

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

FRIDAY, THE 10TH DAY OF MAY 2024 / 20TH VAISAKHA, 1946

WP (C) NO. 13067 OF 2023

PETITIONERS:

1 JOMON SEBASTIAN,

2 ABDUL MANAF P.P

3 MUHAMMED IRFAN

4 PRATAP LAMA

5 AJABULMANDAL

6 MANGALAM LAKSHMI

7 SEBASTIAN

8 KOYAMON P.K

9 SANJAY THAPA

10 SEWA TAMANG

11 **THANZEER K.M**

12 **RIJU R**

13 **NOUSHAD K.S**

14 **NISAR**

15 **ISMAIL P.I.,**

16 **SANJAY THAPA MANGAR**

17 **CHHATTHU**

18 **ISADIN BAITHA**

19 **ARUN M.C**

20 **SUBASH V.K**

21 **CYRIL C.SUNNY**

22 **MOHAMMED RIYAS**

23 **NASIRUL HOQUE**

24 **SHAFI P.A**

25 **MAJEED**

26 **NASAR M.S**

27 **ZIYAD**

28 **MOKBUL HUSSAIN**

29 **SARATH B.**

30 **NIVIN KUMAR**

31 **JAHANGIR ALAM**

[REDACTED]

BY ADVS.
VINAY KUMAR VARMA
S.SHYAM
N.K.KARNIS
V.K.BALACHANDRAN

RESPONDENTS:

- 1 ASSISTANT LABOUR OFFICER,
ERNAKULAM FIRST CIRCLE,
[REDACTED]
- 2 KERALA HEAD LOAD WORKERS' WELFARE FUND BOARD
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER,
[REDACTED]
- 3 THE ERNAKULAM DISTRICT COMMITTEE OF KERALA HEAD LOAD
WORKERS' WELFARE FUND BOARD
REPRESENTED BY ITS CHAIRMAN,
[REDACTED]
- 4 KERALA HEAD LOAD WELFARE FUND BOARD
[REDACTED]
[REDACTED]
[REDACTED]
REPRESENTED BY ITS CHAIRMAN.
- 5 MARADU MARKET TRADERS ASSOCIATION
[REDACTED]
REPRESENTED BY ITS PRESIDENT
[REDACTED]
[REDACTED]
- 6 SAJU PAPPACHAN
[REDACTED]
[REDACTED]
- 7 SIBIL RAJ. C.S
[REDACTED]
[REDACTED]
- 8 NISHAD
[REDACTED]
[REDACTED]
- 9 DISTRICT LABOUR OFFICER
KAKKANAD
[REDACTED]

*ADDL. BIJU K. B,
R10 POOL LEADER OF POOL NO.10 NETTOOR POOL,

*IS IMPEADED AS ADDL.R10 VIDE ORDER DATED 24.05.2023
IN IA 1/23.

*ADDL. POOL NO.9,
R11 HEAD LOAD AND GENERAL WORKERS UNION (CITU),
URBAN WHOLESALE MARKET,

REPRESENTED BY ITS CONVENER,
M.B. RAJESH KUMAR,

*IS IMPEADED AS ADDL.R11 VIDE ORDER DATED 24-05-2023
IN IA 3/23.

R2 - R4 - SRI.K.S.ARUN KUMAR
SAJI VARGHESE
C.S.AJITH PRAKASH
V.P.PRASAD
T.K.DEVARAJAN
ANCY THANKACHAN
NIDHIN RAJ VETTIKKADAN
GOURI KAILASH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10.05.2024, ALONG WITH WP(C).13978/2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

FRIDAY, THE 10TH DAY OF MAY 2024 / 20TH VAISAKHA, 1946

WP(C) NO. 13978 OF 2023

PETITIONERS:

1 LAKHYA DIHINGIA,

2 RAJIB BHUYAN

3 RAHIM ALI

4 BHISHMA GOGAI

5 JAGIR HUSSAIN

6 SHAMIN SHAN P. E

7 ANWAR HUSSAIN

8 TAHER ALI

9 MUHAMMED JAVAD T.

10 SHIJEESH C

11 **SADDAM HUSSAIN**

12 **RAMTULLAH MIYAN**

13 **SIVRAJ MANGAR**

14 **BESTO THOMAS**

15 **JIAUR RAHMAN**

16 **MOKTAR HUSSAIN**

17 **AZAHAR UDDIN**

18 **BADANUL ISLAM**

19 **SAIDALI J.**

20 **KIRAN TAMANG**

21 **BASANT THAPA**

22 **SHEREEF M. H**

23 **MUJAKIR ALI**

24 **SIJU V.K**

25 **SANJU BARASKAR**

26 **SATISH PIPARDE**

27 **RANJAN ROY**

28 **SUBAIR,**

29 **RAMKISHOR BARASKAR**

30 **KIRAN TAMANG**

31 **MANTOO KUMAR PURI**

32 **JABIR M.**

33 TAJAJUL HUSSAIN

34 SURAJ KUMAR

35 MERAJUL S. K

36 RAHUL MANDAL

37 MOSTAKIN MONDAL

38 PRASAD THAPA

39 MANOJ THAPA

40 DARSAN BHUJEL

41 PABAN MANGAR

42 ANSAR K.S

43 SAJEER P.K

44 ANURAG THAPA

45 ABDULLA

46 IBRAHIM KUTTY VAYALOATH

47 MURSHID HOSSAIN MOLLA

48 ANTONY FRANCIS C.

49 MUHAMMED JABIR K. P

50 NITISH KUMAR

51 TABJUL ALI

52 UMESH CHOUDHARI

53 BIDHAN DARJEE

54 A. H. FATHAH MUHAMMED

55 **KARAN THAPA**

56 **MONTU HAZARIKA**

57 **BINUD PATAR**

58 **AJAY THAPA**

59 **CHEBANG TAMANG**

60 **K.Y. SHIYAS**

61 **SAFIKUL SEKH**

62 **SHANAVAS M.**

63 **DHANBAHADUR RAI**

64 **ABDUL MANAF P.P**

65 **RAJIV SHARMA**

66 SAIDUL ISLAM

67 RASIDUL HAQUE

68 AMIR HUSSAIN

69 SALIM V.M

70 AVISEK BISWAKARMA

71 ARJUN LAMA

72 SUBHASH TAMANG

73 ASHIB ALI

74 ABDUL LATHEEF

75 **SHIJU K.P**

76 **LAMA TILAK**

77 **RIYAS HUSSAIN**

78 **TIJI**

79 **BIKKI THAPA**

80 **NAR BAHADUR CHHETRI**

81 **NUMAL RAMCHİYARI**

82 **OMPRAKASH DHOTE**

83 **RAKIBUL ALI**

84 **NIRAJ TAMANG**

85 ASADUL ISLAM

86 A.A. ABDUL GAFOOR

87 ASHNAZ K.A

88 RANTU DUTTA

89 NASIR UDDIN

90 ANOOP THANKAPPAN

91 JAFAR ALI K

92 IQBAL K.J

93 NASMUDHEEN P.A

94 ASHIK LAMA

95 **AKIBUR RAHMAN**

96 **AMRADUL ISLAM**

97 **ANAR HUSSAIN**

98 **KUSHAL LAMA**

99 **ABHINASH TAMANG**

100 **AFROJ ALAM**

101 **HANIF S.K**

102 **SOHEL S.K.**

103 **ANISUR ALAM**

104 **TANKESWAR SAIKIA**

105 **DULAL BORA**

106 NAYAN LALUNG

[REDACTED]

107 MONTU PHUKAN

[REDACTED]

108 NISAMUDEEN M.M

[REDACTED]

109 AJIJUL HAMID

[REDACTED]

110 SALIM MUHAMMED

[REDACTED]

111 KEROBIN

[REDACTED]

112 GOUR CHANDRA MANDAL

[REDACTED]

113 ANSUR

[REDACTED]

114 MAJIBUR RAHMAN

[REDACTED]

115 FAISAL

[REDACTED]

116 MUHAMMED NIZAMUDEEN T.N.

[REDACTED]

117 MAHENDRA PRADHAN

118 SUJIT THAPA

119 KALU LAMA

120 SOHEL S.K

121 SIVAN E.C

122 SHAMEER K. ,

123 NAZAR V.M. ,

124 ANARUL BAITHA

125 SANDIP MAHALI

BY ADVS.
VINAY KUMAR VARMA

S.SHYAM
N.K.KARNIS
V.K.BALACHANDRAN

RESPONDENTS:

- 1 ASSISTANT LABOUR OFFICER,
ERNAKULAM FIRST CIRCLE,
[REDACTED]
- 2 KERALA HEAD LOAD WORKERS' WELFARE FUND BOARD
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER,
[REDACTED]
- 3 THE ERNAKULAM DISTRICT COMMITTEE OF KERALA HEAD LOAD
WORKERS' WELFARE FUND BOARD
REPRESENTED BY ITS CHAIRMAN,
[REDACTED]
- 4 KERALA HEAD LOAD WELFARE FUND BOARD,
[REDACTED]
REPRESENTED BY ITS CHAIRMAN,
[REDACTED]
- 5 MARADU MARKET TRADERS ASSOCIATION
[REDACTED]
REPRESENTED BY ITS PRESIDENT,
[REDACTED]
- 6 ABDUL WAHAB,
[REDACTED]
- 7 ABDUL NASSAR P.E
[REDACTED]
- 8 THOMAS
[REDACTED]
- 9 DISTRICT LABOUR OFFICER

[REDACTED]

*ADDL. BIJU K B,
R10 POOL LEADER OF POOL NO.10 NETTOOR POOL

[REDACTED]

*ADDL.R10 IS IMPEADED AS PER ORDER DATED 24.05.2023 IN I.A-1/2023 IN WP(C) 13978/2023.

