

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

WP(C).No. 36543 of 2008 (A)

PETITIONER(S):

1. **M.HARIDASAN**
S/O.CHATHAPPAN, MENOTHIL HOUSE, POST K.PURAM
TIRUR TALUK, MALAPPURAM DISTRICT.
2. **R.RAMAKRISHNAN, S/O.SUKU**
PARAYAMBATT HOUSE, POST K.PURAM, TIRUR TALUK
MALAPPURAM DISTRICT.
3. **E.REGHU, S/O.KOTHA,**
POST PANANGATTUR, TIRUR TALUK, MALAPPURAM DISTRICT.
4. **V.V.SURESH, S/O.KUMARAN**
PEEYAMVEETIL HOUSE, POST TANUR, TIRUR TALUK
MALAPPURAM DISTRICT.
5. **K.VINOD, S/O.NARAYANAN**
KALATHINGAL HOUSE, POST K.PURAM, TIRUR TALUK
MALAPPURAM DISTRICT.
6. **V.N.SANTHOSH KUMAR,VALAPPIL NELLIKKATT**
HOUSE, TANUR POST, TIRUR TALUK
MALAPPURAM DISTRICT
7. **A.K.AJITHKUMAR,**
MELEDATH HOUSE, POST TANUR, TIRUR TALUK
MALAPPURAM DISTRICT.
8. **V.UNNI, VADAKKUMBATT HOUSE**
POST K.PURAM, TIRUR TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.SAJU.S.A

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WP(C).No. 36543 of 2008 (A)

RESPONDENT(S):

- 1. THE DISTRICT LABOUR OFFICER
MALAPPURAM.**
- 2. ASSISTANT LABOUR OFFICER,
ASSISTANT LABOUR OFFICE, TIRURANGADI
MALAPPURAM DISTRICT.**
- 3. C.ABDUL RAHIMAN,S/O.AHAMMED BAPPUTTY
PROPRIETOR, NADAKKAVU TRADERS, TANUR
TIRUR TALUK, MALAPPURAM DISTRICT.**
- 4. A.M.NAVAS,S/O.SAINUDHEEN
ASSAMMAKKITHANAKATH HOUSE, KANNANKULAM ROAD, TANUR
MALAPPURAM DISTRICT.**
- 5. N.P.RAHIM, NECHIKKAPPARAMBIL HOUSE
TANUR P.O., MALAPPURAM DISTRICT.**
- 6. N.NAZEER, NALAKATH HOUSE
PANANGATTUR, TANUR, MALAPPURAM DISTRICT.**

**R,R6 BY ADV. SRI.M.S.UNNIKRISHNAN
R, BY ADV. GOVERNMENT PLEADER SRI. MANOJ KUNJACHAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 12-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONERS EXHIBITS:

- EXT.P1 COPY OF THE ORDER ISSUING IDENTITY CARDS TO THE 6TH PETITIONER DATED 8.9.04.
- EXT.P1(a) COPY OF THE ORDER ISSUING IDENTITY CARDS TO THE 7TH PETITIONER DATED 8.9.04.
- EXT.P1(b) COPY OF THE ORDER ISSUING IDENTITY CARDS TO THE 8TH PETITIONER DATED 8.9.04.
- EXT.P2 COPY OF THE REPRESENTATION BY THE DISTRICT SECRETARY OF BMS BEFORE DISTRICT LABOUR OFFICER DATED 21.05.07.
- EXT.P3 COPY OF THE COMPLAINT BEFORE THE CHAIRMAN OF WELFARE BOARD DATED 21.05.07.
- EXT.P4 COPY OF THE JUDGMENT DATED 11.09.07 IN W.P(C) NO.15589/07.
- EXT.P5 COPY OF THE COMMUNICATION ISSUED BY DISTRICT LABOUR OFFICER, MALAPPURAM DATED 15.10.2007.
- EXT.P6 COPY OF THE REPRESENTATIONS BY THE POOL LEADER OF N-POOL TO THE DEPUTY LABOUR OFFICER, MALAPPURAM, DATED 13.12.07.
- EXT.P7 COPY OF THE COMMUNICATION DATED 21.12.07 FROM THE DEPUTY LABOUR OFFICER, MALAPPURAM, TO V.V. SURESH
- EXT.P8 COPY OF THE APPEAL BY THE 2ND PETITIONER DATED 31.01.08.
- EXT.P9 COPY OF THE ORDER DATED 23.04.08.
- EXT.P10 COPY OF REPRESENTATION DATED 22.09.08 BEFORE D.L.O.
- EXT.P11 COPY OF THE COMMUNICATION ISSUED BY THE D.L.O, MALAPPURAM DATED 4.11.08.

RESPONDENTS EXHIBITS: **NIL**

// TRUE COPY //

PA to Judge

SB

K. VINOD CHANDRAN, J.
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W.P.(C) No.36543 of 2008 - A
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Dated this the 12th day of March, 2015

J U D G M E N T

The petitioners are employees, registered under Rule 26A of the Kerala Headload Wrokers' Rules 1981 (for brevity, 'the Rules) and also issued with identity cards under paragraph 6A of the Kerala Headload Workers (Regulation of Employment and Welfare) Scheme, 1983 (for brevity 'the Scheme'). The petitioners challenge the grant of registration to respondents 4 to 6 as permanent employees of the 3rd respondent. The respondents 4 to 6 were granted registration under Rule 26A of the Rules. An appeal was filed by the Union as is indicated in Ext.P10, which was rejected by Ext.P11 on the ground that, it is barred by limitation.

2. The petitioners challenge the said order of the appellate authority herein. At the outset, it has to be noticed that, the petitioners never challenged the

registration of respondents 4 to 6 before the appellate authority. As aggrieved persons, they could have definitely moved an appeal. The Union is not entitled to invoke the appellate provision, since, this Court has held that no Union could be considered as an aggrieved person in **Muhammed Shafeek v. District Labour Officer [2015 (1) KLT 314]**.

3. Further registration of workers under Rule 26A of the Rules by an establishment who employs them permanently, is an accepted practice allowed by the statute and affirmed by the Full Bench Decision of this Court in **Raghavan v. Superintendent of Police [1998 (2) KLT 732]**.

In such circumstance, the writ petition is devoid of merit and the same is dismissed. No costs.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

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P.A to Judge