

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

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

WP(C).No. 33566 of 2015 (U)

PETITIONER(S):

**SEBASTIAN JOSEPH, AGED 45 YEARS,
S/O. JOSEPH, KANDANAMPARAMBIL HOUSE, KAROOR POST,
LALAM VILLAGE, MEENACHIL TALUK, KOTTAYAM DISTRICT.**

BY ADV. SRI.JAI GEORGE

RESPONDENT(S):

- 1. WELFARE FUND INSPECTOR,
THE KERALA TODDY WORKERS WELFARE FUND BOARD,
OFFICE OF THE WELFARE FUND INSPECTOR, KANJANI ROAD,
AYYANTHOLE, THRISSUR P.O.**
- 2. SECRETARY TO GOVERNMENT,
LABOUR AND REHABILITATION (S) DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM,
(APPELLATE AUTHORITY UNDER THE KERALA TODDY
WORKERS WELFARE FUND ACT 1969)**
- 3. THE DEPUTY TAHSILDAR (RR),
PALA - 686 575.**

**R1 & R2 BY ADV. SRI.RENIL ANTO, SC
R3 BY GOVERNMENT PLEADER SMT.LILLY K.T.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
04-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 33566 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1-TRUE COPY OF THE FINAL ASSESSMENT ORDER DATED 28/02/2015
PASSED BY THE 1ST RESPONDENT.**

**EXHIBIT-P2-TRUE COPY OF THE APPEAL MEMORANDUM DATED 18/06/2015 FILED BY
THE PETITIONER UNDER SECTION 8 (5) OF THE KERALA TODDY
WORKERS WELFARE FUND ACT, 1969.**

**EXHIBIT-P3-TRUE COPY OF THE DEMAND NOTICE DATED 09/10/2015 ISSUED BY THE
3RD RESPONDENT.**

EXHIBIT-P4-TRUE COPY OF THE JUDGMENT DATED 11/08/2015 IN W.P(C) 24288/2015.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.K.JAYASANKARAN NAMBIAR, J.

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Dated this the 4th day of November, 2015

JUDGMENT

Against Ext.P1 final order passed under the Kerala Toddy Workers Welfare Fund Act, the petitioner preferred Ext.P2 appeal before the 2nd respondent and the limited prayer of the petitioner in the writ petition is for a direction to the 2nd respondent to consider and pass orders on Ext.P2 appeal, expeditiously, and to keep recovery steps pursuant to Ext.P3 demand notice, in abeyance till such time as orders are passed by the 2nd respondent.

2. I have heard the learned counsel appearing for the petitioner as also the learned Government Pleader appearing for the respondents.

On a consideration of the facts and circumstances of the case and the submissions made across the bar, I dispose the writ petition with a direction to the 2nd respondent to consider and pass orders on Ext.P2 appeal preferred by the petitioner before him, within a period of three months from the date of receipt of a copy of this judgment, after hearing the petitioner. Coercive steps for recovery pursuant to Ext.P3 demand notice, shall be kept in abeyance, till such time as orders are passed as directed and

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communicated to the petitioner. The petitioner shall produce a copy of the writ petition together with a copy of this judgment before the 2nd respondent for further action.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

das /04.11.15