

Headload Workers Union vs Unnikrishnan.B

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Court : Kerala

Decided On : Jan-31-2024

Judge : Honourable Mr. Justice a.Muhammed Mustaque

Appeal No. : RP/345/2021

Appellant : Headload Workers Union

Respondent : Unnikrishnan.B

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE
WEDNESDAY, THE 31ST DAY OF JANUARY 2024 / 11TH MAGHA, 1945
AGAINST THE JUDGMENT DATED 31.01.2020 IN WP(C) 1601/2020 OF HIGH
COURT OF KERALA REVIEW PETITIONERS/RESPONDENTS 4 TO 6: 1
HEADLOAD WORKERS UNION (CITU), NEDUMANGAD UNIT, REPRESENTED
BY THE SECRETARY, A.A.AZEEZ, CITU OFFICE, CHANTHAMUKKU,
NEDUMANGAD POST, NEDUMANGAD, THIRUVANANTHAPURAM-695 541. 2
HEADLOAD WORKERS UNION (AITUC), NEDUMANGADU UNIT,
REPRESENTED BY THE SECRETARY, S.R.VIJAYAN, SULTHAN SMARAKA
OFFICE, CHANTHAMUKKU, NEDUMANGAD P.O., THIRUVANANTHAPURAM-
695 541. 3 HEADLOAD WORKERS UNION (INTUC), NEDUMANGADU UNIT,
REPRESENTED BY THE SECRETARY, VATTAPARA CHANDRAN, ANIL

HOUSE, VENGODE, NEDUMANGAD P.O., THIRUVANANTHAPURAM-695 541.

G.P.SHINOD GOVIND PADMANAABHAN AJIT G ANJARLEKAR
RESPONDENTS/WRIT PETITIONERS & RESPONDENTS 1 TO 3 & 7 TO 9: 1
UNNIKRISHNAN.B, AGED 53 YEARS, S/O. BHASKARAN UNNITHAN,
KUZHIYANKATTU HOUSE, NELLANADU, VAMANAPURAM P.O.,
THIRUVANANTHAPURAM-695 606. 2 SUNIL KUMAR, AGED 40 YEARS, S/O.
JOSEPH, SINDHU BHAVAN, MANPURAM, CHAYAM, VITHURA P.O.,
THIRUVANANTHAPURAM-695 551.

3 NAZAR A., AGED 44 YEARS, S/O. ABDUL RAZAK, BISMI HOUSE, KUTTARA,
VAMANAPURAM P.O., ..2.. THIRUVANANTHAPURAM-695 606. 4 STATE OF
KERALA, REPRESENTED BY CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM-695 001. 5 SUPERINTENDENT OF POLICE,
THIRUVANANTHAPURAM RURAL, PATTOM P.O., THIRUVANANTHAPURAM-
695 004. 6 STATION HOUSE OFFICER, NEDUMANGAD POLICE STATION,
NEDUMANGAD P.O., THIRUVANANTHAPURAM-695

7 KERALA HEADLOAD WORKERS WELFARE BOARD, REPRESENTED BY ITS
CHIEF EXECUTIVE, INDIRA GANDHI ROAD, WILLINGDON ISLAND, KOCHI,
KERALA- 682 003. 8 CHAIRMAN, THIRUVANANTHAPURAM DISTRICT
COMMITTEE, KERALA HEADLOAD WORKERS WELFARE BOARD, SUB
OFFICE, NEDUMANGADU, 2ND FLOOR, SHAJI BUILDING, SOORYA ROAD,
NEDUMANGADU. 9 SECRETARY, RURAL AGRICULTURAL WHOLESALE
MARKET (RAWM), NEDUMANGAD P.O., THIRUVANANTHAPURAM-695
M.SREEKUMAR THOMAS ABRAHAM ADV. A.J. VARGHESE SR GP THIS
REVIEW PETITION HAVING COME UP FOR ADMISSION ON 31.01.2024, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..3..

A.MUHAMED MUSTAQUE, J.

C.M.APPLN. No.1 of 2021 & R.P NO.345 of 2021 Dated this the 31st day of
January, 2024

ORDER

This review petition was filed with delay of about 360 days. The matter is relating to engaging headload workers in a scheme covered area. The petitioners stated before this Court that they would themselves unload the goods in the market without the help of others. Noting the above, this Court ordered protection. The rigour of scheme would come into operation only if the establishment is engaging any of the head load workers. The rigour of scheme would not apply to unload the goods by the owner themselves. Taking note of the above, I find no reason to condone the delay. Accordingly, the delay condonation petition as well as the review petition are dismissed. Sd/- A.MUHAMED MUSTAQUE JUDGE PR ..4..

APPENDIX OF RP 345/2021 PETITIONER ANNEXURES Annexure A A TRUE COPY OF THE ACQUITTANCE ROLL FROM AUGUST 2019 OF JANUARY 2020, ISSUED BY THE 8TH RESPONDENT. Annexure B A TRUE COPY OF THE STATEMENT OF AUCTION CONDUCTED ON 14.2.2020, ISSUED BY THE 9TH RESPONDENT. Annexure C A TRUE COPY OF FORM NO.V ISSUED BY THE

DISTRICT COMMITTEE, KERALA HEADLOAD WORKERS WELFARE BOARD, THIRUVANANTHAPURAM FOR THE PERIOD 10.2.2020 TO 28.2.2020. Annexure D A TRUE COPY OF THE DEPOSIT LEDGER FOR KERALA HEADLOAD WORKERS WELFARE BOARD, SUB OFFICE, NEDUMANGAD PERTAINING TO THE PERIOD 4.10.2019 - 28.2.2020. Annexure E A TRUE COPY OF THE LETTER ISSUED BY THE 9TH RESPONDENT DIRECTING THE SENIOR MANAGER, SBI, NEDUMANGAD TO RELEASE FUNDS TO THE ACCOUNT OF THE 8TH RESPONDENT.

Annexure F A TRUE COPY OF THE LETTER DATED 27.12.2019 ISSUED BY THE CHIEF EXECUTIVE OF THE 7TH RESPONDENT. Annexure G A TRUE COPY OF THE JUDGMENT DATED 1.8.2019 OF THIS HONOURABLE COURT IN WPC NO.18450/2015.

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