

(2022) 10 KL CK 0183

In the High Court Of Kerala

Case No : Writ Petition (C) NO. 33424 Of 2022

Murugan S.

APPELLANT

Vs

Thiruvananthapuram District Committee Of Kerala Head Load
Workers Welfare Board

RESPONDENT

Date of Decision : 20-10-2022

Acts Referred:

Citation : (2022) 10 KL CK 0183

Hon'ble Judges : P.V.Kunhikrishnan, J

Bench : Single Bench

Advocate : C.S.Ajith Prakash, T.K.Devarajan, M.B.Soori, Babu M., Nidhin Raj Vettikkadan, Haaris Moosa, Ancy Thankachan, Gouri Kailash, V.K.Sunil, Thomas Abraham

Final Decision : Disposed Of

Judgement

P.V.Kunhikrishnan, J

1. This writ petition is filed with the following prayers:

1. Issue a writ of mandamus or any other writ order or direction directing the 1st and 2nd respondents to take up Exhibit P3 representation on 21-10-2022 in the meeting of the Board or any other differed date and consider the same after affording an opportunity of hearing to the petitioner or his authorized representatives and rearrange the loading unloading activity in the Palayam Kannimara market in an equitable manner, so as to get a uniform income among workers.

II. To declare that the petitioners as well as the pool workers in Pool No P2(A) and P 2 (B) are entitled to carry out all the loading unloading work in all the shops and establishment in Palayam Connemara market along with other pool workers in Pool No P3(A) and Pool No P3 (B).

III. To consider Exhibit P3 representation submitted by the petitioners in the light

of the decision reported in 2019(4) KHC 1 and 2020 (1) KHC 564 of this Hon'ble Court.

iv. To issue a writ of mandamus or Pass such other orders or directions as this Hon'ble Court would find just and proper in the facts and circumstances of the case

v. To issue such other appropriate order or directions dispensing with the filing of English translation of the vernacular documents produced along with the writ petition.

2. The petitioners are registered headload workers holding 6A card under the Kerala Headload Workers (Regulation of Employment and Welfare) Scheme, 1983 and they are working in Palayam Connemara Market, Thiruvananthapuram, which is a scheme implemented area. It is the case of the petitioners that the pool in Palayam market is now numbered as Pool No.P2 (A), P2 (B) and P3 (A) and P3 (B). It is also stated in the writ petition that originally the loading and unloading work in the Palayam Market and surrounding area is allotted by the Headload Workers Board, Thiruvananthapuram Committee, directing P2 (A) and P2 (B) pool workers to work in establishments inside Palayam Market including vegetables and banana items. Pool P3 (A) and P3 (B) are allotted with loading and unloading work around the Palayam Market area. It is further stated in the writ petition that because of the trade union strength the P3 (A) and P3 (B) pool workers forcefully grabbed the loading and unloading work inside the market and has taken a stand that P2 (A) and P2 (B) pool workers are entitled to work only to carry out the loading work with respect to vegetables and banana items.

3. According to the petitioners, there is a huge disparity in the matter of income between pool workers in P2 (A), P2 (B) on the one side and P3 (A), P3 (B) on the other side. It is stated that there is a difference of more than about Rs.35,000/- every month in income. Therefore the petitioners submitted a representation as evident by Ext.P3 before the 1st respondent. It is the submission of the petitioners that the matter is now going to be placed in the meeting of the Board on 21.10.2022. It is prayed that the grievance of the petitioners may be considered by the 1st respondent in the meeting scheduled on 21.10.2022 after hearing all the affected parties.

4. Heard the learned counsel for the petitioners and Adv.Thomas Abraham, learned Standing Counsel appearing for respondents 1 and 2. I also heard the learned Government Pleader who appeared for the 3rd respondent.

5. After hearing both sides, I think this writ petition itself can be disposed of directing the respondents 1 and 2 to consider and pass appropriate orders in Ext.P3 in the meeting scheduled on 21.10.2022 or at least within one month.

Therefore this writ petition is disposed of with the following directions:

1. The 1st and 2nd respondents are directed to consider and pass appropriate orders in Ext.P3 as expeditiously as possible at any rate within one month from

the date of receipt of copy of this judgment.

2. If the meeting is scheduled on 21.10.2022, the 1st respondent will try to consider the same on that day or on any adjourned day within the time prescribed above.

3. Before passing final orders, the petitioners or their authorised person and other affected parties should be heard.

4. The petitioners are free to produce a copy of this writ petition along with the certified copy of the judgment and other documents, if any.