*ADDL. JAISON P J, AGED 48 YEARS
R11

[REDACTED]

*ADDL.R11 IS IMPEADED AS PER ORDER DATED 10.05.2024 IN I.A-3/2023 IN WP(C) 13978/2023.

*ADDL. THE POOL NO.9 (SOUGHT TO BE IMPEADED)
R12 HEAD LOAD AND GENERAL WORKERS UNION (CITU), URBAN WHOLESALE MARKET

[REDACTED] REPRESENTED BY ITS CONVENER, M.B.
RAJESH KUMAR
[REDACTED] (SOUGHT TO BE IMPEADED)

BY ADVS.
K.S.ARUN KUMAR
SAJI VARGHESE
C.S.AJITH PRAKASH
T.U.ZIYAD
PRASAD
T.K.DEVARAJAN
ANCY THANKACHAN
NIDHIN RAJ VETTIKKADAN
GOURI KAILASH
K.B.ARUNKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10.05.2024, ALONG WITH WP(C).13067/2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Since common questions arise for consideration in these writ petitions, they are disposed of by this common judgment. The status of the parties and the documents produced will be as obtaining in W.P.(C) No.13978 of 2023, unless specifically mentioned.

2. The petitioners in these writ petitions are headload workers employed in shops located at Agricultural Urban Wholesale Market, Maradu (for short, 'Wholesale Market'). The Wholesale Market was established pursuant to an agreement entered into by the European Economic Communities (E.E.C) and the Republic of India on 30.03.1989, aimed at establishing agricultural markets in Kerala with grant from E.E.C. The Wholesale Market is administered by Urban Wholesale Market Authority constituted by the Government of Kerala and the District

Collector, Ernakulam is the Chairman of the Authority. The stalls in the Wholesale Market were allocated to traders on tender cum auction basis. There are 137 stalls and several traders in the Wholesale Market. The 1st respondent, the Assistant Labour Officer, is the registering authority of headload workers under the Kerala Headload Workers Rules, 1981 (for short, 'the Rules') and the 9th respondent District Labour Officer is the appellate authority. Respondents 2 to 4 are authorities under the Kerala Headload Workers' Welfare Fund Board. The 5th respondent is an association of traders and respondents 6 to 8 are traders, in the Wholesale Market. The additional 10th respondent is the pool leader of pool No. 10, Nettoor area, Maradu Municipality, who got himself impleaded in the writ petitions.

3. The petitioners state that they are employed as headload workers by the traders in their respective stalls in the Wholesale Market. As per G.O (Rt.) No.1249/2003/LBR

issued under Section 5 of the Kerala Loading and Unloading (Regulation of Wages and Restriction of Unlawful Practices) Act, 2002 (since repealed by Kerala Headload Workers (Amendment) Act, 2008), the traders in the market were exempted from the obligation to provide work to unattached registered headload workers. Section 5 of the repealed Act, 2002 provides as follows:-

“5. Employment of workers for non-domestic purposes.- Notwithstanding anything contained in the Kerala Head Load Workers Act, 1978 (Act 20 of 1980) or the schemes made thereunder, an employer shall have the right to carry out loading and unloading work for non-domestic purposes either by himself or by employing the workers of his own choice in any industrial park, export processing zone, industrial or commercial area, tourism project area, agricultural market as the Government may, by notification in the Official Gazette, declare as such from time to time.”

Even after the repeal of the Kerala Loading and Unloading (Regulation of Wages and Restriction of Unlawful Practices) Act, the traders in the Wholesale Market continued to employ their attached headload workers. However, demands were

later advanced by unattached registered headload workers, known as pool workers, for employment in the business of traders in the Wholesale Market. This led to litigations at the instance of the 5th respondent Association and the trade unions of pool workers employed by the Kerala Headload Workers Welfare Fund Board. In the said circumstances, the petitioners decided to get themselves registered as headload workers under Rule 26A of the Rules. Accordingly, they submitted individual applications for registration in Form IX to the 1st respondent. Exts. P1 to P125 in W.P.(C) No.13978 of 2023 and Exts. P1 to P31 in W.P.(C) No.13067 of 2023 are the copies of the Form IX applications.

4. Non-consideration of Exts. P1 to P125 applications for registration constrained the petitioners in W.P.(C) No.13978 of 2023 to file W.P.(C) No.37246 of 2022 before this Court for direction to the 1st respondent to consider and pass orders on the applications expeditiously and to permit them to work till

the applications are considered. This Court, by Ext. P126 judgment, directed the 1st respondent to dispose of the applications for registration within a period of one month from the date of receipt of copy of the said judgment after affording an opportunity of hearing to the petitioners and all other affected parties, in accordance with law.

5. Aggrieved by Ext. P126 to the extent it declined the prayer to direct respondents 2 to 4 to refrain from deputing headload workers in the Wholesale Market until the matter of registration applied for in Exts. P1 to P125 is attained finality, the petitioners preferred Writ Appeal No.1942 of 2022 and the Division Bench disposed of the Appeal by Ext. P127 judgment observing that pending disposal of the applications, *status quo* ought to be maintained in the matter of headload work carried on by the petitioners in the market. This Court directed that pending such registration, the petitioners should be permitted to be employed or engaged

to do headload work under the employer.

6. The 1st respondent, by Ext. P128 and similar orders, dismissed Exts. P1 to P125 applications of the petitioners in W.P.(C) No.13978 of 2023. Exts. P1 to P31 applications of the petitioners in W.P.(C) No.13067 of 2023 were also rejected by Ext. P32 produced in the said writ petition and similar orders. The reasons for rejecting the applications of the petitioners for registration are: (i) the area where the Wholesale Market is situated is an area where the Kerala Headload Workers (Regulation of Employment and Welfare) Scheme, 1983 is implemented (ii) as per the directions of this Court in the judgment in W.P.(C) No.18450 of 2015 (Ext. P128(a)), pool workers are to be engaged for loading and unloading works.

7. The petitioners challenged Ext. P128 and similar orders before the 9th respondent, the appellate authority by filing separate appeals under Rule 26C of the Rules. Ext.

P129 is the appeal preferred by the petitioners 1 to 4 in W.P(C) No.13978 of 2023 and Ext. P33 in W.P.(C)No.13067 of 2023 is the appeal preferred by the 2nd petitioner therein. The other petitioners also filed similar appeals. However, the request of the petitioners for stay of operation of Exts. P128, P32 and similar orders during the pendency of the appeal was not considered by the 9th respondent. Accordingly, the petitioners in W.P.(C) No.13978 of 2023 filed W.P.(C) No.1694 of 2023 for direction to grant *status quo* as on the date of the primary authority's orders. The said writ petition was dismissed by judgment dated 16.01.2023 and the petitioners preferred Writ Appeal No. 357 of 2023 which was disposed of by Ext. P131 judgment directing the 9th respondent to dispose of Ext. P129 and similar appeals within one month. Before the appellate authority, the pool leader of pool No.10, the 10th respondent, got himself impleaded.

