

Kerala High Court

M.K.Saseendran vs M/S.Dredging Corporation Of ... on 18 June, 2007

IN THE HIGH COURT OF KERALA AT ERNAKULAM

WA No. 823 of 2003()

1. M.K.SASEENDRAN, S/O.LATE  
... Petitioner

Vs

1. M/S.DREDGING CORPORATION OF INDIA LTD.,  
... Respondent

2. THE PROJECT-IN-CHARGE,

For Petitioner :SRI.VAKKOM N.VIJAYAN

For Respondent :SRI.P.K.RAMKUMAR, ADDL.CGSC

The Hon'ble MR. Justice K.S.RADHAKRISHNAN

The Hon'ble MR. Justice ANTONY DOMINIC

Dated :18/06/2007

O R D E R

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.

=====

W.A. NO. 823 OF 2003

=====

Dated this the 18th day of June, 2007

J U D G M E N T

Radhakrishnan, J.

Original petition was preferred by the appellant herein seeking a writ of mandamus directing the first respondent to pay arrears of Conveyance Reimbursement, Canteen Subsidy and Children Education Allowance of the period from 1.2.1998 to 30.11.2000 i.e. the period the petitioner was in service of the first respondent and to declare para 17.2 of Ext.P3 as against the provisions of Constitution of India. Learned Single Judge find no reason to grant the relief as prayed after taking note of the fact that the issue has been already settled vide Exhibit RIV settlement. The settlement binds all the workmen including the petitioner in terms of Section 2(p) of the Industrial Disputes Act and Section 18(2) of the Industrial Disputes Act, irrespective of the fact that whether their union is a party to the settlement or whether they are members of the union which entered into the settlement. There is a specific clause 4.4 of Ext.RIV saying that WA 823/2003 employees who took voluntary retirement/resigned between 1.2.98 and 28.10.2001 will not be eligible for allowances like Conveyance Reimbursement/Transport Subsidy, Canteen Subsidy, Children Education Allowance, Washing allowance, Lunch Allowance to Drivers etc. Petitioner is therefore not eligible for such allowances. Learned Single Judge therefore rightly dismissed the original petition. Appeal lacks merits. Dismissed.

K.S.RADHAKRISHNAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp