

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 24525 of 2015

DATED 21st JUNE, 2016

BETWEEN

M/s. Sri Laxmi Enterprises,
HP Gas Dealer, Palasa, Srikakulam District,
Rep. by its Partners

...Petitioner

And

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Labour and Employment Department,
AP Secretariat, Hyderabad and ors.

...Respondents.

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WRIT PETITION No. 24525 of 2015

ORDER:

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The petitioner is a partnership firm and a dealer in Hindustan Petroleum Gas. During the life of the father of petitioner, the fourth respondent was appointed as clerk and was looking after the business of the firm even after the death of the father of the petitioner. It was noticed that the fourth respondent committed several irregularities. When he was asked to refund the misappropriated amount, he stopped attending the office voluntarily from 01.06.2010. Thereafter he filed an application under Section 50 of the A.P. Shops and Establishment Act, 1988 before the third respondent with false

and frivolous allegations alleging that his services were terminated illegally and he was paid lesser wages from the date of his appointment till the date of termination and claimed an amount of Rs.27,30,898/- under various heads. The said claim was taken on file by the third respondent as FA No. 1 of 2013. Thereafter, the third respondent passed an order on 31.05.2014 directing the petitioner to pay total compensation of Rs.1,37,666/-. Challenging the said order, the petitioner filed an appeal before the appellate authority-cum-Deputy Commissioner of Labour, Srikakulam, the second respondent herein, on 12.09.2014 with a petition to condone the delay of 74 days in filing the appeal. Along with the said appeal, the petitioner also filed an application seeking suspension of the order of the third respondent. When no orders are passed even after lapse of eleven months, the present Writ Petition is filed.

Though this Court granted interim stay of all further proceedings by order dated 6.8.2015, in view of fourth respondent filing WVMP.No.3356 of 2015 seeking vacation of the said interim order, the present Writ Petition is taken up for consideration.

In view of the pendency of the appeal before the second respondent, this Court is not inclined to go into the merits or otherwise of the subject matter at this stage. Having regard to the facts and circumstances of the case, the Writ Petition is disposed of directing the second respondent to consider the appeal preferred by the petitioner against the order of the third respondent dated 31.5.2014 after affording an opportunity of being heard to the petitioner as well as fourth respondent and

pass appropriate orders within a period of three months from the date of receipt of a copy of this order. It is needless to observe that till the disposal of the appeal by the second respondent, the order of the third respondent dated 31.5.2014 shall not be given effect to.

Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A.RAMALINGESWARA RAO

DATED 21st JUNE, 2016.

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