8. The 9th respondent rejected Ext. P129 and similar

appeals filed by the petitioners in W.P.(C) No.13978 of 2023 by Exts. P132 to P180 orders dated 05.04.2023. Exts. P34 to P53 are the orders passed by the 9th respondent rejecting Ext. P33 and similar appeals preferred by the petitioners in W.P(C) No.13067 of 2023. The appeals were rejected for the reason that, in the light of Ext. P128(a) judgment which has become final, the loading and unloading work in the market has to be done by engaging pool workers. It is further stated that as per the application for registration, the establishments were engaging loading and unloading workers only from 01.07.2022 and therefore it has to be inferred that the loading and unloading works in the establishments before the said date were done by pool workers. To rebut the said inference, the employer has not produced any records which the employer is liable to maintain as per the directions in **Raghavan v. Superintendent of Police** [1998 (2) KLT 732]. It is also

stated that the registering authority need consider only whether the petitioners are attached workers and whether they are permitted to do the work by the employer. It is for the employers to prove that the employees were working from July, 2022 and that they are continuing in employment. They have not produced any statutory records which they are liable to maintain under the provisions of the Kerala Shops and Commercial Establishments Act, 1960 or the Minimum Wages Act, 1948. The appellate authority has further stated that as per the decision in **Raghavan** (supra), even if the petitioners are permanent employees in the establishment and they are doing works other than loading and unloading, they are entitled for registration only if it is proved that their main job is the work of loading and unloading. It is stated that the petitioners or the employers have not produced any proof for the same. The appellate authority also observed that, from the Form IX application and the wage-cum

employment register produced by the employer, it is seen that the signatures of the applicants differ and it is not proved that the applicants themselves are the petitioners before the authority and that it has to be inferred that the records and registers have been prepared and produced only for the purpose of obtaining registration. Accordingly, the appellate authority refused to interfere with the order of the registering authority rejecting the application of the petitioners for registration.

9. W.P.(C) No.13978 of 2023 is filed challenging Exts. P132 to P180 and W.P.(C) No.13067 of 2023 is filed challenging Exts. P34 to P53 orders. The petitioners have also prayed for direction to the 1st respondent to allow their applications under Rule 26A of the Rules and to restrain respondents 2 to 4 from disturbing their work as attached headload workers of their employers in the market.

10. The orders of the registering authority as well as

the appellate authority are challenged before this Court on the ground that the said authorities ought not to have relied on Ext. P128(a) judgment to reject the application of the petitioners for registration. According to the petitioners, Ext. P128(a) judgment was passed in a case filed by the 5th respondent, namely, Maradu Market Traders Association, for police protection against pool workers from disturbing their right to employ attached headload workers on the ground that they have exemption from the obligation to provide work to unattached registered headload workers under the Kerala Loading and Unloading (Regulation of Wages and Restriction of Unlawful Practices) Act, even after its repeal. The petitioners were not parties to the said case and therefore, the judgment is not binding on them and their application ought to have been decided on its merits. It is also contended that Rule 26A of the Rules provides for issuance of notice to the employers or contractors from whom the headload

worker claims work and the Chairman of the Kerala Headload Workers Welfare Board Local Committee. However, the registering authority permitted the pool leader to participate in the enquiry contrary to the provisions under Rule 26A (2). Referring to the decision in **Kerala Head Load Workers Welfare Board, Sub office v. Nishad M.P and Others** [2022 (5) KHC 367: 2022 (5) KLT 188: ILR 2022 (3) Ker. 688], it is contended that unattached pool workers have no right to object to the grant of registration under Rule 26A to a worker who is attached to an establishment. It is further contended that under Rule 26C, the appellate authority was bound to hear only the appellants and their employers. However, the appellate authority permitted the pool workers to participate in the appeal proceedings. It is further contended that the finding of the appellate authority that the pool workers were not working in the market from 01.07.2022 is contrary to facts available on record as during

the said period the petitioners were continuing on the strength of interim order in W.A.No.1942 of 2022. It is also contended that the finding of the appellate authority regarding violation of the provisions of the Kerala Shops and Commercial Establishments Act cannot be sustained since the same was not raised at the time of enquiry and therefore cannot be considered in the appeal and that the finding of the appellate authority with respect to variation of the signatures of the applicants in the application and the registers is incorrect and is based only on inferences. Accordingly, it is contended that the orders of the registering authority under Rule 26A and that of the appellate authority under Rule 26C cannot be sustained and the 1st respondent be directed to issue identity cards to the petitioners.

11. The pool leader of Pool No.10, who got himself impleaded as additional 10th respondent in the writ petitions, has filed a counter affidavit. It is stated therein that the writ

petitioners are migrant workers who were never employed by the traders in the Wholesale Market. They were supplied by labour supply contractors. It is stated that in view of Ext. P128 (a) judgment, the pool workers have right of employment in the market. It is also stated that the applications for identity cards are not genuine and the date of employment shown in the applications is fake and fabricated and their local addressees are not furnished and no records are maintained by the employer under Rule 27 of the Rules. The petitioners have been engaged for the works inside the shops and not for loading and unloading works. It is further contended that the judgment in **Nishad's** case has been rendered without reference to the Full Bench decision in **Raghavan's** case (supra) and that the 10th respondent has every right of being heard in the proceedings before the registering authority as well as the appellate authority. The findings of the registering authority and the appellate

authority are not contradictory as alleged. The finding of the appellate authority that there is violation of the provisions of the Shops and Commercial Establishments Act is correct and that the signatures in the applications are fake as found by the appellate authority.

12. A counter affidavit is also filed on behalf of respondents 2 to 4 wherein it is stated that the Maradu Wholesale Market is situated in the Scheme notified area as per the Kerala Headload Workers (Regulation of Employment and Welfare) Scheme, 1983. It is stated that as per Ext. P128 (a) judgment, the pool workers are entitled to be engaged for loading and unloading works and pursuant to the said judgment, the pool workers are doing the work of loading and unloading in the market. It is further stated that pursuant to Ext. R2(a) judgment, the functional operation of the Scheme has been extended to the market and the Board has deployed pool workers in the market. It is stated that

only pool workers are eligible to do the work of loading and unloading in the market area, which is a Scheme covered area from 16.12.2022. Though an agreement has been entered with the traders and the workers as per Ext. R2(b) regarding the wages, the same is not being followed by the traders. The Board has issued notice to the employers to register their establishments under Clause 7 of the Kerala Headload Workers Scheme and to remit the wages in advance with the Board as per Ext. R2(c). However, the same is also not complied with by the traders. Since the petitioners have not been issued with identity cards, they cannot do the work of loading and unloading. The interim order granted by this Court in W.A.No.1942 of 2022 cannot extend beyond the disposal of Rule 26C appeals. It is further stated that 173 pool workers are available in pool Nos. 9 and 10 doing their work with approved rate of wages and they can completely satisfy the requirements of the traders in the market.

13. Heard Sri.N.Sukumaran, the learned counsel for the petitioners, Sri.C.S Ajith Prakash, the learned counsel for the 10th respondent and Sri.K.S Arunkumar, the learned counsel for respondents 2 to 4.

14. The registering authority as well as the appellate authority has relied on Ext. P128(a) judgment of the Division Bench of this Court to reject the applications of the petitioners for registration. According to the petitioners, Ext. P128(a) judgment was passed in a writ petition filed by the 5th respondent, the Maradu Market Traders' Association for police protection against pool workers from disturbing their right to employ attached headload workers on the ground that they have exemption from engaging unattached registered headload workers in the light of notification issued under the Kerala Loading and Unloading (Regulation of Wages and Restriction of Unlawful Practices) Act, 2002 (since repealed). It is also contended that the petitioners

herein, who have applied for registration, were not parties to the said writ petition and therefore the judgment is not binding on them and their application ought to have been decided on its merits.

15. W.P.(C) No.18450 of 2015 leading to Ext. P128(a) judgment was filed by Maradu Market Traders' Association, the 5th respondent herein whose members are traders having their business within the Wholesale Market. As per G.O (Rt.) No.1249/2003/LBR issued under Section 5 of the Kerala Loading and Unloading (Regulation of Wages and Restriction of Unlawful Practices) Act, 2002, the traders in the Wholesale Market were exempted from the obligation to provide work to unattached registered headload workers. However, the said Act under which the notification for exemption was issued was repealed by the Kerala Headload Workers (Amendment) Act, 2008. The Traders' Association contended that notwithstanding such repeal, the notification

for exemption would continue to have application and force and the pool workers have no right to claim loading and unloading work from the businesses within the exempted market. Accordingly, the Traders' Association sought for police protection for the businesses carried out by the individual members of the Association. The Division Bench, by Ext. P128(a) judgment, held that the exemption from the obligation to provide work to unattached headload workers applies only when the notification is in force as issued under a statute. When the statute is repealed, the very foundation of the exemption is demolished and the exemption can no longer subsist. Accordingly, the Court held that no police protection can be granted to the Association or the businesses carried out by the individual members. The Division Bench also observed that, for loading and unloading, the Traders' Association would have to engage the pool workers (unattached headload workers).

