

**HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY**

WRIT APPEAL No.1063 of 2015

ORDER: (Per R. Subhash Reddy, J)

This Writ Appeal, under clause 15 of the Letters Patent, is filed by the petitioner-party-in-person in W.P.No.22181 of 2014 aggrieved by the order dated 30.11.2015 passed therein by the learned single Judge.

The aforesaid Writ Petition is filed with the following prayer:

“For the reasons stated in the accompanying affidavit, the petitioner prays that this Hon’ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Certiorari calling for the records pertaining to and in connection with the order dated 16.07.2014 in PW No.5 of 2013 passed by the 2nd respondent and quash the same by declaring as illegal, arbitrary, unwarranted and consequently direct the respondents;

- a) to allow the petitioner to continue in work with the 4th respondent;
- b) to recover the wages from 1st December, 2010 till the Settlement/Realization and other compensations and pay the same to the petitioner;
- c) to order for probe into the affairs of the 2nd respondent and 3rd respondent under Indian Penal Code Section 52, 119, 166, 167; and

pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

The learned single Judge, by order dated 13.11.2015, dismissed the Writ petition mainly on the ground that against the order passed by the authority under the Payment of Wages Act, 1936 (for short “the Act”) remedy is available to the petitioner and,

further, with regard to other reliefs, petitioner has not produced any material in support thereof.

Heard the writ petitioner-party-in-person.

In the Writ Petition referred above, petitioner questioned the order dated 16.07.2014 passed in PW No.5 of 2013 by the authority under the Act/Joint Commissioner of Labour. The said authority rejected the petition filed by the petitioner on the ground that, having regard to quantum of salary claimed by the petitioner at Rs.50,000/- per month, petition filed by him is not maintainable under the Act and, further, on the ground that he did not place any material on record with regard to other reliefs claimed by him.

Petitioner claims that he worked as Manager in the 4th respondent, which is a Private Limited Company. In the Writ Petition, petitioner sought several other reliefs apart from questioning the order dated 16.07.2014 passed in PW No.5 of 2013 by the Joint Commissioner of Labour. If the petitioner is aggrieved by the order dated 16.07.2014 passed in PW No.5 of 2013, he can avail the remedy of appeal which is available under the Act itself. In view of availability of alternative remedy under the Act, there is no reason to entertain this Writ Petition. With regard to other reliefs, no evidence is placed on record and further, petitioner cannot maintain a Writ Petition against the 4th respondent, which is a Private Limited Company. Having regard to the provision under Section 16 of the Act and the reasons recorded by the learned single Judge, we do not find any merit in this Writ Appeal.

The Writ Appeal is accordingly dismissed at the stage of admission. No order as to costs.

As a sequel, miscellaneous petitions if any pending in the appeal stand closed.

R. SUBHASH REDDY, J

M. SATYANARAYANA MURTHY, J

December 15, 2015
MRR