
(2022) 01 KL CK 0214
In the High Court Of Kerala
Case No : Writ Petition (C) No. 2892 Of 2022

Poonkumoodu Aji

APPELLANT

Vs

District Labour Officer District Labour Office,
Thiruvananthapuram 695 001

RESPONDENT

Date of Decision : 28-01-2022

Acts Referred:

Kerala Headload Workers Rules, 1981 — Rule 26A

Citation : (2022) 01 KL CK 0214

Hon'ble Judges : Murali Purushothaman, J

Bench : Single Bench

Advocate : Latheesh Sebastian, Justine Jacob

Final Decision : Dismissed

Judgement

Murali Purushothaman, J

1. The petitioners are President and Secretary of Poovathoor unit of Thiruvananthapuram District Head Load Workers Congress (INTUC (I)).

Aggrieved by the steps taken by the 2nd respondent to issue identity cards to unknown third parties without considering the need and requirement of

headload workers in the area, the petitioners had submitted Ext.P1 representation before the 2nd respondent. According to the petitioners, there is no

sufficient work even to the existing headload workers because of the use of mechanised method of loading and unloading and engagement of own

workers by the employers. The grievance of the petitioners is that without considering Ext.P1 representation submitted by the petitioners, the 2nd

respondent is taking steps to issue identity cards to new applicants. The case of the petitioners is that, if new identity cards are issued without

considering the employment opportunities in the area, there will be reduction in work for existing headload workers and the same would be violative of their fundamental rights under Article 14 and 21 of the Constitution.

2. This Court in *Brijesh John and Others v. Assistant Labour Officer and Others* [2022(1) KHC 58] has held that, the reduction of income or job opportunities for existing headload workers is not a ground for denying registration of new applicants who submits application under Rule 26A of the Kerala Headload Workers Rules, 1981 (herein after referred to as 'the Rules' for short). Further, Ext.P1 is an omnibus representation submitted by the petitioners without reference to any individual applications filed under Rule 26A.

In the light of the decision of this Court in *Brijesh John* (supra), the grievance raised by the petitioners in Ext.P1 representation as well in this writ petition cannot sustain. Accordingly, the writ petition is dismissed. However, I make it clear that this judgment will not stand in the way of the petitioners preferring any objection to individual applications submitted by any person under Rule 26A.