

(1982) 01 KL CK 0025
In the High Court Of Kerala
Case No : C.R.P. 3991 of 1981

Toddy Workers" Welfare Fund Inspector	APPELLANT
Vs	
G. Vasudevan and Others	RESPONDENT

Date of Decision : 13-01-1982

Acts Referred:

Kerala Toddy Workers Welfare Fund Act, 1969 — Section 2(c), 2(d), 6, 7, 8

Citation : (1983) KLJ 54

Hon'ble Judges : S. K. Kader, J

Bench : Single Bench

Advocate : N. Dharmadan, for the Appellant;

Judgement

S. K. Kader, J.—The 2nd defendant, Toddy Workers" Welfare Fund Inspector, in O.S. No. 24 1980 on the file of the Munsiff's Court, Punalur is the revision petitioner. The revision is directed against an order passed by the Munsiff posting the suit for taking evidence for determining the question whether the plaintiff is an "employer" or "occupier" as defined in the Toddy Workers" Fund Act (T.W W.F Act) 1969, hereinafter referred to as the Act. The Act is intended for the Welfare and benefit of the toddy workers in the State. "Employer" has been defined under Sec. 2(c) and "Employee" has been defined under Sec. 2(d) of the Act. There is a Board constituted by the Government under Sec. 6 of the Act for the administration of the fund and to supervise or carry out the activities financed from the fund. Under Sec. 7 of the Act the Government has been authorized to appoint a Chief Welfare Fund Inspector and as many Welfare Fund Inspectors as they consider necessary to assist the Chief Welfare Inspector in the discharge of his duties. Under this section, the Chief Welfare Fund Inspector shall be the Chief Executive Officer of the Board. Sec. 8 deals with the determination of amounts due from employers. An enquiry is contemplated under this section after issuing notice and hearing the parties and taking evidence, if found necessary. The Chief Welfare Fund Inspector or any other Welfare Fund Inspector authorized by him in that behalf by order is the authority competent to determine the amount due

from any employer. Under sub-section (5) of Sec. 8, an appeal has been provided for persons aggrieved by any order under sub-section (1) of the Act, and the decision of the Government or of such authority on such appeal shall be final. Under Sec. 17 A of the jurisdiction of the civil court has been expressly ousted Sec. 17 A reads:

No Civil Court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with or to be determined by the Government or the Board or the Chief Welfare Fund Inspector or any Welfare Fund Inspector.

It is clear therefore that a civil court has, in the light of express provisions in Sec. 17 A, no jurisdiction to settle or decide or deal with any question or to determine any matter which is by or under this Act is required to be settled, decided or dealt with or to be determined by the Government or the Board or the Chief Welfare Fund Inspector or any welfare Fund Inspector. The point that arises for decision in the suit and the point raised by the learned Munsiff for determination whether the plaintiff is an employer or occupier under the Act is a matter to be decided, determined and settled under the Act. The civil court has, therefore, no jurisdiction to decide or to determine such questions. This revision is therefore allowed and the order under attack is set aside as the Munsiff has no jurisdiction to take evidence to determine the question whether the plaintiff is an "employer" or occupier" under the Act.