

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

WP(C).No. 35895 of 2015 (J)

PETITIONER :

**MARIAN SOLDIERS SECURITIES
AND CONTRACTOR LABOURERS ASSOCIATION
REG.NO.GEN/TC/307/2014, ARPUTHA SWAMY HOUSE,
NEAR MILK SOCIETY, WALAYAR DAM POST, CHANDRAPURAM,
WALAYAR, PALAKKAD -678 642
REPRESENTED BY ITS SECRETARY ZACHARIAS.**

BY SRI. ZACHARIAS (PARTY IN PERSON)

RESPONDENT(S):

- 1. THE STATE LABOUR COMMISSIONER,
CAMP HOUSE, OFFICE OF THE DY. LABOUR COMMISSIONER,
THOZHIL BHAVAN, CIVIL STATION, PALAKKAD.**
- 2. THE DISTRICT LABOUR OFFICER (ENFORCEMENT),
THOZHIL BHAVAN, CIVIL STATION,
PALAKKAD -678 001**
- 3. THE MANAGING DIRECTOR,
GLOBE DETECTIVE AGENCY, 383, NANJAPPA ROAD,
COIMBATORE -641 018**
- 4. THE MANAGING DIRECTOR,
MALABAR CEMENTS LTD., WALAYAR, PALAKKAD- 678 624**

**R1 & R2 BY GOVERNMENT PLEADER SRI.V.K.RAFEEK
R4 BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No. 35895 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE JUDGMENT DATED 05.12.2014 PASSED BY THE DIVISION BENCH OF THIS HON'BLE COURT IN WA.NO.1380/2014**
- P2: TRUE COPY OF THE RELEVANT PAGES OF THE APPLICATION SUBMITTED BY THE 2ND RESPONDENT BEFORE THE COURT OF AUTHORITY APPOINTED UNDER MINIMUM WAGES ACT, 1948, FOR PALAKKAD AREA (DEPUTY LABOUR COMMISSIONER, PALAKKAD)**
- P3: TRUE COPY OF THE IMPEADING PETITION DATED 19.08.2015 FILED BY THE PETITIONER IN MWA NO.3/2015 BEFORE THE 1ST RESPONDENT**
- P4: TRUE COPY OF THE REPRESENTATION SUBMITTED BY FEW MEMBERS OF THE PETITIONER ASSOCIATION WHO ARE AILING FROM HEART DISEASE BEFORE THE 1ST RESPONDENT**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

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K. HARILAL, J.

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W.P. (C) No.35895 of 2015

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Dated this the 27th day of November, 2015

J U D G M E N T

The petitioner is a non-Governmental Organisation registered under the Charitable Societies Registration Act,1860. The main object of the Organisation is to ensure the welfare and prosperity of the security personnel engaged by various industrial units, through contract agencies and to prevent exploitation of services of security personnel. Pursuant to Ext.P1 judgment of this Court, the 2nd respondent herein conducted an enquiry and found that respondent Nos.3 and 4 herein have paid less than the minimum rates of wages fixed for their category of employment under the Act and that not paid wages at the overtime rates. Based on the

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enquiry report, the 2nd respondent herein filed Ext.P2 application before the Deputy Labour Commissioner, Palakkad and he in turn forwarded the same as MWA No.3 of 2015 to the 1st respondent. Since, the petitioner was not arrayed as a party in MWA No.3 of 2015, the petitioner has submitted impleading petition and proceedings in the said case have been inordinately delayed. In the said circumstances, petitioner has made again Ext.P4 representation, stating that persons at Sl. Nos.1, 2, 21, 22 and widow of Sl. No. 23 in Ext.P2, who are the members of the petitioner Organization are not paid adequately in accordance with the Minimum wages Act, 1948. Thus, the petitioner is aggrieved by delay in considering and disposing of Exts.P2 and P4.

2. Heard the party in person and learned Standing Counsel appearing for the 4th respondent.

3. The limited relief sought for in this Writ Petition is a direction to the 1st respondent to consider and pass

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orders on Exts.P2 and P4, after affording an opportunity of being heard, to the petitioner.

4. Having regard to the gravity of the grievance projected in this Writ Petition, the 1st respondent is hereby directed to consider and pass orders on Exts.P2 and P4, at the earliest, at any rate, within a period of two months from the date of production of a copy of this judgment, after affording an opportunity of being heard, to the petitioners.

This Writ Petition is disposed of accordingly.

Sd/-
K. HARILAL,
JUDGE

DST

//True copy//

P.A. To Judge