

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

WP(C).No. 37976 of 2008 (U)

PETITIONER(S):

THE PALAKKAD DISTRICT NATIONAL FARM
WORKERS UNION (I.N.T.U.C.)REPRESENTED BY ITS
PRESIDENT M.C.BUILDINGS, 27/180, CIVIL STATION
ROAD, PALAKKAD - 678001.

BY ADVS.SRI.T.C.SURESH MENON
SRI.JIBU P THOMAS
SRI.P.S.APPU
SRI.A.R.NIMOD

RESPONDENT(S):

1. THE AGRICULTURAL TRIBUNAL AND REVENUE
DIVISIONAL OFFICER, PALAKKAD.

2. THE DISTRICT COLLECTOR, PALAKKAD.

3. THE DIRECTOR OF AGRICULTURE, VIKAS
BHAVAN, THIRUVANANTHAPURAM.

4. THE PRINCIPAL AGRICULTURAL OFFICER,
(JOINT DIRECTOR OF AGRICULTURE), PALAKKAD-678001

5. THE AGRICULTURAL OFFICER, STATE SEED
FARM, MUTHALAMADA P.O. PALAKKAD 678507.

6. THE AGRICULTURAL OFFICER, STATE SEED
FARM ALATHUR P.O. PALAKKAD - 678541.

7. THE AGRICULTURAL OFFICER, STATE SEED
FARM, CHERAYA P.O., KONGAD
PALAKKAD-678631.

8. THE AGRICULTURAL OFFICER, CENTRAL
ORCHARD, MELE PATTAMBI P.O. PATTAMBI (VIA)
PALAKKAD 679306

WP(C).No. 37976 of 2008 (U)

-2-

9. THE AGRICULTURAL OFFICER, STATE SEED
FARM, KUNNANOOR, CHANDRANAGAR P.O.
PALAKKAD-678007.

BY GOVERNMENT PLEADER SRI. MANOJ KUNJACHAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
18-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 37976 of 2008 (U)

APPENDIX

EXHIBITS

P1- TRUE COPY OF THE PETITION FILED BY THE PETITIONER UNION
DATED 30.7.2007

P2- TRUE COPY OF THE ORDER PASSED BY R2 DATED 16.11.07

P3- TRUE COPY OF THE LETTER ADDRESSED BY R3 TO R1 DATED
23.6.2008

P4- TRUE COPY OF THE AWARD PASSED BY R1 DATED 29.8.2008

R3(a)- TRUE COPY OF THE GOVERNMENT ORDER G.O.(Rt) 416/85/AD
DATED 12.2.1985

//True Copy//

P.S. To Judge

K.VINOD CHANDRAN, J

W.P.(C).No. 37976 of 2008

Dated 18th March, 2015

JUDGMENT

The petitioner is a Union of agricultural workers who is concerned with the grievance of a number of employees, said to be employed as casual workers under the Agricultural Department of the Government of Kerala. The Union allegedly raised a dispute with respect to their members' regularization in the Farms carried on by the Agricultural Department. A conciliation was attempted and on failure, the District Collector as per Section 22(4) of the Kerala Agricultural Workers Act, referred the dispute to the Agricultural Tribunal - the Revenue Divisional Officer, Palakkad. The petitioner is aggrieved with Ext.P4 order which according to them, does not answer the dispute and merely records the report of the Director of the Agricultural Department.

2. A reading of Ext.P4 would indicate that the Agricultural Tribunal merely called for a report from the Director of Agriculture. On the ground of the "Kerala Workers Act, 1974" (sic) being not applicable, the claim was rejected. It is to be noticed that the Tribunal has not even taken care to quote the enactment properly. The Kerala Agricultural Workers Act, 1974 (Act of 1974) is not applicable to the labourers of the Farm under the Agricultural Department, was the finding entered on the basis of the report.

3. A reading of the Act of 1974 would indicate that "agricultural dispute" as defined under sub-clause (c) of Section 2, refers to any dispute or difference between the landowners or between the landowners and agricultural workers and even those between the workers which is connected with the employment or non-employment or terms of employment or with the conditions of

labour of any person. The definition of 'landowner' has been expanded by Explanation-II and clarified that, the Government shall be deemed to be the landowner, where the land, referred to in sub-clause (i) or clause (iii), is, land owned by the Government itself. Here, there is no dispute that the land is owned by the Government and farms are conducted by the Agricultural Department.

4. A dispute when raised before the Tribunal, it is called upon to exercise quasi-judicial powers as conferred under the enactment. Necessarily, the dispute has to be gone into on the principle applicable to the labour adjudications and the parties offered an opportunity to prosecute and defend the matter. Merely calling for a report of the employer, herein the Director of Agriculture, and closing the reference based on the report, is not what is intended by the specific quasi-judicial powers conferred on the Agricultural Tribunal under the

Act of 1974.

5. In the above circumstances, Ext.P4 would stand set aside only for the reason of total lack of adjudication of the dispute referred. The Tribunal would restore the dispute referred as per Ext.P2 to its files and consider the same in accordance with law as applicable to labour adjudications in general and answer the reference either in favour of the workmen or the employer. The Agricultural Tribunal shall issue notice to the parties and settle the matter within a period of six months from the date of production of a certified copy of this judgment. It is made clear that this Court has not expressed any opinion on merits of the claim.

The writ petition would stand allowed.

Sd/-

K.VINOD CHANDRAN
Judge

Mrcs

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