

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.18735 of 2015

O R D E R:

This writ petition is filed under Article 226 of the Constitution of India for the following relief –

“ The Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in nature of Writ of Mandamus declaring the action of the respondents in not including the 1% towards Labour Cess in respect of the works allotted to the petitioner by the respondents by revising the estimates, as high arbitrary, illegal, discriminatory apart from violative of Articles 14 & 19(1) (g) of the Constitution of India and consequently direct the respondents to include the 1% amount towards Labour Cess to the works estimates entrusted to the petitioner vide various agreements as per the judgment in Writ Petition Nos.11269 of 2009 and batch dated 22.10.2009 and pass such order or orders as the Hon'ble Court deems fit and proper in the circumstances of the case.”

Heard the learned counsel for the petitioner and learned Government for the respondents.

It is represented by the learned counsel for the petitioner that the issue involved in this writ petition is squarely covered by the decision of this Court in Writ Petition No.11269 of 2009 and batch dated 22.10.2009 and a copy of the same is filed along with the material papers of the writ petition.

Following the said order passed in W.P.No.11269 of 2009 and batch dated 22.10.2009, this writ petition is also

stands disposed of directing that :

- a) the respondents shall include 1% cess in the estimates for the works which they propose to undertake, if the work continues for or beyond twelve months and involves engagement of 10 workers or more; and
- b) the respondents shall not deduct any amount towards cess, unless the corresponding amount is included in the estimates.

Accordingly, the writ petition is disposed of. As a sequel thereto, miscellaneous applications, if any pending in the writ petition, shall stand closed. There shall be no order as to cost.

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A.V.SESHA SAI, J

Date:25.06.2015

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Note Issue cc forthwith

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25.6.2015