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Mohammed Basheer vs State of Kerala

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Court : Kerala

Decided On : Jan-30-2023

Judge : Honourable Mr.Justice N.Nagaresh

Appeal No. : WP(C)/2772/2023

Appellant : Mohammed Basheer

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE N.NAGARESH MONDAY, THE 30TH DAY OF JANUARY 2023 / 10TH MAGHA, 1944 WP(C) NO. 2772 OF 2023 AGAINST THE ORDER/JUDGMENTID 23/2018 OF LABOUR COURT, KOLLAM PETITIONER MOHAMMED BASHEER AGED 66 YEARS S/O. ABDUL RAZZAK, PROPRIETOR, ALUVILA CASHEWS, KUREEPPALLY, R/AT. ALUVILA VEEDU, KILIKOLLOOR.P.O, KOLLAM DISTRICT PIN - 691004 BY ADVS. BINU GEORGE HEMALATHA RESPONDENTS: 1 STATE OF KERALA REPRESENTED SECRETARY, LABOUR DEPARTMENT, THIRUVANANTHAPURAM PIN - 695001 2 DISTRICT LABOUR OFFICER CIVIL STATION, KOLLAM, PIN - 691013 3 SHIKKAR

PROPRIETOR, SS CASHEWS, PUNCHIRI JUNCTION, MYLAPORE, UMAYANALLOOR.P.O, KOLLAM PIN - 691020 4 VINCENT POIKAYIL PUTHEN VEEDU, NEDUMPANA.P.O, KUREEPPALLY, KOLLAM. PIN - 691576 SRI.T.R.RENJITH-SR.GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30.01.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 30th day of January, 2023 The Labour Court, Kollam in ID No.23/2018 passed Ext.P1 Award. The petitioner was directed to pay `1,20,000/- towards arrears of salary, `80,000/- towards gratuity and `30,000/- towards bonus, to the respondent before the Labour Court.

2. The petitioner states that he was the Proprietor of

the Industrial Unit only upto the year 2008 and therefore the petitioner is not bound to pay the amount under Ext.P1 Award. Ext.P1 is also an ex-parte Award, contends the petitioner.

3. Be that as it may, the District Labour Officer has now

issued Ext.P2 Show-cause Notice dated 06.12.2022 directing the petitioner to show cause in writing why Revenue Recovery steps should not be initiated against the petitioner under Section 33C(1) of the Industrial Disputes Act, 1947 to recover the amount. The petitioner is challenging Ext.P2.

4. I have heard the learned counsel for the petitioner

and the learned Government Pleader representing respondents 1 and 2. In view of the nature of reliefs to be granted in this writ petition, notice to respondents 3 and 4 is dispensed with.

5. It is evident that Ext.P2 is only a Show-cause Notice

initimating the petitioner that unless satisfactory reply is not received, Revenue Recovery steps will be taken. Responding to Ext.P2, the petitioner has submitted

Ext.P5 reply to the District Labour Officer. Pleadings would show that the petitioner has also approached the Labour Court for setting aside the ex-parte Award.

6. As the petitioner has submitted Ext.P5 reply to

Ext.P2, the District Labourt Officer will have to take a decision, taking into consideration Ext.P5 also. In the circumstances, the writ petition is disposed of directing the 2nd respondent-District Labourt Officer to consider Ext.P5 reply submitted by the petitioner and pass appropriate orders on Ext.P2 thereafter. Till the District Labour Officer concludes Ext.P2 proceedings after taking into consideration Ext.P5 reply, coercive proceedings pursuant to Ext.P2 shall stand deferred. The petitioner shall serve a copy of the writ petition and a copy of this judgment on the 2nd respondent. sd/- N.NAGARESH JUDGE hmh APPENDIX OF WP(C) 2772/2023 PETITIONER EXHIBITS Exhibit P1 A TRUE COPY AWARD DATED 25.11.2019 IN ID. NO. 23/2018 OF LABOUR COURT, KOLLAM. Exhibit P2 A TRUE COPY OF SHOW CAUSE NOTICE DATED 06.12.2022.

Exhibit P3 A TRUE COPY OF IA NO. 4/2023 IN ID N0.Exh

12.01.2023 SUBMITTED BY THE PETITIONER. RESPONDENTS EXHIBITS : NIL

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