

HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No. 5457 OF 2003

ORDER:

This Writ Petition filed under Article 226 of the Constitution of India challenges the order, dated 06.02.2003, passed by the authority appointed under Section 48(1) of the A.P. Shops and Establishments Act, 1988 and Assistant Commissioner of Labour-II, Guntur - 1st respondent herein.

Heard learned counsel for the petitioner, learned Government Pleader for the 1st respondent and Sri T. Laxminarayana for the 2nd respondent.

By virtue of the order under challenge, the 1st respondent authority directed the writ petitioner society to pay service compensation and wages from 16.08.1994 to 31.01.2003 at Rs.2,15,929=20 ps to the 2nd respondent.

The principal contention as advanced by the learned counsel for the petitioner in the present Writ Petition is in view of the law laid down by a Full Bench of this Court in **Srinivasa Resorts Limited, Hyderabad and another vs. State of A.P. and others**¹, the order under challenge cannot be sustained. In fact, a copy of the said judgment is also placed on record by the counsel. In the said judgment, this Court held sub-sections (3) and (4) of Section 47 of the A.P. Shops and Establishments Act as unconstitutional, discriminatory and violative of Article 14 of the Constitution of India.

In view of the above judgment, this Writ Petition is liable to be allowed and is accordingly allowed setting aside the order, dated 06.02.2003, passed by the 1st respondent. Miscellaneous petitions, if any, shall stand closed. No costs.

A.V. SESA SAI, J

Date: 26.10.2016
ES

¹ 2002 (1) ALD 598 (FB)