

(2014) 03 KAR CK 0032

In the Karnataka High Court

Case No : Writ Petition No. 6058 of 2006 (L-RES/PIL)

Karnataka State City Corporations

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 12-03-2014

Acts Referred:

Contract Labour (Regulation and Abolition) Act, 1970 — Section 10

Citation : (2014) 4 KarLJ 579 : (2014) 4 KCCR 3563

Hon'ble Judges : Ravi V. Malimath, J;K.L. Manjunath, J

Bench : Division Bench

Advocate : S. Balan for. K.N. Lingaraju, Advocates for. J. Prashanth, Advocate for the Appellant; Sriyuths, A.G., Shivanna, Additional Advocate General, R. Devadas, Additional Government Advocate, M.P. Associates, Basava Prabhu S. Patil, Associates, Vijayalaxmi Bhat for Ashok Haranahalli, Associates, Akshay B.M. for B.M. Manjunath, T.N. Raghupathy, Kesvy, P.S. Mali Patil and K.V. Narasimhan, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

K.L. Manjunath, J.—According to petitioner, it is a registered trade union with Registration No. 732/02-03. It has been established to agitate and secure the welfare of the poura karmikas [scavengers] employed as contract labourers and who are working in different City Municipal Corporations, City and Town Municipalities in the State of Karnataka. According to the petitioner, more than 17,000 members of petitioner-association are working as contract labourers in such local bodies. The grievance of the petitioner is that though the members of the association are carrying on the work similar to the poura karmikas employed by different Municipal Corporations/Municipalities on regular basis, the service conditions of the members of petitioner-association are pathetic and they are not getting equal wages on par with wages payable to regular poura karmikas by the Municipal Corporations/Municipalities and they are also not getting the holidays and are required to work on all 365 days with meagre salary and without any welfare measure like medical reimbursement or medical facilities, festival

holidays, casual leave, earned leave etc. Therefore, they demanded the respondent-Government to prohibit contract labour system in all Municipal Corporations/Municipalities in the State of Karnataka as contemplated u/s 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (for short, "the Act"). As there was no response, the petitioner has filed this writ petition seeking for a writ of mandamus, directing the respondents to consider the demand of the petitioner to prohibit employment of contract labour in all Municipal Corporations/Municipalities in the State. The petitioner has also sought for a further mandamus to direct the respondents to absorb all contract labour poura karmikas working in Municipal Corporations/Municipalities in the State and a further direction to pay wages on par with the wage being paid to regularly employed poura karmikas.

2. We have heard the learned Counsel for the parties.

3. The main contention of Sri. A.G. Shivanna, learned Additional Advocate General, appearing for the respondent-Government, is that the Government has to take a policy decision as to whether the contract labour system has to be abolished as required u/s 10 of the Act and the Government would consider the demands of the petitioner-association in accordance with law within a period of six months. In view of the submission made by the learned Additional Advocate General, we are of the view that this petition can be disposed of, directing the respondent-State to consider the demands of the petitioner in accordance with law and thereafter it is open for the petitioner to agitate, if it is not satisfied with the decision of the Government. We also direct the petitioner to give a detailed representation to the State Government to extend such reliefs in accordance with law and on receipt of such a representation, the State Government is directed to take a decision on the representation within six months from the date of receipt of representation to be submitted by the petitioner. With this observation, writ petition is disposed of.