16. In Ext. P128(a) judgment, the Division Bench observed that the notification granting exemption to traders in the Wholesale Market from the obligation to provide work to unattached registered headload workers cannot survive after repeal of the Act under which the notification was issued. The said judgment has become final. This Court in Ext. R2(a) judgment observed that the Division Bench in Ext. P128 (a) judgment did not consider who is entitled to carry out the work inside the market after the benefit of exemption to traders ceased to operate and held that it is for the Committee to extend the functional operation of the Scheme to the market. Be that as it may, the fact remains that the Division Bench in Ext. P128 (a) judgment held that for loading and unloading, the members of the Association would have to engage the pool workers (unattached headload workers). Does this imply that applications for the registration of permanent employees of an establishment in a

scheme covered area shall not be considered? The present writ petitions arise from the rejection of applications for registration of the petitioners who claim to be headload workers employed by traders in the Wholesale Market. It is not in dispute that the Wholesale Market is an establishment as defined under Section 2 (j) of the Kerala Headload Workers Act, 1978 and the Schedule thereto, and situated in the scheme notified area as per the Kerala Headload Workers (Regulation of Employment and Welfare) Scheme, 1983. The Full Bench of this Court in **Raghavan** (supra) considered the question whether permanent workers in an establishment in a scheme covered area can get registration as per the provisions contained in Rule 26A. The Full Bench observed as follows:

“18. The above provisions would make it clear that the registration contemplated by the Scheme is not applicable to permanent headload workers employed in an establishment

either directly by the employer or through a contractor. But, that does not mean that such permanent workers cannot get registered as per the provisions contained under R.26A. As mentioned earlier, the Act and the Rules are made applicable for the whole of the State and the requirement of registration under R.26A is effective throughout the State whether it is an area to which the Scheme is made applicable or not. Therefore, all headload workers whether permanently employed in an establishment or not are to get registration under R.26A.”

xxx

20. If, in an area where the Scheme is made applicable, the employer requires services of headload workers other than those whom he had permanently employed, he has necessarily to get them allotted through the committee...”

Going by the dictum laid down by the Full Bench, permanent employees of an establishment can apply for and obtain registration as headload workers even in areas covered by

the scheme.

17. The Division Bench in Ext. P128(a) judgment held that for loading and unloading in the scheme covered Wholesale Market, the members of the Association would have to engage the pool workers. That doesn't imply that applications of permanent employees of the Wholesale Market for registration as headload workers cannot be considered. Permanent employees of scheme covered Wholesale Market can apply for and obtain registration as headload workers and on obtaining registration, they can do the work of loading and unloading and the employer will not be under obligation to engage pool workers, unless he requires services of additional headload workers other than the registered permanent employees. The applications of the petitioners for registration as headload workers as well as appeals thereof cannot be rejected under the pretense of Ext. P128(a) judgment; instead, they are to be considered on their

merits. Further, in the light of the dictum laid down in **Raghavan** (supra), the mere fact that the Wholesale Market is situated in a scheme covered area does not constitute a ground to reject the applications of the petitioners for registration or the appeals.

19. Another reason for rejecting the appeals by the 9th respondent is that the employers have not produced registers and records which have to be maintained under the Kerala Shops and Commercial Establishments Act and the Minimum Wages Act to prove that the petitioners were actually engaged for doing headload work in their establishments and the headload works done by them are of predominant nature. This Court, in **Nishad** (supra), has held that the enquiry contemplated under Rule 26A of the Rules for granting registration is essentially a fact finding exercise to ensure that the applicant for registration is actually doing headload work in the establishment concerned. The evidence in that

regard must be found in the records maintained by the employer as mandated in Section 26 of the Kerala Headload Workers Act read with the Rules. When an application for registration is preferred by an attached worker, the enquiry by the registering authority must only be to ascertain whether the applicant is actually engaged for doing headload work in the establishment to which he is attached and if so, whether the headload work done by him is of predominant nature. The information in that regard can be gathered from the registers maintained by the employer in terms of Section 26 of the Act read with the Rules as also through a physical inspection at the premises of the establishment concerned. Hence, when this Court has defined the nature and scope of the enquiry and the evidence necessary, it was improper for the appellate authority to exceed the scope of enquiry and dismiss the appeals.

20. Disparity in the signatures of the applicants in the

application and in the register and records is a matter for evidence before the registering authority. The registering authority is an independent statutory authority exercising quasi judicial functions. The powers of the appellate authority are only to examine the legality of the order passed by the registering authority after making such enquiries as he may deem fit. Therefore, so far as the requirements for registration are not complied with, the appellate authority ought to have remanded the matter for fresh consideration by the registering authority.

21. The last contention to be dealt with is whether the pool workers have any right to object to the grant of registration to the petitioners under Rule 26A of the Rules and whether under Rule 26C, the appellate authority was bound to hear the pool workers. Rule 26A deals with registration of headload workers and reads as follows:

"26A. Registration of Headload Workers.-- (1) Any

headload worker may submit his application for registration in Form IX to the Registering Authority concerned, with as many additional copies as there are employers or contractors from whom he claims to work.

(2) On receipt of such application the Registering Authority shall issue notice in Form X to the employers or contractors from whom the headload worker claims work and in area where the Kerala Headload Workers (Regulation of Employment and Welfare) Scheme, 1983 is in operation, to the Chairman, Kerala Headload Workers Welfare Board Local Committee in such area with copy of the application inviting objections, if any, on such application.

(3) After considering the objections, if any, received and after giving an opportunity of being heard, the Registering Authority shall register the name of the headload worker in the Register of Headload Workers, on being satisfied that the headload worker is eligible for registration and communicate the fact to the parties within two weeks of such registration. The Registering Authority shall also issue identity card to the registered headload worker. If the name is not registered, the Registering Authority shall communicate the fact to the applicant with reasons therefor.

(3A) Where the Identity Card of registration granted to a headload worker under sub-rule (3) is defaced or accidentally lost or irrecoverably destroyed, he shall apply for a duplicate identity card along with two copies of recent photograph and

a fine of Rs.25(Rupees twenty - five only) to the Registering authority concerned. The Registering Authority may after making necessary enquiries and satisfying himself of the genuineness, issue a duplicate identity card.

(4) The Registration of a person as headload worker may be cancelled by the Deputy Labour Officer of the District Labour Office concerned or where there is no post of Deputy Labour Officer in that District Labour Office, by the Assistant Labour Officer grade I after satisfying himself on a report from Registering Authority that the Registration has been obtained by fraud or mistake:

Provided that not less than one month's previous notice in writing specifying the ground on which the registration is proposed to be cancelled shall be given by the authority empowered to cancel the registration to the headload worker, before the registration is cancelled."

Sub-rule (2) of Rule 26A provides that on receipt of an application for registration as headload worker, the registering authority shall issue notice in Form X to the employers or contractors from whom the headload worker claims work, and if Scheme applies, to the Chairman, Kerala

Headload Workers Welfare Board Local Committee in such area. The registering authority shall, after considering the objections, if any, received and after giving an opportunity of being heard, register the name of the headload worker in the Register of Headload Workers and communicate the fact to the parties. The Rule does not provide for notice or a hearing for any persons other than those mentioned in Sub-rule (2). In **Nishad** (supra), the Division Bench held that the registering authority cannot reject an application for registration on the ground that existing pool workers have raised objections to granting of such registrations. Unattached pool workers have no right to object to the grant of registration under Rule 26A to a worker who is attached to an establishment. Their objections can only be raised at a time when an attached worker, who gets registered in terms of Rule 26A relinquishes his employment or engagement with the establishment to which he was attached, and seeks to join

the scheme in the area concerned, as a registered but unattached worker. Therefore, the pool workers have no right to participate in the proceedings before the registering authority.

22. Rule 26C of the Kerala Headload Workers Rules deals with Appeals and reads as follows:

Appeals: (1) Any person aggrieved by an order of the Registering Authority under sub-rules (3) or (4) of Rule 26A may file an appeal within 60 days from the date of receipt of such order before an officer not below the rank of District Labour Officer notified by Government as Appellate Authority in this behalf:

Provided that the Appellate Authority may admit an appeal filed after the expiry of the said period if he is satisfied that the appellant has sufficient cause for not filing the appeal within the said period: Provided further that no such appeal shall be admitted after a period of six months from the date of the order of the Registering Authority appealed against.

(2) On receipt of an appeal, the appellate authority may make such enquiries as he deems fit and after giving the employer if any and headload worker an opportunity of being heard and decide the appeal within a period of 30 days from the date of receipt of the appeal. The decision of the appellate authority shall be final.

