

PART I



GOVERNMENT OF KERALA

Abstract

LABOUR AND SKILLS DEPARTMENT—JUDGMENT IN WP (C)
20686/17 FILED BY THE DIRECTOR, LISIE HOSPITAL,
KOCHI—COMPLIED WITH—ORDERS ISSUED

LABOUR AND SKILLS (A) DEPARTMENT

G . O. (Rt.) No. 1042/2017/LBR. *Dated, Thiruvananthapuram, 9th August 2017.*

Read:—(1) G. O. (Rt.) No. 432/2016/LBR dated 15-3-2016.

(2) Representation dated 12-5-2016, 22-8-2016, 31-7-2017 received from the Director, Lisie Hospital, Kochi.

(3) Judgment dated 22-6-2017 in WP (C) 20686/2017 filed by the Director, Lisie Hospital, Kochi.

ORDER

As per the Government Order read as 1st paper above Government referred an Industrial Dispute between the management of Lisie Hospital, Kochi and its 17 workmen to the Labour Court Ernakulam for adjudication. But the Director, Lisie Hospital, Kochi filed the WP(C) 20686/17 before the Honourable High Court challenging the above mentioned Government Order and seeking direction to the 1st respondent i.e., the Government in Labour & Skills Department to modify the G.O. read above by deleting the names of Sri Anil, J., General Worker, Sri C. C. Michael, Electrician and Sri Joby Joseph, Casualty PRO, from the Annexure of the G. O. (Rt.) No. 432/2016/LBR dated 15-3-2016 as they were dismissed from service on different grounds.

The High Court as per the judgment read as third paper above, directed the Government to consider and pass orders on the representations preferred by the petitioner after hearing the applicant.

The Additional Chief Secretary (Labour and Skills) heard the petitioner on 1-8-2017. The Labour Commissioner, Thiruvananthapuram, District Labour Officer, Ernakulam, representatives of the management of Lisie Hospital, Kochi and representatives of Lisie Hospital Employees Union were present in the hearing.

The matter was heard in detail. It is found that Sri Joby Joseph, one of the labourers included in the Annexure was not a workman. He was the Public Relations Officer of the hospital drawing a salary above ₹ 10,000 per month. Hence he will not come under the nomenclature of workman as defined in the Industrial Dispute Act of 1947. As such Sri Joby Joseph, Public Relations Officer is hereby deleted from the Annexure of the above read Government order under Section 2(s)(iv) of the Industrial Dispute Act of 1947 (Central ACT XIV of 1947).

In the case of Sri Anil, J. and Sri C. C. Michael the management could not put forward sufficient reasons or valid documents to prove their contention to delete their names from the Annexure of the Government Order read as 1st paper above. Sri Anil, J. and Sri C. C. Michael come under the definition of workmen as defined in the Industrial Dispute Act. As such Government finds no reason to delete the name of Sri Anil, J., General Worker, Sri C. C. Michael, Electrician from the Annexure of the Government order read as 1st paper above.

Ordered accordingly.

By order of the Governor,

TOM JOSE,
Additional Chief Secretary to Government.

To

1. The Labour Commissioner, Thiruvananthapuram.
2. The Labour Court, Ernakulam.
3. The Advocate General, Ernakulam (With covering letter)
4. The Parties concerned.
5. The District Labour Officer, Ernakulam.
6. The Regional Joint Labour Commissioner, Ernakulam.
7. The Information Officer, Web & New Media (for publishing in Government Website).
8. Stock File/ Office copy.