IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

THURSDAY, THE 25TH DAY OF JULY 2024 / 3RD SRAVANA, 1946

WP(C) NO. 31473 OF 2023

PETITIONER:

**COCHIN INTERNATIONAL AIRPORT MAZDOOR SANGH
BMS OFFICE, ADAM BAZAR COMPLEX, ANGAMALY,
ERNAKULAM - 683572,
REPRESENTED BY ITS GENERAL SECRETARY
M.P. PRADEEP KUMAR**

BY ADV T.C.KRISHNA

RESPONDENTS:

1. **REGIONAL JOINT LABOUR COMMISSIONER
OFFICE OF THE REGIONAL JOINT LABOUR COMMISSIONER,
CIVIL STATION, KAKKANAD, ERNAKULAM, PIN - 682030**
2. **COCHIN INTERNATIONAL AIRPORT LIMITED
NEDUMBASSERY PO, ALUVA, ERNAKULAM - 683111,
REPRESENTED BY ITS MANAGING DIRECTOR**
3. **COCHIN INTERNATIONAL AIRPORT STAFF FEDERATION (CITU)
COCHIN INTERNATIONAL AIRPORT LIMITED,
NEDUMBASSERY PO, ALUVA, ERNAKULAM - 683111,
REPRESENTED BY ITS SECRETARY**
4. **COCHIN INTERNATIONAL AIRPORT STAFF ASSOCIATION (INTUC)
COCHIN INTERNATIONAL AIRPORT LIMITED,
NEDUMBASSERY PO, ALUVA, ERNAKULAM - 683111,
REPRESENTED BY ITS SECRETARY**

BY ADVS.
P.BENNY THOMAS
K.S.ARUN KUMAR
IYPE JOSEPH
AMRUTHA K P(K/000800/2019)
AMRUTHA P S(K/589/2019)
VIJAY SANKAR V.H.(K/1368/2020)
D.PREM KAMATH(K/1285/1998)
TOM THOMAS (KAKKUZHIYIL)(K/000821/2008)
ABEL TOM BENNY(K/1381/2018)
AARON ZACHARIAS BENNY(K/001533/2023)
BHARATH NAIR(K/002569/2022)
AMRUTHA SELVAM(K/001249/2023)
V.MANOJ KUMAR(K/1023/1999)
K.B. RAMANAND, SPECIAL GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 25th day of July, 2024

The petitioner-Trade Union has approached this Court seeking the following reliefs:

> (i) A writ of mandamus or any other appropriate writ or order directing the respondents not to enter into any settlement before a referendum is conducted in the 2nd respondent establishment.
> (ii) A writ of mandamus or any other appropriate writ or order directing the 1st respondent to refrain respondents 2 to 4 from entering into any settlement during the pendency of proceedings for holding a referendum.

2. When this writ petition came up for admission, this Court passed an interim order on 13.12.2023 stating that the settlement talks may go on subject to the outcome of the writ petition.

3. Standing Counsel representing the 1st respondent submits that a settlement has already been arrived at between the Management and the Trade Union. It is also submitted on behalf of the 1st respondent that Order No.G-6456/2023 dated

18.07.2024 has been passed by the District Labour Officer (Enforcement) declaring the referendum to be held on 27.07.2024.

4. In view of the declaration of referendum, the prayers of the petitioner-Trade Union stand substantially met.

5. In the afore circumstances, the writ petition is disposed of with the following directions:

(i) The 2nd respondent is directed to give a copy of the settlement stated to have been arrived at between the Management and Trade Union to the petitioner, if the petitioner submits an application.

(ii) The 1st respondent is directed to proceed with the order dated 18.07.2024 for holding referendum in accordance with law.

Sd/-

N.NAGARESH

JUDGE

spk

APPENDIX OF WP(C) 31473/2023

PETITIONER EXHIBITS

Exhibit P1	**TRUE COPY OF JUDGMENT DATED 14/8/2023 IN WP(C) NO.7421/2023**
Exhibit P2	**TRUE COPY OF COMPLAINT DATED 18/9/2023 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT**

RESPONDENT EXHIBITS

Exhibit R3(A)	**A TRUE COPY OF THE LETTER SUBMITTED BY 3RD AND 4TH RESPONDENTS TO THE 2ND RESPONDENT**
Exhibit R3(B)	**A TRUE COPY OF THE WAGE SETTLEMENT NOTICE DATED 10-4-2022**