

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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WRIT PETITION NO.8619 OF 2003

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ORDER:

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This writ petition is filed by the petitioner challenging the order, dated 02.01.2003 of the 2nd respondent in S.A.No.28/2000 wherein the 2nd respondent has set aside the order dt.20.04.2000 passed by the 3rd respondent, allowing the application filed by the petitioner under Section 50 of the Andhra Pradesh Shops & Establishment Act, 1988 (for short 'the Act') and granted the relief of payment of salary to the petitioner.

The case of the petitioner is that he worked as a Reader in Urdu at L.B.College, Warangal during the year 1977 and subsequently joined in Urdu Arts Evening College, Hyderabad on deputation in 1995. It is the case of the petitioner that his salary from 1994-1995 is due to him. During the year 1996, a bill for January & February 1995 was also submitted to the Director of Collegiate Education for passing the same. But the said Director passed a bill for Rs.9,575/- disallowing the claim of Rs.8,985/- stating that there was no budget for the same. The petitioner filed a case in SE.No.15/99 before the authority appointed under Section 50 of the Act and after hearing, the 3rd respondent passed an order dated 20.04.2000 directing the 1st respondent to deposit an amount of Rs.14,376/- against which, the 1st respondent filed an appeal in S.A.No.28 of 2000, which was allowed. Aggrieved by the same, this writ petition is filed.

It is to be seen that admittedly, the petitioner is a Reader in Urdu Arts College, Warangal and the appellate authority clearly held that the petitioner is not an employee as defined under Section 2(1) and

Section 2(8) of the Act and as such, the 3rd respondent has no jurisdiction to entertain the petition filed by the petitioner under Section 50 of the Act. Following the judgment of the Supreme Court in **MADRAS GYMKHANA CLUB VS. MANAGEMENT OF THE GYMKHANA CLUB** the appellate authority held that the services of professional men such as Doctors, Teachers, Lawyers, Solicitors etc., are easily distinguishable services, and are excluded from the purview of the Act. The appellate authority also clearly held that the said institution is neither a shop nor an establishment covered under the Act. More so, except the Correspondent, the said College is not added as a party to the writ petition. Even otherwise also, the impugned order does not suffer from any error. It is clearly stated that the Shops & Establishments Act has no application for the employees who are drawing salaries more than Rs.16,000/- and admittedly, the petitioner is drawing more salary.

In view of the above, the writ petition is dismissed. Miscellaneous petitions, if any, pending shall stand closed. No order as to costs.

A.RAJASHEKER REDDY, J

Dt.29.10.2015

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