

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.8269 of 2014

Dated 28th July, 2015

Between:

P.Venkateswara Rao

...Petitioner

And

The Rudravaram PACS Limited, Rudravaram, Reddygudem Mandal,
Krishna District rep.by its CEO and others

...Respondents

Counsel for the petitioner: Ms.G.Sindhu

for Sri K.Chidambaram

**Counsel for respondent Nos.1 & 2: Sri Parsa Anantha Nageswara
Rao**

Counsel for respondent Nos.3 & 4: AGP for Labour

The Court made the following:

ORDER:

This writ petition is filed for a mandamus to declare the action of respondent Nos.1 and 2 in not paying back wages to the petitioner in terms of order, dated 04.06.2013, in APSE Case No.2/2005, of respondent No.3, as illegal and arbitrary. The petitioner sought for a consequential direction to respondent Nos.1 and 2 to implement the said order.

The petitioner, who was working as a Paid Secretary, was removed from service by respondent No.1. Assailing his removal, the petitioner has moved the Authority under Section 48 of the A.P.Shops & Establishments Act, 1988 & the Deputy Commissioner of Labour, Vijaywada under Section 48(2) of the A.P.Shops & Establishments Act, 1988 (for short 'the Act'). By the order, dated 04.06.2013, the

Authority while holding that the petitioner's removal is illegal has however directed respondent No.2 to pay back wages from the date of suspension of the petitioner till the date of superannuation duly deducting subsistence allowance, if any, within 30 days from the date of receipt of the said order. The petitioner sought for implementation of this order by filing this writ petition.

At the hearing, Ms.G.Sindhu, learned counsel, representing Sri K.Chidambaram, learned counsel for the petitioner, has not disputed that under Section 48(5) of the Act, her client has a remedy of enforcing the order passed by the Authority under Section 48(2) of the Act through the Magistrate concerned.

In my opinion, when the petitioner has an efficacious remedy for enforcement of the order of the Authority, it is not appropriate to entertain this writ petition.

For the above-mentioned reasons, the writ petition is dismissed without adjudicating on the merits of the case with liberty to the petitioner to avail the remedy as indicated above.

As a sequel to dismissal of the writ petition, W.P.M.P.No.10298 of 2014 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

28th July, 2015
VGB