

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE AMIT RAWAL

THURSDAY, THE 3RD DAY OF AUGUST 2023 / 12TH SRAVANA, 1945

WP(C) NO. 23345 OF 2016

PETITIONER/S:

DAKSHIN RAILWAY EMPLOYEES UNION
REPRESENTED BY ITS PRESIDENT, N. RAVIKUMAR, AGED
59 YEARS, S/O. G. NARAYANA PILLAI, TRIVANDRUM
DIVISION, TRIVANDRUM 695 014.

BY ADVS.
SRI.T.C.GOVINDA SWAMY
SMT.KALA T.GOPI
SMT.T.N.SREEKALA

RESPONDENT/S:

- 1 THE DIVISIONAL RAILWAY MANAGER
SOUTHERN RAILWAY, TRIVANDRUM DIVISION,
TRIVANDRUM-695 014.
- 2 THE SENIOR DIVISIONAL COMMERCIAL MANAGER
SOUTHERN RAILWAY, DRM'S OFFICE, THYCAUD,
TRIVANDRUM-695 014.
- 3 THE SENIOR DIVISIONAL PERSONNEL OFFICER
SOUTHERN RAILWAY, TRIVANDRUM DIVISION,
TRIVANDRUM-695 014.

BY ADVS.
SRI.TOJAN J.VATHIKULAM,SC,RAILWAYS
SC, STANDING COUNSEL FOR SOUTHERN RAILWAY
SRI.KRISHNA T C, CGC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 03.08.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

J U D G M E N T

1. Interim order dated 11.4.2016, Ext.P14, in M.P.No.2/2016 in ID No.25/2015 passed by Central Government Industrial Tribunal-cum-Labour Court decided the following point of consideration against the petitioner union:

“Whether the petitioner has made out sufficient grounds to stay the operation of Ext.W1 provisionally and subject to the final decision in the Industrial Dispute?”

However, the main reference in ID No.25/2015 is as following:

"Whether the action of Southern Railway in enhancing the number of coaches allotted to individual ticket examiner of Trivandrum Division of Southern Railway without considering the grievances of the Dakshin Railway Employees Union is justified? If not, what relief the union is entitled?"

2. This Court cannot in such circumstances adjudicate the controversy, particularly when the main reference is still pending. Even otherwise, dismissal of miscellaneous application for

adjudication of the question noticed above was with regard to manning of coaches by ticket checking staff.

3. Tribunal after examining the documents on record found that respondents, Southern Railway, implemented the policy decision of the Railway Board for manning coaches by ticket checking staff. I do not find any justification to interfere with Ext.P14 interim order. Petitioner is at liberty to agitate the cause with regard to the main issue referred vide Ext.P2 dated 13.5.2015, in accordance with law, as there was no interim order *qua* further proceeding before the Industrial Tribunal, in case it is still pending.

With the aforementioned observations, writ petition is ordered to be closed. Pending interlocutory applications, if any, in the writ petition would stand dismissed.

Sd/-
AMIT RAWAL
JUDGE

APPENDIX OF WP(C) 23345/2016

PETITIONER EXHIBITS

- EXT. P1 A TRUE COPY OF JUDGMENT IN W.P.C NO. 11953/2015
DATED 09.04.2015, RENDERED BY THIS HON'BLE COURT.
- EXT. P2 A TRUE COPY OF ORDER BEARING NO. L 41011/27/2015-
IR (B-I) DATED 13.05.2015 FROM THE MINISTRY OF
LABOUR.
- EXT. P3 A TRUE COPY OF CLAIM STATEMENT SUBMITTED BY THE
PETITIONER DATED 07TH SEPTEMBER 2015.
- EXT. P4 A TRUE COPY OF THE COMMUNICATION DATED 23.04.2014
FROM DAKSHIN RAILWAY EMPLOYEES UNION, ADDRESSED TO
THE DEPUTY CHIEF LABOUR COMMISSIONER,
THIRUVANANTHAPURAM.
- EXT. P5 A TRUE COPY OF LETTER BEARING NO 97/TGV/13/3 DATED
14.03.2014, ISSUED BY THE RAILWAY BOARD.
- EXT. P6 A TRUE COPY OF COMMUNICATION BEARING NO. V/C
569/MANNING OF TRAINS/2014 DATED 22.04.2014,
ISSUED BY THE 2ND RESPONDENT.
- EXT. P7 A TRUE COPY OF THE TRAINS TIMINGS OF 16525
BANGALORE EXPRESS FOR TRAVEL BETWEEN KANYAKUMARI
AND PALAKKAD.
- EXT. P8 TRUE COPIES OF SERIES OF TRAIN TIMING OF CERTAIN
TRAINS RUNNING BETWEEN TRIVANDRUM AND PALAKKAD.
- EXT. P9 A TRUE COPY OF LETTER BEARING NO. V/C 569/TC
MISC/2014 DATED 23.02.2015, ISSUED BY THE 2ND
RESPONDENT.
- EXT. P10 A TRUE COPY OF LETTER BEARING NO 8/76/2014/D2
DATED 10.03.2015/12.03.2015, ISSUED BY THE

ASSISTANT LABOUR COMMISSIONER (CENTRAL)

EXT. P11 A TRUE COPY OF ORDER BEARING NO.
V/C569/MANNING/2016 DATED 14.03.2016, ISSUED BY
THE 2ND RESPONDENT.

EXT. P12 A TRUE COPY OF MP NO. 2/2016 IN ID NO. 25/2015
DATED 18.03.2016.

EXT. P13 A TRUE COPY OF COUNTER STATEMENT FILED BY THE
RAILWAYS ON 05.04.2016.

EXT. P14 A TRUE COPY OF ORDER DATED 11.04.2016 DISMISSING
THE MP NO. 2/2016 IN ID NO. 25/2015.