



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. SOUMEN SEN

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

WEDNESDAY, THE 1ST DAY OF APRIL 2026 / 11TH CHAITHRA, 1948

WP(PIL) NO. 42 OF 2026

PETITIONER

ALL KERALA BAR HOTELS & RESTAURANT EMPLOYEES
ASSOCIATION (CITU) REPRESENTED BY ITS GENERAL
SECRETARY
DIBU MANGALASSERRY S/O V.G.BALAKRISHNAN, AGED 42,
NOW RESIDING AT MANGALASSERY HOUSE, RAMALLOOR,
KOTHAMANGALAM P.O., ERNAKULAM DISTRICT, PIN - 686691

BY ADVS.
SHRI.B.N.HASKAR
SRI.B.K.GOPALAKRISHNAN
SHRI.KRISHNAKUMAR S.
SMT.NIKITHA P.
SHRI.ROSHITH ROSHAN

RESPONDENTS

- 1 STATE OF KERALA
REP BY ITS CHIEF SECRETARY KERALA GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM ,
KERALA,, PIN - 695001
- 2 ADDITIONAL CHIEF SECRETARY
FINANCE DEPARTMENT, TAX (G) MAIN BLOCK, KERALA
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM ,
KERALA, PIN - 695001
- 3 ADDITIONAL CHIEF SECRETARY
HOME AND VIGILENCE DEPARTMENT KERALA GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM , KERALA,,
PIN - 695001



- 4 ADDITIONAL CHIEF SECRETARY
 HEALTH AND FAMILY WELFARE DEPARTMENT KERALA
 GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM ,
 KERALA,, PIN - 695001

- 5 SPECIAL SECRETARY,
 SOCIAL JUSTICE DEPARTMENT SOUTH BLOCK, KERALA
 GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM ,
 KERALA,, PIN - 695001

- 6 THE EXCISE COMMISSIONER
 STATE OF KERALA, EXCISE COMMISSIONERATE,
 NANDHAVANAM, VIKAS BHAVAN P.O., THIRUVANANTHAPURAM,
 PIN - 695033

- 7 THE SECRETARY TO GOVERNMENT LABOUR AND SKILLS (E)
 DEPARTMENT
 GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM ,
 KERALA,, PIN - 695001

- 8 KERALA BAR HOTELS AND RESORT EMPLOYEES FEDERATION
 (AITUC)
 GEORGE CHADAYANMURI SMARAKA MANDIRAM, JUDGE'S
 AVENUE, KALOOR PO, ERNAKULAM, KOCHI-17,
 PRESENTLY P S SMARAKA MANDIRAM, PATTOM, PALACE P O,
 THIRUVANANTHAPURAM 695004, REPRESENTED BY ITS
 GENERAL SECRETARY V V ANTONY, RESIDING AT VETITHANAM
 HOUSE, SOUTH PAMPADI P O, KOTTAYAM DISTRICT 686521.

ADDL. R8 IS IMPLEADED AS PER ORDER DATED 01/04/2026
IN I.A 2/2026 IN WP(PIL).

BY ADVS.
GOVERNMENT PLEADER
SHRI.RADHAKRISHNAN R.
SHRI.B.V.BALAKRISHNAN
SMT.SREELAKSHMI P.R.
SMT.LATTISHA THERASA THOMAS
SMT.CHRISTIL SHAJI

THIS WRIT PETITION (PUBLIC INTEREST LITIGATION) HAVING
COME UP FOR ADMISSION ON 01.04.2026, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



J U D G M E N T

Syam Kumar.V.M.,J.

This W.P(PIL) is filed inter alia challenging the amendments made to Section 24 and 29 of the Abkari Act vide Ext.P2 Government Notification, which substituted Rule 28 Sub-Rule (1) of the Foreign Liquor Rules, 1953, whereby the working hours of Bar and Hotels in the State of Kerala was varied.

2. The petitioner challenges Ext.P2 *inter alia* on the premise that the same is violative of the norms that are in force under the Minimum Wages Act as well as the Labour Act, which envisages the working time of employees. It is also submitted that the said variation militates against the mandates of Article 47 and 48 of the Constitution of India.

3. We have heard the learned counsel appearing for the respondents.

4. We had vide order dated 26.02.2026, directed the Government to convene a meeting of all the stakeholders to resolve the issue.



5. Today, when the matter is taken up for consideration, Ms.Vinitha B., the learned Senior Government Pleader brings to our notice an affidavit filed by the Under Secretary, Labour and Skills Department, Government Secretariat, producing therewith Annexure R7(a), which is a Minutes of the meeting that had been convened as directed by this Court in the interim order.

