

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

WP(C).No. 39317 of 2015 (L)

PETITIONER(S):

KNR CONSTRUCTIONS LIMITED
HAVING ITS CORPORATE OFFICE AT KNR HOUSE
3RD AND 4TH FLOOR, PLOT NO.114, PHASE-1
KAVURI HILLS, HYDERABAD-500033
AND HAVING ITS LOCAL PROJECT OFFICE AT TC 30/361-2
KGRA-57, KALLUMMOODU ANAYARA
THIRUVANANTHAPURAM - 695 029 REPRESENTED BY ITS AUTHORIZED
REPRESENTATIVE AND ASSISTANT GENERAL MANAGER
SRI.C.RAJENDRA REDDY.

BY ADVS.SRI.V SURESH
SRI.G.SUDHEER
SMT.N.P.ASHA

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY, SECRETARIAT
THIRUVANANTHAPURAM. PIN - 695001.
2. COMMISSIONER OF POLICE
THIRUVANANTHAPURAM CITY
THIRUVANANTHAPURAMPIN - 695 001.
3. SUPERINTENDENT OF POLICE,
(RURAL), THIRUVANANTHAPURAM, PIN - 695 001.
4. SUB INSPECTOR OF POLICE,
PETTAH POLICE STATION, PETTAH
THIRUVANANTHAPURAM PIN - 695 001.
5. NATIONAL HIGHWAYS AUTHORITY OF INDIA
REPRESENTED BY ITS PROJECT DIRECTOR
PROJECT IMPLEMENTATION UNIT, TC 36/574-1
VALLAKKADAVU P.O., THIRUVANANTHAPURAM-695 008.
6. DEPUTY LABOUR COMMISSIONER (APPELLATE AUTHORITY
KERALA HEADLOAD WORKERS ACT 1978), THOZHILBHAVAN
VIKAS BHAVAN P.O., THIRUVANANTHAPURAMPIN - 695 033.

7. DISTRICT LABOUR OFFICER

THOZHIL BHAVAN, VIKAS BHAVAN P.O.

THIRUVANANTHAPURAM PIN - 695 033.

8. HEADLOAD AND GENERAL WORKERS UNION (INTUC)

THIRUVANANTHAPURAM REPRESENTED BY ITS GENERALSECRETARY

KKP BUILDING, PALKULANGARA

THIRUVANANTHAPURAM PIN - 695 001.

9. HEADLOAD AND GENERAL WORKERS UNION (CITU)

THIRUVANANTHAPURAM REPRESENTED BY ITS SECRETARY

PETTAH, THIRUVANANTHAPURAM, PIN - 695 001.

R BY SR. GOVERNMENT PLEADER SRI. C.R. SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 39317 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P-1: TRUE COPY OF THE LETTER NO.NHAI/BPC-1/11012/67/2005/58 DATED 14.5.2015 SENT BY THE NATIONAL HIGHWAYS AUTHORITY OF INDIA.

EXT.P-2: TRUE COPY OF THE LETTER NO.NHAI-PIU-TVM(GEN/11020/09/2015/174 DATED 14.9.2015

EXT.P-3: TRUE COPY OF THE KNRCL/TVM/NH-47/NHAI/2015/33 DATED 14.9.2015

EXT.P-4: TRUE COPY OF THE LETTER NO.L48(12)/2015/RLC-TVM DATED 14.9.2015 ISSUED BY THE REGIONAL LABOUR COMMISSIONER (CENTRAL)

EXT.P-5: TRUE COPY OF THE ORDER NO.G(2) 89565/15 DATED 15.9.2015 ISSUED BY THE DISTRICT LABOUR OFFICER, THIRUVANANTHAPURAM WITH ENGLISH TRANSLATION

EXT.P-6: TRUE COPY OF THE FIR IN CRIME NO.1169/2015 OF PETTAH POLICE STATION DATED 3.10.2015 WITH ENGLISH TRANSLATION

EXT.P-7: TRUE COPY OF ORDER DATED 30.11.2015 OF THE APPELLATE AUTHORITY UNDER THE KERALA HEADLOAD WORKERS ACT, 1978

RESPONDENT(S)' EXHIBITS

NIL

// True Copy //

P.A. To Judge

sou.

ASHOK BHUSHAN, CJ & A.M.SHAFFIQUE, J

W.P(C). No. 39317 of 2015

Dated this the 22nd day of December, 2015

JUDGMENT

Shaffique, J

This writ petition has been filed by the petitioner seeking police protection in the matter relating to loading and unloading work being carried on by the petitioner. It is stated that the petitioner had obtained the contract from the National Highway Authority to carry out the highway construction and four-laning work of the National Highway corridor in between Kazhakkuttam and Mukkola in Thiruvananthapuram District. The work is scheduled to be completed within a specific time frame. For the purpose of the aforesaid work, the petitioner has to bring in large quantity of materials, machineries, equipments etc. At the instance of the National Highway Authority of India, an order has been passed by the District Labour Officer exempting the above construction work of National Highway from the purview of Headload Workers Act. However, in the appeal filed by the two trade unions the Appellate Authority has set aside the said order and remitted the matter back to the District Labour Officer to reconsider the

issues. The order passed by the Appellate Authority is produced as Exhibit P7. As per the said order, the District Labour Officer is directed to pass orders within three weeks and in the meantime, direction was issued to maintain status-quo until an order is issued by the District Labour Officer and intimated to parties.

2. Learned counsel for the petitioner submits that during the period when order passed by the District Labour Officer was in force there had been no problem from the respondents or their men. However, they had created obstruction in certain areas and a crime has also been registered. The petitioner apprehends that on account of the three weeks period expiring tomorrow, it is possible that the eighth and ninth respondent may create obstruction in the loading and unloading work being carried on by the petitioner in the stretch of National Highway as stated above.

3. Learned Government Pleader based on instructions would submit that the police had provided adequate protection to the petitioner for carrying on loading and unloading work in respect of the National Highway work and it is offered that necessary protection will be given subject to further orders to be passed by the District Labour Officer and as and when

requested by the petitioner.

4. It is evident from the Exhibit P7 order that status-quo order passed by the Appellate Authority will continue in force till final order is passed by the District Labour Officer as per the direction in Exhibit P7. Therefore, we do not think that the apprehension expressed by the petitioner is well founded. Police definitely will have to ensure maintenance of law and order, based on status-quo order issued by the Appellate Authority. Learned Government Pleader also submits that necessary protection shall be afforded to the work carried on by the petitioner.

In the result, we do not think it necessary to issue any further orders. Hence we close the writ petition with liberty to the petitioner to approach the police as and when any such situation arises.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M.SHAFIQUE,
JUDGE