EXT.P2 : COPY OF THE NOTICE DATED 20.5.2008

EXT.P3 : COPY OF THE ORDER

EXT.P4 : COPY OF JUDGMENT OF THE HONOURABLE HIGH COURT

EXT.P5 : COPY OF IDENTITY CARDS OF WORKERS

RESPONDENTS' EXHIBITS : NIL

/TRUE COPY/

P.A TO JUDGE

AV

K.SURENDRA MOHAN, J.

W.P.(C) No.35568 of 2008

Dated this the 4th day of March, 2015

J U D G M E N T

The petitioner, a dealer in LPG (Liquefied Petroleum Gas) cylinders has filed this writ petition challenging the action of the 2nd respondent in directing that, his establishment should be registered under the Kerala Head Load Workers' Act, 1978 and that, the work of his establishment should be carried on only by engaging the services of registered head load workers from the concerned pool. The petitioner has prayed for the following reliefs in this writ petition.

- (i) To issue a writ of certiorari or other order or direction quashing Ext.P2 order as arbitrary and illegal;*
- (ii) to issue a writ of mandamus directing the 1st and 2nd respondents to permit the petitioner to continue to employ his existing regular experienced, trained and skilled head load workers, who are registered card holders, for the loading, unloading staking and handling activities of LPG Cylinders of the petitioner.*
- (iii) to issue a declaration that the petitioner is entitled to employ his regular and permanent registered card holding head load workers for all his loading, unloading and connected activities of the LPG cylinders in his distributionship.*
- (iv) to issue any other order or direction as this Honourable Court may deem fit and proper in the facts and circumstances of the case.*

2. The petitioner has, on 30.01.2015, filed I.A.No.1477/2015. In the affidavit filed in support of the said petition, it is stated that the petitioner has been getting the work of his establishment done through his own employees numbering 10, who were also registered under the Kerala Head Load Workers' Act. Subsequent to the filing of the writ petition, due to increase in the work load, the petitioner has requested for and obtained the services of 17 more registered head load workers from the 2nd respondent. The workers who were so allotted have been given training to handle LPG cylinders, an explosive article and, the work of the petitioner's establishment is presently being done utilising the services of the said workmen also. The workmen so engaged by the petitioner are 27 in number. Their names have been furnished in paragraph 3 of the affidavit filed in support of the petition.

3. I have heard the learned Senior Counsel Sri.S.Gopakumaran Nair and the learned Government Pleader.

4. Since the petitioner has obtained the services of the necessary head load workers required by him from the 2nd respondent and given them training and is getting the work of his establishment done utilizing the service of such workmen also, it is not necessary for me to issue any further orders in the matter except to record that, the said arrangement may continue.

In view of the above, this writ petition is disposed of in terms of the submissions made in the affidavit filed in support of I.A No.1477/2015 and recording the statements made therein. It is made clear that the said arrangement is permitted to be continued.

Sd/-
K.SURENDRA MOHAN, JUDGE.

AV