Rule 26C provides that only a person aggrieved by an order of the registering authority under sub-rule (3) or (4) of Rule 26A is entitled to prefer an appeal. Sub-rule (2) of Rule 26C provides that on receipt of an appeal, the appellate authority shall give the employer if any, and the headload worker an opportunity of being heard and decide the appeal. The pool workers will not come within the category of persons aggrieved referred to in Rule 26C. Therefore, they have no right to be heard in the appeal as well.

23. Sri. Ajith Prakash would contend that the decision in **Nishad** (supra) was rendered without properly appreciating or referring to the decision in **Raghavan** (supra). The

Division Bench in **Nishad** (supra) analysed the scheme of the Kerala Headload Workers Act and Rules and drew the following conclusions:

“a. The definition of headload worker under S.2(m) of the Act makes a distinction between an attached worker and an unattached worker. While the former is a person who is employed or engaged by an employer, either directly or through a contractor, to work in a particular establishment, the latter is a person who is not engaged to work in any particular establishment.

b. The attached worker, at the time of his employment or engagement need not be registered in terms of R.26A. It is sufficient that he is engaged for the purpose of doing headload work in the establishment. This is so even if the establishment is located in a scheme covered area because the 1983 Scheme does not apply to an attached worker. The unattached worker, however, has to be a registered headload worker in view of the specific provisions of S.9A of the Act.

c. An attached worker must do headload work in the particular establishment to which he is attached, before seeking registration as a headload worker in terms of R.26A of the Rules. The enquiry contemplated under R.26A for granting registration is essentially a factfinding exercise to ensure that the applicant for registration is actually doing

headload work in the establishment concerned. The evidence in that regard must be found in the records maintained by the employer as mandated in S.26 of the Act read with the Rules.

d. An unattached worker must first get himself attached to an establishment and do headload work therein. Only thereafter can he seek registration as a headload worker in terms of R.26A. The Act and Rules do not permit a person who is not attached to any establishment to apply for registration as a headload worker without first demonstrating his capacity to do headload work in an establishment.

e. While the above statutory scheme is apparent from a reading of the statutory provisions, it cannot be seen as one violating the fundamental rights of any person under Art.19 (1) (g) of the Constitution since Art.19 (6) makes the right subject to reasonable restrictions that can be imposed in the interests of the general public. A restriction in a welfare legislation that is intended to safeguard the health of a worker has to be seen as in the interests of the general public.

f. In the light of our findings as above, we do not approve of the view taken in Rajeev (Supra) or Manzoor (Supra) that even an unattached worker can apply for registration under Rule 26A without doing any headload work, so long as he has a good physique and is willing to do such work. The view in

Rajeev (Supra), that was followed in Manzoor (Supra), was taken without noticing the distinction between attached and unattached workers in the definition of a headload worker, as also the fact that the pre-requisite of being a registered headload worker, for being allowed or required to work in a scheme covered area, applied only to a 'headload worker who is not permanently employed by an employer or contractor' ie. an unattached worker. The said decisions do not lay down the correct law in this regard and hence we overrule the said decisions on the above point.

g. An attached worker, on the other hand, does not have to be registered as a headload worker for doing headload work. He can be employed or engaged to do such work in the establishment of his employer and thereafter seek registration in terms of Rule 26A once he starts doing headload work in that establishment. Further, so long as he is in the employment or engagement of an employer and attached to the latter's establishment, he will not come under the coverage of the 1983 Scheme either. Clause 6 of the Scheme will therefore not be attracted in his case, to prevent him from working in a scheme covered area.

h. When an application for registration is preferred by an attached worker, the enquiry by the registering authority must only be to ascertain whether the applicant is actually engaged in doing headload work in the establishment to which he is attached and if so, whether the headload work

done by him is of predominant nature. The information in that regard can be gathered from the registers maintained by the employer in terms of Section 26 of the Act read with the Rules as also through a physical inspection at the premises of the establishment concerned. The registering authority cannot reject an application for registration on the ground that existing pool workers have raised objections to granting of such registrations. Unattached pool workers have no right to object to the grant of registration under Rule 26A to a worker who is attached to an establishment. It has been so held by a Division Bench of this Court in Gangadharan (Supra). Their objections can only be raised at a time when an attached worker, who gets registered in terms of Rule 26A relinquishes his employment or engagement with the establishment to which he was attached, and then seeks to join the scheme in the area concerned, as a registered but unattached worker.”

In **Nishad** (supra), the Division Bench held that before seeking registration as headload worker in terms of Rule 26A of the Rules, the attached worker should do headload work in the establishment. It was also held that the attached worker, at the time of his employment need not be registered in

terms of Rule 26A, but it will be sufficient if he is engaged for the purpose of doing headload work in the establishment. For the purpose of analysing the different modes by which a headload worker can be called upon to do headload work and the nature of enquiry by the registering authority, the Division Bench in **Nishad** relied on the decision in **Raghavan**, particularly paragraph 24, wherein the Full Bench deduced and laid down the dictum therein. Therefore, I do not agree with the contention of Sri. Ajith that the decision in **Nishad** was rendered by the Division Bench without taking note of and referring to the decision in **Raghavan**.

In the result, Ext.P128 and similar orders of the 1st respondent and Exts. P132 to P180 orders of the 9th respondent in W.P.(C) No.13978 of 2023 and Ext. P32 and similar orders of the 1st respondent and Exts. P34 to P53 orders of the 9th respondent in W.P.(C) No.13067 of 2023 are

set aside. The writ petitions are disposed of directing the 1st respondent registering authority to consider Exts. P1 to P125 applications in W.P.(C) No.13978 of 2023 and Exts. P1 to P31 applications in W.P.(C) No.13067 of 2023 afresh and in accordance with law, as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of the judgment. It is made clear that pool workers or their leaders have no right to be heard in the proceedings before the 1st respondent.

sd/-

MURALI PURUSHOTHAMAN

JUDGE

SPR

APPENDIX OF WP(C) 13067/2023

PETITIONERS EXHIBITS:-

EXHIBIT P1 TRUE COPY OF APPLICATION DATED 22.10.2022
SUBMITTED BY THE PETITIONER NO.1 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P2 TRUE COPY OF APPLICATION DATED 22.10.2022
SUBMITTED BY THE PETITIONER NO.2 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P3 TRUE COPY OF APPLICATION DATED 22.10.2022
SUBMITTED BY THE PETITIONER NO.3 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P4 TRUE COPY OF APPLICATION DATED 22.10.2022
SUBMITTED BY THE PETITIONER NO.4 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P5 TRUE COPY OF APPLICATION DATED 22.10.2022
SUBMITTED BY THE PETITIONER NO.5 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P6 TRUE COPY OF APPLICATION DATED 07.11.2022
SUBMITTED BY THE PETITIONER NO.6 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P7 TRUE COPY OF APPLICATION DATED 21.10.2022
SUBMITTED BY THE PETITIONER NO.7 BEFORE THE 1ST
RESPONDENT

EXHIBIT P8 TRUE COPY OF APPLICATION DATED 7.11.2022
SUBMITTED BY THE PETITIONER NO.8 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P9 TRUE COPY OF APPLICATION DATED 7.11.2022
SUBMITTED BY THE PETITIONER NO.9 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P10 TRUE COPY OF APPLICATION DATED 7.11.2022
SUBMITTED BY THE PETITIONER NO.10 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P11 TRUE COPY OF APPLICATION DATED 7.11.2022
SUBMITTED BY THE PETITIONER NO.11 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P12 TRUE COPY OF APPLICATION DATED 7.11.2022
SUBMITTED BY THE PETITIONER NO.12 BEFORE THE 1ST
RESPONDENT

EXHIBIT P13 TRUE COPY OF APPLICATION DATED 7.11.2022
SUBMITTED BY THE PETITIONER NO.13 BEFORE THE 1ST

RESPONDENT.

EXHIBIT P14 TRUE COPY OF APPLICATION DATED 7.11.2022
SUBMITTED BY THE PETITIONER NO.14 BEFORE THE 1ST
RESPONDENT

EXHIBIT P15 TRUE COPY OF APPLICATION DATED 7.11.2022
SUBMITTED BY THE PETITIONER NO.15 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P16 TRUE COPY OF APPLICATION DATED 7.11.2022
SUBMITTED BY THE PETITIONER NO.16 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P17 TRUE COPY OF APPLICATION DATED 7.11.2022
SUBMITTED BY THE PETITIONER NO.17 BEFORE THE 1ST
RESPONDENT

EXHIBIT P18 TRUE COPY OF APPLICATION DATED 7.11.2022
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RESPONDENT.

