IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

WEDNESDAY, THE 26TH DAY OF MARCH 2025 / 5TH CHAITHRA, 1947

WP(C) NO. 35251 OF 2024

PETITIONERS:

1 M/S. CK MATERIALS @ CEEKE MATERIALS
XIV/203.204, CHENOLI ROAD, PERAMBRA, KOZHIKODE-,
REPRESENTED BY ITS PROPRIETOR, MR. BIJU C.K., PIN – 673 525.

2 JAMSHEER M,
MUTHANGAYIL HOUSE, CHENOLI POST, PERAMBRA, KOZHIKODE,
PIN – 673 525.

BY ADVS.
TERRY V.JAMES
ABRAHAM KOLLINAL

RESPONDENTS:

1 THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, LABOUR AND SKILLS
DEVELOPMENT DEPARTMENT, SECRETARIATE,
THIRUVANANTHAPURAM, PIN – 695 001.

2 THE DISTRICT LABOUR OFFICER KOZHIKODE,
APPELLATE AUTHORITY UNDER THE KERALA HEAD LOAD WORKERS
ACT OFFICE OF THE DISTRICT LABOUR OFFICER, ERANHIPALAM,
CIVIL STATION, KOZHIKODE, PIN – 673 020.

3 THE ASSISTANT LABOUR OFFICER, KOYILANDI,
REGISTERING AUTHORITY UNDER THE KERALA HEAD LOAD
WORKERS ACT. OFFICE OF THE ASSISTANT LABOUR OFFICER,

KOYILANDI, PIN – 673 305.

4 THE HEADLOAD WORKERS WELFARE FUND BOARD, PERAMBRA SUB COMMITTEE/OFFICE, REPRESENTED BY ITS CONVENOR, M.K. BUILDING, CHEBRA ROAD, PERAMBRA, KOZHIKODE, PIN – 673 525.

5 SURESH P.M (SOUGHT TO BE IMPLEADED) S/O KUNJIKANNAN, PULEEKANDI, KUTTOTH, MEPPAYOOR, CHERUVANOOR, KUTTOTH, KOZHIKKODE DISTRICT PIN-673 524.

6 ABDUL SAMAD (SOUGHT TO BE IMPLEADED) S/O KADEESA, MURINGURU, ERAVATOOR PO, KOZHIKKODE DISTRICT, PIN- 673 525.

7 MANOJAN V (SOUGHT TO BE IMPLEADED) S/O KUNJIRAMAN, MALAPPADIKANDIMETHAL, PERAMBRA P.O, KOZHIKKODE DISTRICT, PIN- 673 525.

8 ABDUL RIYAZ.V.O (SOUGHT TO BE IMPLEADED) S/O MOIDEEN, VALIYA OTHAYOTH, ERAVATTUR, ERAVATTUR, KOZHIKODE DISTRICT, PIN -673 525.

BY ADVS.
K.S.ARUN KUMAR
SANTHARAM.P
REKHA ARAVIND
P.G.GOKULNATH
SHEEJA C.S, SENIOR GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



JUDGMENT

The 1st petitioner is a Sole Proprietorship engaged in the stock/ sale of building materials, Paint, Electricals, Hardware etc and the 2nd petitioner is the headload worker in the 1st petitioner's establishment. The 2nd petitioner submitted Ext.P3 application before the 3rd respondent for registration under Rule 26A of the Kerala Headload Workers Rules, 1981 (for short, Rules'). The 3rd respondent rejected the application on the ground that the 2nd petitioner was seen working as a salesman during the inspection and that the attached workers, who have already been granted registration under Rule 26A are sufficient to carry out the headload work in the establishment.

2. The 2nd petitioner preferred Ext.P5 appeal and

the same was rejected by the 2nd respondent vide Ext.P6 confirming Ext.P4. In Ext.P6, the Appellate Authority has observed that, in the nature of the work in the establishment, the attached workers who have already been issued 26A cards are sufficient.

3. The learned Counsel for the petitioners submits that four attached workers referred to Ext.P4 and P6 have left the service of the establishment and the present workers who are having 26A cards are not sufficient to carry out the loading and unloading work in the establishment.

4. If that be so, it will be open to the 2nd petitioner to make fresh application for registration under Rule 26A of the Rules before the 3rd respondent and the 3rd respondent shall consider such application in



accordance with law. All the contentions of the petitioners are left open.

With the said observation, the writ petition is disposed of.

Sd/-

MURALI PURUSHOTHAMAN

JUDGE

SRJ

APPENDIX OF WP(C) 35251/2024

PETITIONERS' EXHIBITS

EXHIBIT P1	THE TRUE COPY OF THE LICENSE BY THE PERAMBRA GRAMA PACHAYATH DATED 11/9/2024.
EXHIBIT P2	TRUE COPY OF THE AMENDED GST CERTIFICATE OF THE 1ST PETITIONER DATED 3.2.2020.
EXHIBIT P3	TRUE COPY OF THE 26A APPLICATION DATED 11.12.2023 OF THE 2ND PETITIONER.
EXHIBIT P4	TRUE COPY OF ORDER NO. 58/2023 DATED 27.9.2023 OF THE 3RD RESPONDENT.
EXHIBIT P5	THE TRUE COPY OF THE APPEAL DATED 12.12.2023 AGAINST EXHIBIBT-P4 ORDER BEFORE THE 2ND RESPONDENT.
EXHIBIT P6	TRUE COPY OF ORDER NO. 3141/2023 DATED 4.1.2024 OF THE 2ND RESPONDENT.
EXHIBIT P7	TRUE COPY OF THE ATTENDANCE REGISTER MAINTAINED BY THE 1ST PETITIONER FOR THE PERIOD MARCH 2023 TO NOVEMBER 2023.
EXHIBIT P8	TRUE COPY OF THE WAGE SLIPS MAINTAINED BY THE 1ST PETITIONER WITH RESPECT TO THE 2ND PETITIONER FOR THE PERIOD MARCH 2023 TO NOVEMBER 2023.

RESPONDENTS' ANNEXURES

Annexure A1a	TRUE COPY OF REGISTRATION CARD OF 1ST IMPLEADING PETITIONER DATED 24.11.2022.
Annexure A1b	TRUE COPY OF REGISTRATION CARD OF 2ND IMPLEADING PETITIONER DATED 01.08.2015.
Annexure A1c	TRUE COPY OF REGISTRATION CARD OF 3RD IMPLEADING PETITIONER DATED 15.01.2008.

Annexure A1d	TRUE COPY OF REGISTRATION CARD OF 4TH IMPLEADING PETITIONER DATED 16.07.2007.

RESPONDENT EXHIBITS

Exhibit R4(a)	TRUE COPY OF THE ORDER DATED 18.05.2022 IN RP No. 88/2022.
Exhibit R4(b)	TRUE COPY OF THE JUDGMENT DATED 11.01.2024 IN WA No. 1119/2019.
Exhibit R4(c)	A TRUE COPY OF THE LETTER No. I/1040414/2024 DATED 22.10.2024 SENT BY THE CHAIRMAN OF RESPONDENT BOARD TO THE PROPRIETOR OF THE 1ST PETITIONER ESTABLISHMENT.
Exhibit R5(a)	TRUE COPY OF THE ORDER OF THE 3RD RESPONDENT DATED 09.10.2024.
Exhibit R5(b)	TRUE COPY OF THE ORDER OF THE DEPUTY LABOUR OFFICER DATED 25.10.2024.
Exhibit R5(c)	TRUE COPY OF THE ORDER OF THE DISTRICT LABOUR OFFICER DATED 08.11.2024.