

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.23189 of 2010
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ORDER:

This writ petition was filed for the following relief:

“to issue a Writ of Mandamus or any other appropriate writ, order or direction declaring the action of respondents in not including 1% towards labour cess in respect of the work i.e., “Construction of integrated hostel complex for girls at Bapatla, Guntur District” covered by Agreement No.122/2007-08 dated 14-02-2008 executed by the petitioner and in the payments made after 26.06.2007 by revising the estimates as per clause (i) of U.O.Note No.4763/PFS.F8(A1)/98-4 dated 28.02.2008 issued by respondent No.2 as highly arbitrary, illegal, unreasonable and violative of Articles 14 and 19(1)(g) of the Constitution of India and consequently direct the respondents to include 1% towards labour cess for the said work entrusted to the petitioner and for all the payments made after 26.06.2007 as per clause (i) of the said U.O.Note and also to release the amounts which were already recovered in this regard to the petitioner.”

The issue raised in this writ petition is no longer *res integra*. A learned Single Judge of this Court held that such withholding of amount is bad in law, and against the same, the State preferred W.A. No.2117 of 2005 & batch but the same was dismissed by a Division Bench of this Court on 21.07.2010. The said decision was reported in 2010 (5) ALT 787 (DB) [**State of Andhra Pradesh, rep. by its Special Chief Secretary to Government, Transport, Roads & Buildings (B.I) Department v. National Academy of Construction, Hyderabad rep. by its Director General Sri R.C. Sinha**].

In view of the authoritative decision of the Division Bench of this Court confirming the order of learned single Judge, this Writ Petition is allowed. No order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.RAMALINGESWARA RAO, J

21.04.2016

MVA