EXHIBIT P19 TRUE COPY OF APPLICATION DATED 7.11.2022
SUBMITTED BY THE PETITIONER NO.19 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P20 TRUE COPY OF APPLICATION DATED 21.10.2022
SUBMITTED BY THE PETITIONER NO.20 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P21 TRUE COPY OF APPLICATION DATED 7.11.2022
SUBMITTED BY THE PETITIONER NO.21 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P22 TRUE COPY OF APPLICATION DATED 22.10.2022
SUBMITTED BY THE PETITIONER NO.22 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P23 TRUE COPY OF APPLICATION DATED 22.10.2022
SUBMITTED BY THE PETITIONER NO.116 BEFORE THE
1ST RESPONDENT.

EXHIBIT P24 TRUE COPY OF APPLICATION DATED 7.11.2022
SUBMITTED BY THE PETITIONER NO.24 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P25 TRUE COPY OF APPLICATION DATED 7.11.2022
SUBMITTED BY THE PETITIONER NO.116 BEFORE THE
1ST RESPONDENT.

EXHIBIT P26 TRUE COPY OF APPLICATION DATED 7.11.2022
SUBMITTED BY THE PETITIONER NO.116 BEFORE THE
1ST RESPONDENT.

EXHIBIT P27 TRUE COPY OF APPLICATION DATED 7.11.2022
SUBMITTED BY THE PETITIONER NO.116 BEFORE THE
1ST RESPONDENT.

EXHIBIT P28 TRUE COPY OF APPLICATION DATED 7.11.2022
SUBMITTED BY THE PETITIONER NO.28 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P29 TRUE COPY OF APPLICATION DATED 7.11.2022
SUBMITTED BY THE PETITIONER NO.116 BEFORE THE
1ST RESPONDENT.

EXHIBIT P30 TRUE COPY OF APPLICATION DATED 7.11.2022
SUBMITTED BY THE PETITIONER NO.30 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P31 TRUE COPY OF APPLICATION DATED 22.10.2022
SUBMITTED BY THE PETITIONER NO.116 BEFORE THE
1ST RESPONDENT.

EXHIBIT P32 TRUE COPY OF ORDER DATED 22.12.2022 DISMISSING
EXT.P2 FILED BY THE 2ND PETITIONER.

EXHIBIT P32 (a) TRUE COPY OF JUDGMENT DATED 1.08.2019 IN W.P. (C)
18450 OF 2015 RELIED ON IN EXT.P32.

EXHIBIT P33 TRUE COPY OF APPEAL FILED BY THE 2ND PETITIONER
DATED 11.01.2023 BEFORE THE 9TH RESPONDENT

EXHIBIT P34 TRUE COPY OF ORDER IN APPEAL NO.237/2023 DATED
5.4.2023 PASSED BY THE 9TH RESPONDENT.

EXHIBIT P35 TRUE COPY OF ORDER IN APPEAL NO.191/2023 DATED
5.4.2023 PASSED BY THE 9TH RESPONDENT.

EXHIBIT P36 TRUE COPY OF ORDER IN APPEAL NO.189/2023 DATED
5.4.2023 PASSED BY THE 9TH RESPONDENT.

EXHIBIT P37 TRUE COPY OF ORDER IN APPEAL NO.220/2023 DATED
5.4.2023 PASSED BY THE 9TH RESPONDENT

EXHIBIT P38 TRUE COPY OF ORDER IN APPEAL NO.198/2023 DATED
5.4.2023 PASSED BY THE 9TH RESPONDENT

EXHIBIT P39 TRUE COPY OF ORDER IN APPEAL NO.196/2023 DATED
5.4.2023 PASSED BY THE 9TH RESPONDENT

EXHIBIT P40 TRUE COPY OF ORDER IN APPEAL NO.178/2023 DATED
5.4.2023 PASSED BY THE 9TH RESPONDENT.

EXHIBIT P41 TRUE COPY OF ORDER IN APPEAL NO.177/2023 DATED
5.4.2023 PASSED BY THE 9TH RESPONDENT.

EXHIBIT P42 TRUE COPY OF ORDER IN APPEAL NO.208/2023 DATED
5.4.2023 PASSED BY THE 9TH RESPONDENT.

EXHIBIT P43 TRUE COPY OF ORDER IN APPEAL NO.184/2023 DATED
5.4.2023 PASSED BY THE 9TH RESPONDENT.

EXHIBIT P44 TRUE COPY OF ORDER IN APPEAL NO.233/2023 DATED
5.4.2023 PASSED BY THE 9TH RESPONDENT

EXHIBIT P45 TRUE COPY OF ORDER IN APPEAL NO.208/2023 DATED
5.4.2023 PASSED BY THE 9TH RESPONDENT..

EXHIBIT P46 TRUE COPY OF ORDER IN APPEAL NO.192/2023 DATED
5.4.2023 PASSED BY THE 9TH RESPONDENT.

EXHIBIT P47 TRUE COPY OF ORDER IN APPEAL NO.203/2023 DATED
5.4.2023 PASSED BY THE 9TH RESPONDENT

EXHIBIT P48 TRUE COPY OF ORDER IN APPEAL NO.231/2023 DATED
5.4.2023 PASSED BY THE 9TH RESPONDENT.

EXHIBIT P49 TRUE COPY OF ORDER IN APPEAL NO.224/2023 DATED 5.4.2023 PASSED BY THE 9TH RESPONDENT.

EXHIBIT P50 TRUE COPY OF ORDER IN APPEAL NO.182/2023 DATED 5.4.2023 PASSED BY THE 9TH RESPONDENT.

EXHIBIT P51 TRUE COPY OF ORDER IN APPEAL NO.205/2023 DATED 5.4.2023 PASSED BY THE 9TH RESPONDENT.

EXHIBIT P52 TRUE COPY OF ORDER IN APPEAL NO.216/2023 DATED 5.4.2023 PASSED BY THE 9TH RESPONDENT.

EXHIBIT P53 TRUE COPY OF ORDER IN APPEAL NO.193/2023 DATED 5.4.2023 PASSED BY THE 9TH RESPONDENT.

RESPONDENTS EXHIBITS:

EXHIBIT R1(a) TRUE COPY OF JUDGEMENT DATED 22.11.2022 IN WPC NO. 37341 OF 2022.

EXHIBIT R1(b) TRUE COPY OF JUDGEMENT DATED 08.03.2023 IN WPC NO. 3116 OF 2023.

EXHIBIT R11(a) TRUE COPY OF THE MEMORANDUM OF SETTLEMENT SIGNED ON 27/05/2023 IN BETWEEN THE 5TH RESPONDENT AND THE POOL WORKERS IN THE PRESENCE OF THE 3RD AND 9TH RESPONDENT.

EXHIBIT R10(a) A TRUE COPY OF THE LETTER ISSUED BY THE MARKET AUTHORITY DATED 23.05.2023 TO THE POOL LEADER, POOL NO 10.

EXHIBIT R10(b) A TRUE COPY OF THE NOTICE ISSUED BY BOARD TO THE ESTABLISHMENT NAMELY ASP VEGETABLES REQUIRING TO REGISTER THE NAME DATED 06.02.2023 WITH ITS TYPED COPY.

EXHIBIT R10(c) A TRUE COPY OF THE INTERIM ORDER IN WA 896/2023 DATED 13.06.2023.

EXHIBIT R10(d) A TRUE COPY OF THE WRIT APPEAL MEMORANDUM IN W.A NO. 357 OF 2023 WITHOUT ITS EXHIBITS AND ANNEXURE FILED BEFORE THIS HON'BLE COURT.

APPENDIX OF WP(C) 13978/2023

PETITIONERS EXHIBITS:-

EXHIBIT P1 TRUE COPY OF APPLICATION DATED 22.10.2022
SUBMITTED BY THE PETITIONER NO.1 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P2 TRUE COPY OF APPLICATION DATED 21.10.2022
SUBMITTED BY THE PETITIONER NO.2 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P3 TRUE COPY OF APPLICATION DATED 22.10.2022
SUBMITTED BY THE PETITIONER NO.3 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P4 TRUE COPY OF APPLICATION DATED 22.10.2022
SUBMITTED BY THE PETITIONER NO.4 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P5 TRUE COPY OF APPLICATION DATED 22.10.2022
SUBMITTED BY THE PETITIONER NO.5 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P6 TRUE COPY OF APPLICATION DATED 24.10.2022
SUBMITTED BY THE PETITIONER NO.6 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P7 TRUE COPY OF APPLICATION DATED 21.10.2022
SUBMITTED BY THE PETITIONER NO.7 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P8 TRUE COPY OF APPLICATION DATED 21.10.2022
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RESPONDENT.

EXHIBIT P9 TRUE COPY OF APPLICATION DATED 24.10.2022
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RESPONDENT.

