

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 30TH DAY OF JUNE 2016/9TH ASHADHA, 1938

WP(C).No. 10386 of 2006 (J)

PETITIONER:

KOOTHATTUKULAM CO-OPERATIVE HOSPITAL (P)
LIMITED NO.E.303, KOOTHATTUKULAM,,
REP. BY ITS SECRETARY.

BY ADV. SRI.ALIAS M.CHERIAN

RESPONDENTS:

1. LABOUR COURT OF ERNAKULAM
2. P.S.SHIBU,
PAMPARAPUTHEN PURAYIL,, KARAMALA.P.O.
3. CELINE JOSEPH,
X-RAY ASSISTANT, KOOTHATTUKULAM CO-OP. HOSPITAL, (P)
LIMITED, KOOTHATTUKULAM.
4. P.N.USHAKUMARI,
A.N.M., DO. DO.
5. LILLY ISSAC,
NURSING ASSISTANT, DO. DO.
6. THRESIAMMA VARGHESE,
URAVIL HOUSE, KEZHOOR.P.O.
7. M.J.JOSE,
CHERICAL ASSISTANT, KOOTHATTUKULAM CO-OP. HOSPITAL, (P)
LTD, KOOTHATTUKULAM.
8. K.M.KURIAKOSE,
CLERICAL ASSISTANT,, DO. DO.
9. U.S.ANNAKUTTY,
NURSING ASSISTANT,, DO. DO.
10. LEELA.C.S,
SWEEPER, DO. DO.

11. SARADHA NARAYANAN,
THARAYANICKAL,, VELLIYANNUR.P.O.
12. LINCY FRANCIS,
NURSING ASSISTANT,, KOTHATTUKULAM CO-OP. HOSPITAL,,
KOTHATTUKULAM.
13. N.M.SUMA,
LAB ASSISTANT,, DO. DO.
14. MARY JOSEPH,
KURUVELIL VEEDU,, PANNOOR.P.O.
15. ANCY KURIAKOSE,
MULACKAL, MONIPPALLY.P.O.
16. SREELATHA PRADEEP,
KULIRANAL, MONIPPALLY.P.O.
17. MATHEW ABRAHAM,
THADATHIL,, NEEZHOOOR.P.O.
18. T.G.SUDHA,
THERUMTHANATH,, UZHAVOOR.P.O.
19. K.T.MARY,
NURSING ASSISTANT,, CO-OP. HOSPITAL,, KOTHATTUKULAM.
20. K.M.MATHAI, KOCHUKUNNEL,
KOTHATTUKULAM.P.O.
21. T.A.JOSEPH,
FORMER SECRETARY,, IDINJUKUZHIIYIL HOUSE,,
KOTHATTUKULAM.
22. THE DISTRICT LABOUR OFFICER,
CIVIL STATION,, KAKKANAD, ERNAKULAM.

BY SR.GOVERNMENT PLEADER SRI. P.K. SANEER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30-06-2016, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 10386 of 2006 (J)

APPENDIX

PETITIONER'S EXHIBITS

P1: TRUE COPY OF THE COMPLAINT FILED BEFORE THE LABOUR COURT AS
C.P.65 OF 2001 DATED 1.12.2001

P2: TRUE COPY OF THE STATEMENT FILED BY THE RESPONDENT DATED
2.4.2002 IN CP.65 OF 2001

P3: TRUE COPY OF THE ORDER DATED 13.6.2005 IN C.P.65 OF 2001

P4: TRUE COPY OF THE RESOLUTION NO.1 DATED 18.2.2004

P5: TRUE COPY OF THE LETTER TO THE JOINT REGISTRAR DATED 20.2.2004

P6: TRUE COPY OF THE SHOW CAUSE NOTICE NO.C.5860/2005 DATED
7.3.2006

//TRUE COPY//

P.A. TO JUDGE

JJJ

K. VINOD CHANDRAN, J.

W.P.(C) No. 10386 of 2006 (J)

Dated: 30th June, 2016

J U D G M E N T

The above writ petition was filed against Ext.P3 order of the Labour Court in Claim Petition No.65/2001. The order was an 'order on consent', where the petitioner who was the opposite party had admitted the claim made and agreed to settle the same. The writ petition was filed contending that the Secretary, who was in charge at that point of time, had, without permission of the Managing Committee, consented to the payment.

2. It is the contention here that the employees had agreed to forgo salary and that the claimants had not worked between the period, was suppressed. It is in-comprehensible as to how the workmen can be said

to have forgone the salary and said to have not worked; at the same time. If they had not worked then there is no question of forgoing the salary. The ground raised is found to be eventually destructive.

2. It is also seen that earlier the Registry had directed notice against the petitioner, on the Counsel appearing for the petitioner having been disabled from appearing. Then it is seen that though notice was issued to the respondents; there was no representation for the petitioner and service is not complete even now, after about ten years.

In such circumstance, the writ petition is dismissed, leaving the parties to suffer their respective costs.

Sd/-
K.VINOD CHANDRAN,
JUDGE