

(2012) 06 KL CK 0231

In the High Court Of Kerala

Case No : WP (C) . No. 13581 of 2012 (W)

The Loading and Unloading Workers Union

APPELLANT

Vs

The Government of Kerala and Others

RESPONDENT

Date of Decision : 12-06-2012

Acts Referred:

Citation : (2012) 06 KL CK 0231

Hon'ble Judges : K. Surendra Mohan, J

Bench : Single Bench

Advocate : A. Jayasankar, Sri. Manu Govind, Sri. Anil Vincent and Sri. V.H. Noufalmon, for the Appellant; G. Gopakumar, Government Pleader, for the Respondent

Final Decision : Dismissed

Judgement

K. Surendra Mohan, J.—The petitioners, who are head load workers under the 2nd respondent, submit that they were appointed through a selection process which included a physical test and an interview. It is alleged that the 3rd respondent workers were appointed without any selection process when there was no extra work, at the instance of the Minister concerned. It is further alleged that the 2nd respondent had appointed workers of the 4th respondent from an expired rank list. It is also alleged that attempts are afoot to regularise 25 workers who belong to the 3rd respondent batch. The petitioners therefore seek the following reliefs:

(i) Issue a writ in the nature of certiorari or any other appropriate writ, direction or order quashing Ext.P3 appointment of the members of the 4th respondent;

(ii) Issue a writ in the nature of certiorari or another appropriate writ, direction or order in the nature of certiorari quashing the decision made by the 2nd respondent to appoint 25 persons from the 3rd respondent to the permanent workmen category;

(iii) be further pleased to issue such other writ, order or direction as are deemed

just and proper on the facts and circumstances of the case.

The learned counsel for the petitioners relies on Ext.P8 to submit that workers are being appointed to the 2nd respondent company on the basis of a list obtained from the Employment Exchange. An interview and physical test of such persons are conducted and selection is made from such list. It is only persons who have qualified at the selection process are included in a rank list from which persons are appointed to the vacancies in the company.

2. I have heard the learned Government Pleader also.

3. There appears to have existed some labour disputes in the Company which were settled at the intervention of the District Labour Officer. The above is evident from Ext.P9. Ext.P6 is the copy of a complaint made by the petitioners to the District Labour Officer. In the nature of the dispute raised, I do not think that any relief can be granted in the present Writ Petition. I do not find any material or evidence to substantiate the general allegations made against the authorities including the Minister. Since the petitioners have submitted Ext.P6 complaint, it is upto the District Labour Officer to enquire into the same and take necessary action provided any such action is warranted. I do not find any ground to entertain this Writ Petition. This Writ Petition is accordingly dismissed.