EXHIBIT P10 TRUE COPY OF APPLICATION DATED 21.10.2022
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SUBMITTED BY THE PETITIONER NO.26 BEFORE THE 1ST
RESPONDENT.

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SUBMITTED BY THE PETITIONER NO.39 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P40 TRUE COPY OF APPLICATION DATED 21.10.2022
SUBMITTED BY THE PETITIONER NO.40 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P41 TRUE COPY OF APPLICATION DATED 22.10.2022
SUBMITTED BY THE PETITIONER NO.41 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P42 TRUE COPY OF APPLICATION DATED 21.10.2022
SUBMITTED BY THE PETITIONER NO.42 BEFORE THE 1ST
RESPONDENT

EXHIBIT P43 TRUE COPY OF APPLICATION DATED 21.10.2022
SUBMITTED BY THE PETITIONER NO.43 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P44 TRUE COPY OF APPLICATION DATED 22.10.2022

SUBMITTED BY THE PETITIONER NO.44 BEFORE THE 1ST RESPONDENT.

EXHIBIT P45 TRUE COPY OF APPLICATION DATED 22.10.2022 SUBMITTED BY THE PETITIONER NO.45 BEFORE THE 1ST RESPONDENT.

EXHIBIT P46 TRUE COPY OF APPLICATION DATED 24.10.2022 SUBMITTED BY THE PETITIONER NO.46 BEFORE THE 1ST RESPONDENT.

EXHIBIT P47 TRUE COPY OF APPLICATION DATED 24.10.2022 SUBMITTED BY THE PETITIONER NO.47 BEFORE THE 1ST RESPONDENT.

EXHIBIT P48 TRUE COPY OF APPLICATION DATED 24.10.2022 SUBMITTED BY THE PETITIONER NO.48 BEFORE THE 1ST RESPONDENT.

EXHIBIT P49 TRUE COPY OF APPLICATION DATED 24.10.2022 SUBMITTED BY THE PETITIONER NO.49 BEFORE THE 1ST RESPONDENT.

EXHIBIT P50 TRUE COPY OF APPLICATION DATED 24.10.2022 SUBMITTED BY THE PETITIONER NO.50 BEFORE THE 1ST RESPONDENT.

EXHIBIT P51 TRUE COPY OF APPLICATION DATED 21.10.2022 SUBMITTED BY THE PETITIONER NO.51 BEFORE THE 1ST RESPONDENT.

EXHIBIT P52 TRUE COPY OF APPLICATION DATED 24.10.2022 SUBMITTED BY THE PETITIONER NO.52 BEFORE THE 1ST RESPONDENT.

EXHIBIT P53 TRUE COPY OF APPLICATION DATED 22.10.2022 SUBMITTED BY THE PETITIONER NO.53 BEFORE THE 1ST RESPONDENT.

EXHIBIT P54 TRUE COPY OF APPLICATION DATED 21.10.2022 SUBMITTED BY THE PETITIONER NO.54 BEFORE THE 1ST RESPONDENT.

EXHIBIT P55 TRUE COPY OF APPLICATION DATED 22.10.2022 SUBMITTED BY THE PETITIONER NO.55 BEFORE THE 1ST RESPONDENT.

EXHIBIT P56 TRUE COPY OF APPLICATION DATED 22.10.2022 SUBMITTED BY THE PETITIONER NO.56 BEFORE THE 1ST RESPONDENT.

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EXHIBIT P58 TRUE COPY OF APPLICATION DATED 22.10.2022 SUBMITTED BY THE PETITIONER NO.58 BEFORE THE 1ST RESPONDENT.

EXHIBIT P59 TRUE COPY OF APPLICATION DATED 22.10.2022 SUBMITTED BY THE PETITIONER NO.59 BEFORE THE 1ST

RESPONDENT.

EXHIBIT P60 TRUE COPY OF APPLICATION DATED 22.10.2022
SUBMITTED BY THE PETITIONER NO.60 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P61 TRUE COPY OF APPLICATION DATED 21.10.2022
SUBMITTED BY THE PETITIONER NO.61 BEFORE THE 1ST
RESPONDENT.

EXHIBIT P62 TRUE COPY OF APPLICATION DATED 21.10.2022
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RESPONDENT.

EXHIBIT P63 TRUE COPY OF APPLICATION DATED 21.10.2022
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EXHIBIT P64 TRUE COPY OF APPLICATION DATED 24.10.2022
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EXHIBIT P67 TRUE COPY OF APPLICATION DATED 22.10.2022
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RESPONDENT.

EXHIBIT P68 TRUE COPY OF APPLICATION DATED 22.10.2022
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RESPONDENT.

EXHIBIT P69 TRUE COPY OF APPLICATION DATED 22.10.2022
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RESPONDENT.

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EXHIBIT P82 TRUE COPY OF APPLICATION DATED 22.10.2022
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RESPONDENT.

EXHIBIT P83 TRUE COPY OF APPLICATION DATED 22.10.2022
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RESPONDENT.

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RESPONDENT.

EXHIBIT P85 TRUE COPY OF APPLICATION DATED 24.10.2022
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EXHIBIT P100 TRUE COPY OF APPLICATION DATED 22.10.2022 SUBMITTED BY THE PETITIONER NO.100 BEFORE THE 1ST RESPONDENT.

EXHIBIT P101 TRUE COPY OF APPLICATION DATED 22.10.2022 SUBMITTED BY THE PETITIONER NO.101 BEFORE THE 1ST RESPONDENT.

EXHIBIT P102 TRUE COPY OF APPLICATION DATED 22.10.2022 SUBMITTED BY THE PETITIONER NO.102 BEFORE THE 1ST RESPONDENT.

EXHIBIT P103 TRUE COPY OF APPLICATION DATED 22.10.2022 SUBMITTED BY THE PETITIONER NO.103 BEFORE THE 1ST RESPONDENT.

EXHIBIT P104 TRUE COPY OF APPLICATION DATED 22.10.2022 SUBMITTED BY THE PETITIONER NO.104 BEFORE THE 1ST RESPONDENT.

EXHIBIT P105 TRUE COPY OF APPLICATION DATED 22.10.2022 SUBMITTED BY THE PETITIONER NO.105 BEFORE THE

1ST RESPONDENT.

EXHIBIT P106 TRUE COPY OF APPLICATION DATED 22.10.2022
 SUBMITTED BY THE PETITIONER NO.106 BEFORE THE
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EXHIBIT P107 TRUE COPY OF APPLICATION DATED 22.10.2022
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1ST RESPONDENT.

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EXHIBIT P123 TRUE COPY OF APPLICATION DATED 22.10.2022
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EXHIBIT P124 TRUE COPY OF APPLICATION DATED 22.10.2022
SUBMITTED BY THE PETITIONER NO.124 BEFORE THE
1ST RESPONDENT.

EXHIBIT P125 TRUE COPY OF APPLICATION DATED 22.10.2022
SUBMITTED BY THE PETITIONER NO.125 BEFORE THE
1ST RESPONDENT.

EXHIBIT P126 TRUE COPY OF JUDGMENT DATED 06.12.2022 IN W.P.
(C).NO.37246 OF 2022 OF THIS HON'BLE COURT.

EXHIBIT P127 TRUE COPY OF JUDGMENT DATED 20.12.2022 IN
W.A.NO.1942 OF 2022 OF THIS HON'BLE COURT.

EXHIBIT P128 TRUE COPY OF ORDER DATED 22.12.2022 DISMISSING
EXT.P1 FILED BY THE 1ST PETITIONER.

EXHIBIT P128 (a) TRUE COPY OF JUDGMENT DATED 01.08.2019 IN W.P.C
18450 OF 2015.

EXHIBIT P129 TRUE COPY OF APPEAL FILED BY THE 1ST PETITIONER
DATED 11.01.2023 AGAINST EXTS.P128 BEFORE THE
9TH RESPONDENT.

EXHIBIT P130 TRUE COPY OF JUDGMENT DATED 06.12.2022 IN W.P.
(C).NO.1694 OF 2022 OF THIS HON'BLE COURT

EXHIBIT P131 TRUE COPY OF JUDGMENT DATED 8.3.2023 IN WA
NO.357 OF 2023 OF THIS HON'BLE COURT.

EXHIBIT P132 TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH
RESPONDENT IN APPEAL NO.190/2023.

EXHIBIT P133 TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH
RESPONDENT IN APPEAL NO.228/2023.

EXHIBIT P134 TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH
RESPONDENT IN APPEAL NO.225/2023.

EXHIBIT P135 TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH
RESPONDENT IN APPEAL NO.186/2023.

EXHIBIT P136 TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH
RESPONDENT IN APPEAL NO.214/2023.

