

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN**

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

WP(C).No. 33190 of 2015 (W)

PETITIONER(S):

**TALAYAR TEA COMPANY LTD.,
NO.10, DAMU NAGAR, PULIAKULAM,
COIMBATORE-641 045.
REPRESENTED BY ITS MANAGER-LEGAL, SRI.T.SATHEESH KUMAR.**

**BY ADVS.SRI.E.K.NANDAKUMAR (SR.)
SRI.M.GOPIKRISHNAN NAMBIAR
SRI.P.GOPINATH
SRI.P.BENNY THOMAS
SRI.K.JOHN MATHAI
SRI.JOSON MANAVALAN
SRI.KURRYAN THOMAS**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. SUB INSPECTOR OF POLICE,
MARAYOOR POLICE STATION, MARAYOOR P.O.,
IDUKKI DISTRICT-685 620.**
- 3. SUPERINTENDENT OF POLICE,
IDUKKI DISTRICT, IDUKKI-685 603.**
- 4. THE DEPUTY SUPERINTENDENT OF POLICE,
MUNNAR, IDUKKI-685 612.**
- 5. DEVICOLAM ESTATE WORKERS UNION (AITUC),
MUNNAR-685 612. REPRESENTED BY ITS GENERAL SECRETARY.**
- 6. DEVICOLAM ESTATE EMPLOYEES UNION (CITU),
MUNNAR-685 612. REPRESENTED BY ITS GENERAL SECRETARY.**
- 7. SOUTH INDIAN PLANTATIONS WORKERS UNION (INTUC),
MUNNAR-685 612. REPRESENTED BY ITS GENERAL SECRETARY.**

**R6 BY ADVS. SRI.P.K.RAVISANKAR
SRI.M.K.THANKAPPAN
R1 BY SRI.VIJU THOMAS, GOVERNMENT PLEADER**

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

APPENDIX

PETITIONER(S)' EXHIBITS:

- | | |
|----------------|---|
| EXT.P1- | TRUE COPY OF THE NOTICE DATED 20.09.2015, ADDRESSED BY THE 5TH RESPONDENT UNION TO THE PETITIONER COMPANY. |
| EXT.P2- | TRUE COPY OF THE NOTICES DATED 20.9.2015, ADDRESSED BY THE 6TH RESPONDENT TO THE PETITIONER COMPANY. |
| EXT.P3- | TRUE COPY OF THE NOTICES DATED 20.9.2015, ADDRESSED BY THE 7TH RESPONDENT TO THE PETITIONER COMPANY. |
| EXT.P4- | TRUE COPY OF THE REPRESENTATION DATED 29.10.2015, SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT. |

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

P.A TO JUDGE

**THOTTATHIL B.RADHAKRISHNAN &
ANU SIVARAMAN, JJ.**

W.P.(C).No.33190 of 2015

Dated this the 4th day of November, 2015

J U D G M E N T

Thottathil B.Radhakrishnan, J.

1. Service complete. The 6th respondent appears through the counsel.
2. Heard.
3. The petitioner is a company which owns property in Idukki District. Hearing the learned counsel for the parties, what we notice is that there appears to be certain issues between the trade unions and the writ petitioner on the rate of bonus to be paid to the workers. This is not within our jurisdiction at this point of time to embark into any enquiry in that regard. Nevertheless, it has to be stated that the petitioner is entitled to have its properties, both immovable and movable,

adequately protected them if there is a challenge to their security. Similarly, the life of the executives, administrative staff, willing workers, guests and outsiders at the office Bungalows, factories etc. also be appropriately protected and free ingress and egress has to be maintained.

4. We see that an interim order was granted at the stage of admission in the following terms:

“There will be an interim order as prayed for, for a period of three weeks.”

5. Now, it is also submitted by the learned counsel appearing for the parties that the issue in relation to the dispute regarding the bonus is now pending conciliation before the competent authority.

On the totality of the facts and circumstances, we are of the view that what is abundantly required is for the conciliation proceedings to be concluded at the earliest and if there is a failure at that end, a failure report will have to be forwarded

to the appropriate authority for reference in terms of the provisions of the ID Act, 1947. Without prejudice to that, the afore-quoted interim order is made absolute and the writ petition is ordered accordingly.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

Sd/-
(ANU SIVARAMAN, JUDGE)

//TRUE COPY//

P.A TO JUDGE

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