

(2023) 10 KL CK 0233

In the High Court Of Kerala

Case No : Writ Petition (C) No. 29336 Of 2023

M/s NJT Granites

APPELLANT

Vs

District Police Chief, Kasargod, Pin 671123

RESPONDENT

Date of Decision : 27-10-2023

Acts Referred:

Citation : (2023) 10 KL CK 0233

Hon'ble Judges : Basant Balaji, J

Bench : Single Bench

Advocate : Enoch David Simon Joel, S.Sreedev, Rony Jose, Leo Lukose, Karol Mathews Sebastian Alencherry, Derick Mathai Saji, S.Krishna Moorthy, Mariamma Mercy Kanjanapilly, V.Krishnan Kutty, Balagopalan B., Jeena Annie Joseph, V.S. Sreejith

Final Decision : Disposed Of

Judgement

Basant Balaji, J

1. The petitioner/unit seeks police protection for the life of its staff and workers carrying out the work at the quarrying unit and preventing illegal obstruction being caused to the ingress and egress to the petitioner's quarrying unit by respondents 3 to 8 and their henchmen or anybody acting under them.

2. The petitioner is conducting a quarry unit with a valid license and permit in 2.8855 Hectares of land in Re.Sy.No.16/pt in West Eleri Village in Kasaragod District. The petitioner has also been granted an Environmental Clearance Certificate by the DEIAA, Kasaragod. Respondents 3 to 8 are the workers engaged at the quarrying unit who approached the petitioner and made monetary demands. Since the petitioner's unit is running at a loss, and the petitioner requested that once the unit is made fully operational, all the workers will be rewarded, but they have not permitted the unit to operate. They started blocking vehicles, including lorries of customers coming to the unit. The petitioner approached the police authorities and prayed for protection.

3. The counsel for the respondents submits that on 18.09.2023, there was a conciliation meeting before the District Labour Officer, wherein they claimed a bonus at the rate of 8.33%, but the petitioner agreed only for 6%. Therefore, there was no final decision in the conciliation meeting. The counsel also submits that the petitioner unit cannot function without paying the statutory bonus to the employees and seeks police protection for running the unit. The petitioner has to pay the bonus at the rate of 8.33%.

Answering the query put by this Court as to when the payment of the bonus can be made, the counsel for the petitioner submits that, if the unit is allowed to run, they will pay a statutory bonus at the rate of 8.33% to the employees on or before 31.12.2023. The counsel for the respondents agreed that they would not make any obstructions to the functioning of the unit if the statutory bonus at the rate of 8.33% is paid within 31.12.2023.

Therefore, this Writ petition is disposed of with the following directions.

1. The petitioner shall also file an undertaking before the District Labour Officer stating that the statutory bonus at the rate of 8.33% shall be paid before 31.12.2023 to the employees.
2. As an interim measure, the petitioner shall pay the bonus at the rate of 4% to the employees on or before 30.11.2023 and the balance on or before 31.12.2023.
3. The undertaking made by the respondents that they will not obstruct the functioning of the quarry in view of the undertaking is recorded.

In view of the matter, there will be a direction to respondents 3 to 8 not to obstruct the functioning of the quarrying unit, and if there is any obstruction from respondents 3 to 8 or anybody under them, the 2nd respondent shall afford adequate police protection to the staff and workers of the petitioner for carrying out the quarrying activities and also the ingress and egress to the premises of the unit .