EXHIBIT P137 TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH
RESPONDENT IN APPEAL NO.218/2023.

EXHIBIT P138 TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH
RESPONDENT IN APPEAL NO.188/2023.

EXHIBIT P139 TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH

	RESPONDENT IN APPEAL NO.202/2023	
EXHIBIT P140	TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH RESPONDENT IN APPEAL NO.237/2023.	
EXHIBIT P141	TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH RESPONDENT IN APPEAL NO.210/2023	
EXHIBIT P142	TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH RESPONDENT IN APPEAL NO.187/2023.	
EXHIBIT P143	TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH RESPONDENT IN APPEAL NO.215/2023.	
EXHIBIT P144	TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH RESPONDENT IN APPEAL NO.194/2023.	
EXHIBIT P145	TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH RESPONDENT IN APPEAL NO.220/2023.	
EXHIBIT P146	TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH RESPONDENT IN APPEAL NO.207/2023.	
EXHIBIT P147	TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH RESPONDENT IN APPEAL NO.234/2023.	
EXHIBIT P148	TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH RESPONDENT IN APPEAL NO.222/2023.	
EXHIBIT P149	: TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH RESPONDENT IN APPEAL NO.181/2023	
EXHIBIT P150	TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH RESPONDENT IN APPEAL NO.219/2023.	
EXHIBIT P151	TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH RESPONDENT IN APPEAL NO.180/2023.	
EXHIBITP152	TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH RESPONDENT IN APPEAL NO.179/2023.	
EXHIBITP153	TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH RESPONDENT IN APPEAL NO.176/2023.	
EXHIBIT P154	TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH RESPONDENT IN APPEAL NO.185/2023.	
EXHIBIT P155	TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH RESPONDENT IN APPEAL NO.197/2023.	
EXHIBIT P156	TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH RESPONDENT IN APPEAL NO.201/2023	
EXHIBIT P157	TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH RESPONDENT IN APPEAL NO.204/2023.	
EXHIBIT P158	: TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH RESPONDENT IN APPEAL NO.193/2023.	
EXHIBIT P159	TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH RESPONDENT IN APPEAL NO.229/2023.	
EXHIBIT P160	TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH RESPONDENT IN APPEAL NO.213/2023.	
EXHIBIT P161	TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH	

RESPONDENT IN APPEAL NO.217/2023
 EXHIBIT P162 TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH
 RESPONDENT IN APPEAL NO.209/2023.
 EXHIBIT P163 TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH
 RESPONDENT IN APPEAL NO.226/2023.
 EXHIBIT P164 TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH
 RESPONDENT IN APPEAL NO.227/2023.
 EXHIBIT P165 TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH
 RESPONDENT IN APPEAL NO.235/2023.
 EXHIBIT P166 TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH
 RESPONDENT IN APPEAL NO.232/2023.
 EXHIBIT P167 TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH
 RESPONDENT IN APPEAL NO.223/2023.
 EXHIBIT P168 TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH
 RESPONDENT IN APPEAL NO.230/2023.
 EXHIBIT P169 TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH
 RESPONDENT IN APPEAL NO.183/2023.
 EXHIBIT P170 TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH
 RESPONDENT IN APPEAL NO.221/2023.
 EXHIBIT P171 TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH
 RESPONDENT IN APPEAL NO.175/2023.
 EXHIBIT P172 TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH
 RESPONDENT IN APPEAL NO.200/2023.
 EXHIBIT P173 TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH
 RESPONDENT IN APPEAL NO.206/2023.
 EXHIBIT P174 TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH
 RESPONDENT IN APPEAL NO.236/2023.
 EXHIBIT P175 TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH
 RESPONDENT IN APPEAL NO.189/2023.
 EXHIBITP 176 TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH
 RESPONDENT IN APPEAL NO.212/2023.
 EXHIBITP 177 TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH
 RESPONDENT IN APPEAL NO.177/2023.
 EXHIBIT P178 TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH
 RESPONDENT IN APPEAL NO.195/2023
 EXHIBIT P179 TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH
 RESPONDENT IN APPEAL NO.199/2023
 EXHIBIT P180 TRUE COPY OF ORDER DATED 5.4.2023 OF THE 9TH
 RESPONDENT IN APPEAL NO.211/2023.

RESPONDENTS EXHIBITS:-

EXHIBIT R1(a) TRUE COPY OF JUDGEMENT DATED 22.11.2022 IN WPC
 NO. 37341 OF 2022 OF THIS HON'BLE COURT.

- EXHIBIT R1 (b) TRUE COPY OF JUDGEMENT DATED 08.03.2023 IN WPC NO. 3116 OF 2023 OF THIS HON'BLE COURT.
- EXHIBIT R2 (a) A TRUE COPY OF THE JUDGMENT IN WP(C) NO:23725, 24177 AND 25887 OF 2019 DATED 04/11/2019.
- EXHIBIT R2 (b) A TRUE COPY OF THE MEMORANDUM OF SETTLEMENT SIGNED ON BETWEEN THE 5TH RESPONDENT AND THE POOL WORKERS ON 27/05/2023.
- EXHIBIT R2 (c) A TRUE COPY OF NOTICE SENT ON 3-6-23.
- EXHIBIT R10 (a) A TRUE COPY OF THE LETTER ISSUED BY THE MARKET AUTHORITY DATED 23.05.2023 TO THE POOL LEADER, POOL NO 10.
- EXHIBIT R10 (b) A TRUE COPY OF THE NOTICE ISSUED BY BOARD TO THE ESTABLISHMENT NAMED ASP VEGETABLES REQUIRING TO REGISTER THE NAME DATED 06.02.2023 WITH ITS TYPED COPY.
- EXHIBIT R10 (c) A TRUE COPY OF THE INTERIM ORDER IN WA 896/2023 DATED 13.06.2023.
- EXHIBIT R10 (d) A TRUE COPY OF THE WRIT APPEAL MEMORANDUM IN W.A NO. 357 OF 2023 WITHOUT ITS EXHIBITS AND ANNEXURE FILED BEFORE THIS HON'BLE COURT.
- EXHIBIT R11 (a) THE TRUE COPY OF THE REGISTRATION CERTIFICATE NO. SHO70220030402 DATED 19.08.2019 ISSUED BY THE ALO, 126TH RESPONDENT.
- EXHIBIT R11 (b) 5. THE TRUE COPY OF THE APPLICATIONS SUBMITTED BY RESPONDENT NO. 81 HEREIN BEFORE THE ALO, 126TH RESPONDENT.
- EXHIBIT R11 (c) THE TRUE COPY OF THE APPLICATIONS SUBMITTED BY RESPONDENT NO.104 HEREIN BEFORE THE ALO, 126TH RESPONDENT DT.22.10.2022.
- EXHIBIT R11 (d) THE TRUE COPY OF THE APPLICATIONS SUBMITTED BY RESPONDENT NO.105 HEREIN BEFORE THE ALO, 126TH RESPONDENT DT.22.10.2022.
- EXHIBIT R11 (e) THE TRUE COPY OF THE APPLICATIONS SUBMITTED BY RESPONDENT NO.106 HEREIN BEFORE THE ALO, 126TH RESPONDENT DT.22.10.2022.
- EXHIBIT R11 (f) THE TRUE COPY OF THE APPLICATIONS SUBMITTED BY RESPONDENT NO.107 HEREIN BEFORE THE ALO, 126TH RESPONDENT DT.22.10.2022.
- EXHIBIT R11 (g) THE TRUE COPY OF THE SALARY CERTIFICATE ISSUED TO THE RESPONDENT NO. 81, 104 TO 107 HEREIN /WRIT PETITIONERS NO. 81, 104 TO 107.
- EXHIBIT R11 (h) THE TRUE COPY OF THE ATTENDANCE REGISTER MAINTAINED BY ME EVIDENCING THE ENGAGEMENT OF THE RESPONDENT NO. 81, 104 TO 107 HEREIN /WRIT PETITIONERS NO. 81, 104 TO 107.

- EXHIBIT R11(i) THE TRUE COPY OF THE EMPLOYMENT CERTIFICATE DATED 23.02.2023 ISSUED BY ME EVIDENCING THE ENGAGEMENT OF THE RESPONDENTS RESPONDENT NO. 81, 104 TO 107 HEREIN /WRIT PETITIONERS NO. 81, 104 TO 107.
- EXHIBIT R12(a) TRUE COPY OF THE LETTER NO. C3/293/12 ISSUED BY THE 3RD RESPONDENT, DATED 30/09/2019
- EXHIBIT R12(b) TRUE COPY OF THE MINUTES DATED 27/05/2023.