

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 29TH DAY OF JULY 2016/7TH SRAVANA, 1938

WP(C) .No. 25420 of 2016 (B)

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PETITIONER:

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NAJEEB RAHMAN, AGED 42 YEARS  
S/O. ABOOBACKER, CONVENER  
CIVIL SUPPLIES LABOUR UNION, CO-ORDINATION COMMITTEE  
VELLAYIL, KOZHIKODE-673 011.

BY ADVS.SRI.K.M.FIROZ  
SMT.M.SHAJNA  
SMT.UMMUL FIDA

RESPONDENT (S) :

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1. THE STATE OF KERALA  
REPRESENTED BY THE SECRETARY TO GOVERNMENT  
LABOUR AND REHABILITATION DEPARTMENT  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
2. REGIONAL JOINT LABOUR COMMISSIONER  
KOZHIKODE (APPELLATE AUTHORITY UNDER THE KERALA  
HEAD LOAD WORKERS ACT, 1978)  
REGIONAL JOINT LABOUR COMMISSIONER, KOZHIKODE.
3. THE DISTRICT LABOUR OFFICER, CIVIL STATION  
KOZHIKODE-673 020.
4. CIVIL SUPPLIES CORPORATION, JAIL ROAD, KOZHIKODE-673 004.  
REPRESENTED BY ITS REGIONAL MANAGER.
5. THE DISTRICT SUPPLY OFFICER, CIVIL STATION  
KOZHIKODE-673 020.
6. THE DEPOT MANAGER, CIVIL SUPPLIES CORPORATION  
SUB DEPOT, VELLAYIL, NADAKKAVE, KOZHIKODE-673 011.
7. THE JUNIOR MANAGER, CIVIL SUPPLIES CORPORATION  
SUB DEPOT, VELLAYIL, NADAKKAVE, KOZHIKODE-673 011.
8. THE CHAIRPERSON, HEAD LOAD WORKERS WELFARE BOARD  
LOCAL COMMITTEE, CHEROOTY ROAD, CALICUT-673 032.
9. VICE PRESIDENT, CHUMATTU THOZHILALI UNION, CITU  
KOYILANDY, KOZHIKODE.

[CONTD...]

10. THE GENERAL SECRETARY, ALL KERALA RETIAL RATION DEALERS  
ASSOCIATION JILLA COMMITTEE, K.M.O. BUILDING, CIVIL  
STATION, KOZHIKODE-673 020.
11. TRANSPORT AND HANDLING CONTRACTORS  
CIVIL SUPPLIES CORPORATION, VELLAYIL SUB DEPOT,  
NADAKKAVE, KOZHIKODE-673 011.
12. TRANSPORT AND HANDLING CONTRACTORS  
CIVIL SUPPLIES CORPORATION, KODUVALLY, KOZHIKODE.
13. TRANSPORT AND HANDLING CONTRACTORS  
CIVIL SUPPLIES CORPORATION, KOYILANDY, KOZHIKODE.

BY SENIOR GOVERNMENT PLEADER SRI. P.M. SANEER  
BY ADVS.SMT.MOLLY JACOB, SC, SUPPLYCO  
SRI.C.S. AJITH PRAKASH, SC, KHWVB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
29-07-2016, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:-  
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- EXT.P1            -        COPY OF THE ORDER DATED 12.07.2016 ISSUED BY THE  
                              THIRD RESPONDENT BEARING NO.IR(1) 2801/16  
                              DATED 12.07.2016.
- EXT.P2            -        COPY OF THE APPEAL MEMORANDUM FILED BY THE  
                              PETITIONER CHALLENGING EXT.P1 ORDER BEFORE THE 2ND  
                              RESPONDENT ENTERED IN INWARD REGISTER AS  
                              C-1316/2016.
- EXT.P3            -        COPY OF THE AFFIDAVIT AND PETITION FOR STAY FILED  
                              BY THE PETITIONER ALONG WITH EXT.P2 APPEAL.

RESPONDENTS' EXHIBITS:- NIL  
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//TRUE COPY//

P.A. TO JUDGE

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**K. VINOD CHANDRAN, J.**

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**W.P(C). No.25420 of 2016-B**  
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**Dated this the 29<sup>th</sup> day of July, 2016**

**JUDGMENT**

The petitioner is aggrieved with the fact that an appeal filed before the Appellate Authority and a stay application moved is not being considered. At the outset it is to be noticed that the appeal itself is filed day before yesterday and the petitioner has come before this Court seeking a mandamus for expeditious consideration of the same. There is no warrant for issuing any such mandamus.

2. The contention of the petitioner also is that the Civil Supplies Corporation has started

a new godown in Thamarassery, which reduces the work in Vellayil, Koyilandy and Palakkutti. At Vellayil and Koyilandi, a considerable portion of the work is transferred to Thamarassery and in Palakkutti, the entire activities are shifted. *Prima facie* it is not for the head load workers to decide where the Corporation establishes godowns and carry on its activities. The Government notifies the Head Load Workers' Scheme in specified areas and the right to carry out the work would depend on where the work is carried on.

3. As has been noticed above at this point, there is no warrant for issuance of mandamus. However, since such application has been filed by the petitioner, it is only proper that the Appellate Authority issue notices to the respective parties and hear the stay

application or the appeal itself be disposed of within a period of two weeks from the date of receipt of the notice to all the affected parties, as provided in the statute. It is made clear that the observations made herein above are only *prima facie* in nature and need not bind the Appellate Authority.

With the above observation, the writ petition is disposed of. No costs.

Sd/-

**K. VINOD CHANDRAN,  
JUDGE.**

//True Copy//

P.A. to Judge.

sp/29/07/16