

HON'BLE SRI JUSTICE S. RAVI KUMAR

WRIT PETITION No.26711 of 2003

ORDER:

This writ petition is filed contending that order in Appeal No.1 of 2003 on the file of Assistant Commissioner of Labour, Vijayawada, Krishna District and also orders of 1st respondent in APSE Case No.36 of 1998 dated 12.08.2002 as illegal and arbitrary.

2. Petitioner has joined in M/s.Pine Enterprises as Manager in the year 1972 and he worked in that capacity for about 24 years. However, in the year 1996, 4th respondent did not allow him to discharge his duties, on that he filed an application before the Authority under Shops and Establishments Act and the same was registered as Case No.36 of 1998 and the Authority on a consideration of contentions and rival contentions of both parties dismissed application holding that petitioner is not eligible for any benefits as there is no relationship of employee and employer. Aggrieved by the same, petitioner preferred appeal to the appellate Authority, who is the Assistant Commissioner of Labour, Vijayawada, and appellate Authority also dismissed the appeal holding that petitioner is not entitled for the claim made under Section 51 of the A.P. Shops and Establishments Act.

3. Heard arguments.

4. As seen from the material, petitioner claimed

benefits under Section 51 of the A.P. Shops and Establishments Act, claiming a sum of Rs.30,571.20 ps. towards compensation for 24 years service, Rs.32,306/- towards wages due from December, 1996 to February, 1998, a sum of Rs.10,000/- towards bonus due from 1992 to 1997, a sum of Rs.5,095.20 ps. towards leave wages for 60 days, a sum of Rs.30,571.20 ps. towards retrenchment compensation equal to 24 years service compensation and Rs.2,208/- towards one month notice, thus, totaling to Rs.1,10,751.60 ps.

5. According to advocate for petitioner, petitioner is only an employee and both the Authorities considered the petitioner as Manager and disallowed the claim of petitioner and that the orders of both the Authority and appellate Authority are illegal and contrary to the provisions of A.P. Shops and Establishments Act.

6. As seen from the material in the application submitted to Labour Officer-II, Vijayawada under Section 50 of the A.P. Shops and Establishments Act, petitioner clearly stated in 1st para of his application that he joined in the services of opposite party (4th respondent herein) as Manager and put up unblemished service of 24 years and the action of respondents in not allowing him to discharge his duties from 31.12.1996 is illegal. When petitioner himself contend that he joined service as Manager now his contention that he was only an employee and that there is relationship of employer and employee to attract

benefits under the A.P. Shops and Establishments Act cannot be accepted. On a scrutiny of the material, I am of the view that both the Labour Officer and the Assistant Commissioner of Labour, Vijayawada, rightly disallowed the claim of petitioner and that there is no illegality in the findings of the both the Authorities and the writ petition is devoid of merits.

7. Accordingly, this writ petition is dismissed.

8. Miscellaneous Petitions pending, if any, shall stand closed. No costs.

S. RAVI KUMAR, J

11th December 2015.

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