

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3065 OF 2010
[arising out of SLP(C) No. 22139 of 2008]

KERALA ELECTRICAL & ALLIED ENGINEERING APPELLANTS

VERSUS

GEN. SEC. KER. EMPLOYEES ASSN. (AITUC) RESPONDENTS
& ORS.

O R D E R

1. Leave granted. Appeal admitted.
2. Heard the learned counsel for the parties.
3. The two workmen through the respondent-Union had claimed benefit under the Kerala Casual Temporary and Badli Workers (Wages) Act, 1989. Though in the claim petition, it was stated that they were regular employees, the competent authority and the appellate authority constituted under the Act came to the conclusion that they were only casual labourers and were entitled to the benefit conferred by Section 3 of the said Act. That decision has been upheld by the learned Single Judge and in appeal by the Division Bench of the High Court of Kerala at Ernakulam.
4. The only contention which was raised by the learned counsel for the appellant was that the two

workmen were permanent employees and therefore, Section 3 of the said Act was not applicable at all. As observed earlier, the competent authority as well as the appellate authority constituted under the Act have on appreciation of evidence held that the two workmen were causal labourers and, therefore, were entitled to benefit under Section 3 of the Act. This finding is a finding of fact. The Court does not find any merit in the appeal and therefore it must fail. Accordingly, the appeal is dismissed. There shall be no order as to costs.



.....J
[J.M. PANCHAL]

.....J
[DR. B.S. CHAUHAN]

NEW DELHI
APRIL 01, 2010.

JUDGMENT