

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

WP(C).No. 35814 of 2015 (B)

PETITIONER(S) :

- 1. KEL EMPLOYEES UNION (CITU), REG.NO.198/71,
MAMALA P.O., THIRUVANKULAM, ERNAKULAM DISTRICT,
PIN- 682 305, REPRESENTED BY ITS GENERAL SECRETARY
A.RADHAKRISHNAN NAIR.**
- 2. SUNL KUMAR A.R., T.NO.3030,
SPECIAL SKILLED WORKER, KEL, MAMALA P.O.,
THIRUVANKULAM, ERNAKULAM DISTRICT, PIN- 682 305.**

**BY ADVS.SRI.P.RAMAKRISHNAN
SMT.PREETHI KESAVAN
SRI.T.C.KRISHNA
SRI.C.ANIL KUMAR
SMT.ASHA K.SHENOY
SRI.PRATAP ABRAHAM VARGHESE**

RESPONDENT(S) :

- 1. KERALA ELECTRICAL AND ALLIED ENGINEERING COMPANY LIMITED,
7TH FLOOR, HOUSING BORAD COMPLEX, PANAMPILLY NAGAR,
KOCHI- 682 036, REPRESENTED BY ITS MANAGING DIRECTOR.**
- 2. STATE OF KERALA, REPRESENTED BY THE SECRETARY,
INDUSTRIES DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM- 695 001.**

**R1 BY ADV. SRI.SAJI VARGHESE
R2 BY SR.GOVERNMENT PLEADER SMT.K.A.SANJEETAH**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 35814 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: TRUE COPY OF COMMENTS OF ADDITIONAL CHIEF SECRETARY
(FINANCE), ON THE AUDIT REPORT FOR THE YEAR 2013-14.**

**EXHIBIT P2: TRUE COPY OF NOTIFICATION PUBLISHED IN INDIAN EXPRESS
DAILY DATED 21.05.2014.**

**EXHIBIT P3: TRUE COPY OF REPRESENTATION DATED 14.11.2015 SUBMITTED
BY THE 1ST PETITIONER BEFORE THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K.HARILAL, J.

W.P.(C) No.35814 of 2015

Dated this the 26th day of November, 2015.

JUDGMENT

The petitioner is a Trade Union representing the employees of the 1st respondent company and the second petitioner is the member of the Union. According to the petitioners, as per the Audit Report for the year 2013-14, the 1st respondent company has sustained heavy loss of Rs.3.8 Crores and by Ext.Pl, the Government has recommended that the company has to move an application under Section 23 of the Sick Industrial Companies (Special Provisions) Act 1985. As per the Audit Report, the amount paid by the company as salary & allowances is Rs.16,81,46,515/- and major components of the said amount are salary & allowances and perks to the officer category. The ratio between officers and workmen in the company is 1:4. But, notwithstanding the above fact, the 1st respondent invited applications for making fresh appointment to 15 posts in the officer cadre. In the

above circumstance, the petitioner made Ext.P3 representation to the 2nd respondent seeking intervention of the Government, in the matter of appointment. But, no action has been taken so far on Ext.P3. This is the grievance projected in this writ petition.

2. Heard the learned counsel for the petitioners and the learned Government Pleader.

3. I have carefully gone through the pleadings in the writ petition and the documents produced along with the writ petition, in support of the pleadings. Having regard to the gravity of the issue raised by the petitioners, in my view, Ext.P3 representation deserves to be heard and addressed by the 2nd respondent, at the earliest. Hence the 2nd respondent is directed to consider and pass orders on Ext.P3, at the earliest, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

This writ petition is disposed of accordingly.

Sd/-
K. HARILAL, JUDGE

okb.