

(2010) 12 KL CK 0170

In the High Court Of Kerala

Case No : Writ Petition (C) No. 38217 of 2010 (B)

P.K. Muraleedharan

APPELLANT

Vs

K.P. Davis and Others

RESPONDENT

Date of Decision : 22-12-2010

Acts Referred:

Citation : (2010) 12 KL CK 0170

Hon'ble Judges : M.C. Hari Rani, J;K.M. Joseph, J

Bench : Division Bench

Advocate : N.N. Sugunapalan, for the Appellant; None, for the Respondent

Judgement

K.M. Joseph, J.—Sri. Ashok M. Cherian takes notice for Respondents 1 to 6. Government Pleader takes notice for Respondents 7 and 8.

2. Petitioner is the Manager of M/s. Hotel Luciya, Drive-in-Restaurant and Bar. Petitioner is before us seeking the following reliefs:

i) to issue a writ of mandamus or any other appropriate writ, order or direction directing the 7th Respondent to consider Ext. P3 petition and take appropriate action thereon.

ii) to issue a writ of mandamus or any other appropriate writ, order or direction directing the 7th Respondent to afford adequate and sufficient police protection to the Petitioner and the staff and workers and customers of the Petitioner's hotel and bar, including free ingress and egress for the smooth conduct of the business therein.

iii) to issue a writ of mandamus or any other appropriate writ, order or direction directing the 7th Respondent to afford adequate and sufficient police protection to the property of Hotel Luciya Drive-in-Restaurant and Bar.

3. Briefly put, the case of the Petitioner is as follows. On 19.11.2010 Respondents 1 and 2 were caught red-handed while stealing money by selling liquor without bill to a customer. The incident was visible in the closed circuit T. V

monitors and the same has been digitally recorded. They were issued Ext.P1 show cause notice. It is alleged that both of them have not attended work from 20.11.2010 or offered any explanation. Grave misconduct is alleged. While so, notice is issued by Respondents 5 and 6 who are the President and Secretary of the Hotel and Bar Thozhilali Union (CITU) informing the Petitioner that employment is denied to the workers and these workers are to be reinstated. It is stated that the Petitioner is threatened with dire consequences. Petitioner filed Ext.P3 complaint before the 7th Respondent.

4. We heard Sri. N.N. Sugunapalan, learned senior counsel for the Petitioner and also Sri. Ashok M. Cherian, who appeared on behalf of Respondents 1 to 6 at the admission stage. Learned Counsel for Respondents 1 to 6 denies the allegations raised against the said Respondents. It is submitted that the matter has already engaged the attention of the Labor Officer and conciliation is going on. It is submitted that there has been no obstruction and Respondents 1 to 6 will not obstruct the ingress and egress of the willing workers.