

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 29TH DAY OF DECEMBER 2020 / 8TH POUSHA, 1942

WP(C).No.29083 OF 2020(I)

PETITIONERS:

- 1 G.DILEEPKUMAR  
AGED 51 YEARS  
PULIMOOTTIL VEEDU,  
KOCHUKOONAMBAYIKKULAM, VADAKEVILA P O,  
KOLLAM-691010.
- 2 BIJU G  
PULIMOOTTIL VEEDU, KOCHUKOONAMBAYIKKULAM, VADAKKEVILA  
P O, KOLLAM-691010.

BY ADV. SMT.A.K.PREETHA

RESPONDENTS

- 1 STATE OF KERALA  
REPRESENTED BY THE SECRETARY TO GOVERNMENT,  
DEPARTMENT OF LABOUR AND SKILLS, SECRETARIAT,  
THIRUVANANTNAPURAM-1.
- 2 ASSISTANT LABOUR OFFICER  
1 CIRCLE, CIVIL STATION P O, VIDYA NAGAR,  
KOLLAM-691013.

GP- SMT. VINITHA.B

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
29.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No.29083 OF 2020(I)

## **JUDGMENT**

**Dated this the 29th day of December 2020**

Petitioners are registered headload workers with specified area assigned as per Exts. P1 and P2. Admittedly, dispute between headload workers regarding area of operation existed in the Mulluvila-Palathara and Mulluvila-Koonambayikkulam area and finally as per Ext.P4 order the Appellate authority under the Act directed the 2<sup>nd</sup> respondent to issue identity cards showing the area of work. Therefore, according to the petitioner it was under that circumstances Exts. P1 and P2 has been issued by the statutory authority.

2. The case put forth by the petitioner is that, in total disregard of the statutory prescription the trade unions of the area have entered into Ext.P7 settlement, whereby work has been divided among themselves based on political affiliations and the petitioners are seriously prejudice consequent to the said agreement by and

WP(C).No.29083 OF 2020(I)

between the parties. Having been aggrieved petitioners have submitted Ext.P11 before the 2<sup>nd</sup> respondent, i.e. the Assistant Labour Officer, I Circle, Kollam. Eventhough various reliefs are sought for, learned counsel submitted that situation would suffice if a direction is issued to take a decision in Ext.P11 at the earliest possible time.

3. Having heard learned counsel for the petitioners and the learned Government Pleader, this writ petition is disposed of directing the 2<sup>nd</sup> respondent to finalise Ext.P11 at the earliest, and at any rate, within three weeks from the date of receipt of a copy of this judgment, after providing notice of hearing to the petitioners and all other interested persons.

This writ petition is disposed of, accordingly.

**Sd/-**

**SHAJI P.CHALY**

**JUDGE**

WP (C) .No.29083 OF 2020 (I)

## **APPENDIX**

### **PETITIONER'S/S EXHIBITS:**

|             |  |
|-------------|--|
| EXHIBIT P1  | TRUE COPY OF THE IDENTITY CARD ISSUED BY THE 2ND RESPONDENT TO THE 1ST PETITIONER.   |
| EXHIBIT P2  | TRUE COPY OF THE IDENTITY CARD ISSUED BY THE 2ND RESPONDENT TO THE 2ND PETITIONER.   |
| EXHIBIT P3  | TRUE COPY OF THE ORDER PASSED BY THE CONCILIATION OFFICER UNDER SECTION 21(4) OF THE KERALA HEAD LOAD WORKERS ACT (DEPUTY LABOR OFFICER) .     |
| EXHIBIT P4  | TRUE COPY OF THE ORDER DATED 30.10.2018 PASSED BY THE APPELLATE AUTHORITY UNDER THE HEADLOAD WORKER'S ACT (DEPUTY LABOUR COMMISSIONER, KOLLAM. |
| EXHIBIT P5  | TRUE COPY OF THE ORDER PASSED BY THE 2ND RESPONDENT DATED 16.10.2019.  |
| EXHIBIT P6  | TRUE COPY OF THE COMMUNICATION ISSUED BY THE 2ND RESPONDENT TO THE TRADE UNIONS DATED 08.09.2020.  |
| EXHIBIT P7  | TRUE COPY OF THE MEMORANDUM OF SETTLEMENT NO.68/2020 DATED 02.03.2020.   |
| EXHIBIT P8  | A TRUE COPY OF THE NOTICE ISSUED BY HE BHARATIYA HEADLOAD MAZDOOR UNIN (BMS) DATED 25.09.2020.   |
| EXHIBIT P9  | A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 1ST PETITIONER ALONGWITH ANOTHER WORKMAN.   |
| EXHIBIT P10 | TRUE COPY OF THE COMMUNICATION DATED 8.10.2020 FROM THE OFFICE OF THE DEPUTY LABOUR COMMISSIONER TO THE 1ST PETITIONER.                        |

WP (C) .No.29083 OF 2020 (I)

**EXHIBIT P11                      TRUE COPY OF THE COMPLAINT SUBMITTED BY  
THE PETITIONERS TO THE 2ND RESPONDENT.**

**RESPONDENT'S/S EXHIBITS:      NIL**