

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 4TH DAY OF APRIL 2012/15TH CHAITHRA 1934

WP(C).No. 867 of 2012 (G)

PETITIONER:

KARUVANTHIRUTHY (FEROKE PANCHAYATH) SERVICE CO-OPERATIVE BANK
LTD. NO.D.2638, KARUVANTHIRUTHY, FEROKE
KOZHIKODE-673631, REPRESENTED BY ITS SECRETARY.

BY ADVS.SRI.P.P.JACOB
SRI.T.P.GOPAKUMAR

RESPONDENTS:

1. SOORAJ.M.
VAISHNAVI, FEROKE P.O.
KOZHIKODE-676631/ATTENDER (UNDER SUSPENSION)
KARUVANTHIRUTHY
(FEROKE PANCHAYATH) SERVICE CO-OPERATIVE BANK LTD. NO. D. 2638
KARUVANTHIRUTHY, FEROKE, KOZHIKODE-673631.
2. THE DEPUTY LABOUR COMMISSIONER,
LABOUR DEPARTMENT, CIVIL STATION, KOZHIKODE-673020.
3. THE DEPUTY LABOUR OFFICER/CONCILLIATION OFFICER,
OFFICE OF THE DISTRICT LABOUR OFFICER
KOZHIKODE-673020.
4. THE RELIANCE TRENDS LTD.,
R.P.MAHAL, GROUND FLOOR, MAVOOR ROAD
OPP. PRIVAT BUS STAND, KOZHIKODE-673004.
5. SURESH KUMAR K.,
H.S.S.T. (ENGLISH), G.H.S.S., N.G.O.QUARTERS
MARIKUNNU, KOZHIKODE-673012.

R1- BY ADV. SRI.A.RANJITH NARAYANANBY ADV. SRI.M.KRISHNAKUMAR

R4- BY ADV. SRI. C.P. MOHAMMED NIYAZ, SC.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
04-04-2012, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXT.P1 TRUE PHOTOCOPY OF THE LETTER SUBMITTED BY FIRST RESPONDENT TO THE PETITIONER DATED 4/10/2010.
- EXT.P2 TRUE PHOTOCOPY OF THE REPLY ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER DATED 18/10/2010.
- EXT.P3 TRUE PHOTOCOPY OF THE LETTER WITH CERTIFICATE SUBMITTED BY FIRST RESPONDENT TO THE PETITIONER DATED 27/12/2010.
- EXT.P4 TRUE PHOTOCOPY OF THE LETTER ISSUED BY THE PETITIONER TO THE 5TH RESPONDENT DATED 28/12/2010.
- EXT.P5 TRUE PHOTOCOPY OF THE PETITION FILED BY THE FIRST RESPONDENT BEFORE THE SECOND RESPONDENT DATED 10/8/2011.
- EXT.P6 TRUE PHOTOCOPY OF THE NOTICE ISSUED BY THIRD RESPONDENT TO THE PETITIONER DATED 9/12/2011.
- EXT.P7 TRUE PHOTOCOPY OF THE WRITTEN STATEMENT WITH PETITION FILED BY PETITIONER BEFORE THE THIRD RESPONDENT DATED 27/12/2011.

RESPONDENTS' EXHIBITS : NIL

TRUE COPY

PA TO JUDGE

SCL.

THOTTATHIL B. RADHAKRISHNAN, J.

W.P.(C) No. 867 of 2012

Dated this the 4th day of April, 2012

JUDGMENT

The first respondent Sooraj has filed Ext.P5 application before the second respondent Deputy Labour Commissioner for subsistence allowance. The petitioner says that it is entitled to be heard in opposition to that application. The petitioner is shown in Ext.P5 as the employer. Obviously, the petitioner has to be given an opportunity of being heard. Whatever be the nature of the objection of the petitioner, the Deputy Labour Commissioner has to consider it, if necessary, even by providing opportunity for the applicant to meet all contentions. It is therefore directed that Ext.P5 shall not be decided without providing petitioner an opportunity of

hearing including by filing appropriate objection. Petitioner is directed to mark appearance and file objections before the Deputy Labour Commissioner on or before 30-04-2012.

Writ petition ordered accordingly.

THOTTATHIL B. RADHAKRISHNAN,
Judge

Scl.