

HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.31874 of 2012

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Date: March 06, 2015

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Between:

The Managing Director,
M/s. Bata India Limited,
Gurgaon, Haryana, represented
By his Letter of Authority Holder
Masood Ahmed, District Manager.
... Petitioner

and

1. The Authority U/S.50 of A.P.S.E. Act &
Assistant Commissioner of Labour III,
Hyderabad & 2 others.
... Respondents

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ORDER:

This writ petition was filed as long back as in the year 2012 assailing the action of the Authority Under Section 50 of the Andhra Pradesh Shops and Establishments Act, 1988-cum-Assistant Commissioner of Labour-III, Hyderabad, in not passing orders on the un-numbered I.A. filed by the petitioner to set aside the *ex parte* order dated 02.09.2009 in S.E.No.14 of 2008.

2. As it was stated that without proceeding upon the said I.A., the criminal case instituted against the petitioner on the file of the learned XII Additional Chief Metropolitan Magistrate, Hyderabad, was being prosecuted, this Court granted interim stay of further proceedings in CrI.M.P.No.3301 of 2012 before the learned XII Additional Chief Metropolitan Magistrate, Hyderabad. W.V.M.P.No.979 of 2013 was filed by the 3rd respondent-workman to vacate the said order.

3. This Court is not inclined to go into the merits of the matter as the issue raised in the writ petition falls within a narrow compass. The only grievance of the petitioner is as to the alleged inaction on the part of the first respondent Authority in numbering its set-aside petition and passing appropriate orders thereon in accordance with law. As stated supra, this grievance was raised before this Court by way of this writ petition in the year 2012 and it is stated by the learned counsel that the same situation is continuing even as on date.

4. The writ petition is therefore disposed of

directing the first respondent Authority to number the set-aside petition filed by the petitioner in S.E.No.14 of 2008, in the event it is found to be in order, and pass appropriate orders thereon in accordance with law. In the event, the said set-aside petition is not filed as per due procedure, the Authority shall return/reject the same in accordance with the due procedure. This exercise, one way or the other, shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of a copy of this order. The interim stay granted by this Court on 12.10.2012 shall continue to be operative for the said period and thereafter, it shall be open to the parties to seek appropriate orders before the proper forum as per law.

5. Pending miscellaneous petitions, if any, shall stand closed in consequence. No order as to costs.

SANJAY KUMAR, J.

Date: March 06, 2015.

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