

Murugan P vs Sivadasan

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Court : Kerala Orders

Decided On : Jul-05-2023

Judge : Honourable Mr. Justice Amit Rawal

Appeal No. : WP(C)/21548/2012

Appellant : Murugan P

Respondent : Sivadasan

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL
WEDNESDAY, THE 5TH DAY OF JULY 2023 / 14TH ASHADHA, 1945
PETITIONER/S: MURUGAN P AGED 56 YEARS, S/O.PAZHANIMALA,
PROPRIETOR, BALAJI STEELS, 26/426, VANDIKKARA STREET,
PALAKKAD. BY ADV SRI.V.A.JOHNSON (VARIKKAPPALLIL)
RESPONDENT/S: 1 SIVADASAN S/O.MANICKAN, PADATHU
COLONY, BEHIND CIVIL STATION, KALLEKKAD, PALAKKAD- 678001.
2 THE DEPUTY LABOUR COMMISSIONER OFFICE OF THE DEPUTY
LABOUR COMMISSIONER, PALAKKAD, PIN-678001. SRI.ARUJ AJAY
SANKAR, SR.GP THIS WRIT PETITION (CIVIL) HAVING BEEN
FINALLY HEARD ON 05.07.2023, THE COURT ON THE SAME DAY

DELIVERED THE FOLLOWING:

J U D G M E N T

Petitioner, who was the respondent in S.A.No.1/2005 before the appellate authority under Section 18(2) of the Kerala Shops and Commercial Establishment Act, 1960 ('Act', for short), has

approached this Court laying challenge to the order

dated 18.4.2012, Ext.P1, whereby the appellate authority had ordered the petitioner to pay a sum of Rs.84,000/- as compensation within a period of thirty days of receipt of copy of the order failing which the amount will be recovered under the provisions of the Act. The petitioner was also directed to pay an amount of Rs.7,000/- as damages. The present writ petition was filed on various grounds.

2. On perusal of the paper book, it is evident that notice sent to the first respondent/employee, was not served and returned with an endorsement 'not known'. While admitting the writ petition interim stay of all further proceedings pursuant to Exhibit P1 order was also granted.

3. On 8.4.2013, an order was passed directing the petitioner to take fresh steps for service of notice on the first respondent by speed post and also through the counsel who appeared before the

second respondent. However, no steps were taken. When the matter was taken up on 21.10.2022, again an order was passed to take steps. There was no response to the said order also.

4. As per the office note, no service has been effected on the first respondent and notice sent returned with an endorsement 'not known'. It appears that petitioner is unnecessary delaying the matter.

Writ petition is dismissed for non prosecution for not complying with the order of this Court. The interim stay granted in this writ petition would stand vacated. Sd/-
AMIT RAWAL JUDGE jg

