

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO

-
WRIT APPEAL No. 223 of 2009

Date: 10.06.2016

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Between:

M/s. U Foam Pvt., Ltd., rep., by its Manager HR and IR,
Hyderabad.

... Appellant

And

The Commissioner of Labour, Govt., of A.P.,
Hyderabad & others.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO**

WRIT APEPAL No. 223 of 2009

ORDER: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This appeal is directed against the order, dated 31.12.2008, passed in W.P.No.16726 of 1999, whereby the appellant's writ petition has been disposed of making the following observations in the concluding paragraph. The concluding paragraph reads thus:

“Admittedly, the order impugned in this writ petition is appealable under the provisions of the Act. Therefore, in my view, interests of justice would be met, if the petitioner is permitted to file an appeal against the impugned order. Accordingly, the petitioner is granted six (6) weeks' time to file appeal before the appellate authority. If such an appeal is filed within the time stipulated above, the appellate authority shall entertain and dispose of the same on merits after hearing both the parties.”

Sri K. Arun Kumar, learned counsel holding for Sri M. Panduranga Rao, advocate on record for the appellant, submits that once having relegated the appellant to remedy of appeal, learned Judge ought not to have recorded any findings on the question of prejudice or bias.

From the impugned order we find that learned Judge has considered the question of prejudice or bias. In view thereof, when we expressed that the appellant can file appeal, as observed

in the concluding paragraph of the impugned order, and in which case all contentions of the appellant even in respect of the question of prejudice and bias can also be kept open, learned counsel for the respondents also agreed for the same.

Hence, we dispose of the appeal with the following order:

“The appellant to file appeal as observed in the concluding paragraph of the impugned order, as expeditiously as possible and preferably within a period of six weeks from today. It is open to the appellant to raise the question of prejudice and bias also before the appellate authority. If any such plea is raised, we hope and trust that the appellate authority shall deal with the same on merits in accordance with law and uninfluenced by the observations made in the impugned order in respect thereof. In short, the observations made by learned Judge in the impugned order on the question of prejudice and bias shall not operate. All contentions of the parties are kept open.

Miscellaneous petitions, if any, shall also stand disposed of.

DILIP B.BHOSALE, ACJ

P.

NAVEEN RAO, J

Date: 10.06.2016

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