

THE HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.1928 OF 2001

ORDER:

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Heard learned counsel Sri C.Damadar Reddy for petitioners and the learned Government Pleader for Labour.

The petitioners challenge the order of 1st respondent in S.E.Case No.6/96 (File No.C/4010/96) dated 19.05.2000, as illegal, arbitrary and without jurisdiction. The petitioners substantially pray for writ of Certiorari against the impugned order dated 19.05.2000.

The 1st respondent in exercise of its jurisdiction under the A.P. Shops and Establishments Act, 1988 has passed the following order:

“The Op1 has stated that he has issued letters/notices to the applicant as marked exhibit B1 and B3 but no acknowledgement is filed. Hence in absence of acknowledgements the letters/notices said to be issued are not believable. Hence the applicant is eligible for notice pay of Rs.1,192/- (Rupees one thousand one hundred ninety two only) along with amount of 3 times compensation (three times) amounting to Rs.5,946/- (Rupees five thousand nine hundred forty six only) (included notice pay + leave with wages) and a grand total of Rs.10,372/- (Rupees ten thousand three hundred seventy two only). The Op1 and Op2 are jointly and severally liable to pay the above said amount. I direct Op1 and Op2 to refund to the applicant and pay within (30) days of receipt of this order.”

Learned counsel for the petitioners vehemently contends that the direction of 1st respondent to the petitioners to pay a sum of Rs.10,372/- in lieu of notice and compensation is illegal and not based upon the material available on record.

With the assistance of the learned counsel appearing for the petitioners, I have carefully gone through the order dated 19.05.2000. A bare reading of the impugned

order discloses that the 1st respondent, in exercise of the jurisdiction conferred by the Act has taken note of the dispute between the petitioners and the 2nd respondent and on the plea set up by the petitioners herein viz., letters/notices were issued by the petitioners to 2nd respondent and that lack of evidence on the service or despatch of notice to

2nd respondent and the effect on the relationship of petitioners and respondent No.2, granted a meager compensation in lieu of the other reliefs. Having regard to the totality of circumstances, I am satisfied that the order under challenge does not warrant interference from this Court.

In my considered view, the 1st respondent has arrived at a just fact and awarded just relief in the facts and circumstances of this case. I do not see any illegality or error apparent on the face of the record to interfere with the order impugned in the writ petition.

The writ petition fails and is accordingly dismissed. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

S.V.BHATT, J

Date:27.10.2015

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