6. It is noted that all the stakeholders involved in the matter had participated in the meeting and the meeting had resolved the following:

1. ഓരോ ബാർ ഹോട്ടൽ ലൈസൻസിക്കും രാവിലെ 8 മണി മുതൽ രാത്രി 12 മണിവരെയുള്ള സമയത്തിനിടയിൽ, രാവിലെ 8 മണി മുതൽ രാത്രി 10 മണി വരെ അല്ലെങ്കിൽ രാവിലെ 10 മണി മുതൽ രാത്രി 12 വരെ എന്നിങ്ങനെയുള്ള സമയം (Flexi time) തെരഞ്ഞെടുക്കുവാൻ അനുമതി നൽകുന്ന കാര്യം പരിഗണിക്കാവുന്നതാണ്

2 ബാർ ഹോട്ടലിലുകളിലെ ജീവനക്കാർക്ക് Labour Act, Minimum Wages Act പ്രകാരമുള്ള ആനുകൂല്യങ്ങൾ അനുവദിക്കണം. അധിക സമയം ജോലി ചെയ്യുന്ന തൊഴിലാളികൾക്ക് ഓവർ ടൈം അലവൻസ് അനുവദിക്കണം. ഇക്കാര്യത്തിൽ തൊഴിൽ വകുപ്പ് ആവശ്യമായ നടപടികൾ സ്വീകരിക്കേണ്ടതാണ്.



3 സെക്കൻഡ്സ് മദ്യത്തിന്റെ വില്പന തടയുന്നതിനായി ബീവറേജ്സ് ഔട്ട് ലെറ്റുകളുടെ പ്രവർത്തന സമയം രാവിലെ 8 മുതൽ രാത്രി 9 വരെ ആയി വർദ്ധിപ്പിക്കുന്നത് പരിഗണിക്കാവുന്നതാണ്

7. In view of the said resolutions arrived at the joint meeting wherein all the stakeholders were participated, the apprehensions and grievances as expressed by the petitioner in the W.P(PIL) already stands substantially redressed.

8. We also take note of paragraph 4 and 5 of the affidavit filed by the Under Secretary, Labour and Skills Department, which is reiterated below:

“4. The Additional Chief Secretary (Taxes) thereafter communicated the decisions of the said meeting to the Labour Department. The Special Secretary to Labour. vide letter No. E1/31/2026/LBRD dated 16.03.2026 directed the Labour Commissioner to implement Decision No.2 of the meeting held on 09.03.2026 under the Chairmanship of the Additional Chief Secretary (Taxes). This directive specifically mandates action to ensure compliance with benefits under the Minimum Wages Act and other relevant labour statutes, with particular focus on overtime wages for more than eight hours for employees in bar hotels.



5. It is submitted that, as mandated in Section 7 of the Kerala Shops and Commercial Establishments Act, 1961, any employee working beyond eight hours a day or forty-eight hours a week is entitled to overtime wages at twice the ordinary rate of wages. In order to ensure compliance with the above statutory provisions and to safeguard worker welfare Labour Department Inspectors are conducting regular and periodic inspections across establishments to verify compliance with the Minimum Wages Act, the Kerala Shops and Commercial Establishments Act and other applicable laws.

9. However it appears from paragraph 6 that, this Court in W.P(C)NO.28867 of 2023 dated 25.08.2023 has directed that no coercive action shall be taken against the establishments covered by the said notification.

10. In view of the above developments, we see no reason to keep this W.P(PIL) pending.

The W.P(PIL) is accordingly disposed of.

Sd/-

**SOUMEN SEN
CHIEF JUSTICE**

Sd/-

**SYAM KUMAR V. M.
JUDGE**



APPENDIX OF WP(PIL) NO. 42 OF 2026

PETITIONER EXHIBITS

Exhibit P1 A TRUE COPY OF THE REGISTRATION
CERTIFICATE OF REGISTRATION OF TRADE UNION
ISSUED BY DISTRICT LABOUR OFFICER,
ERNAKULAM BEARING THE REGISTRATION NO. TU
19343 DATED 30-4-2019

Exhibit P2 A TRUE COPY OF GO[P] NO. 18/2026/TAXES
DATED 13-2-2026 ISSUED BY THE 2ND
RESPONDENT

RESPONDENT ANNEXURES

Annexure R9(a) A TRUE COPY OF THE REGISTRATION
CERTIFICATE OF THE REGISTRATION OF TRADE
UNION ISSUED BY THE DEPUTY REGISTRAR OF
TRADE UNIONS (KERALA STATE AND DISTRICT
LABOUR OFFICER, ERNAKULAM BEARING REG NO
TU 19498 DATED 07/10/2020