

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

Writ Petition Nos.5928/2016, 6018/2016, 6022/2016,
6047/2016, 6049/2016, 6086/2016, 6125/2016,
6144/2016, 6158/2016, 6192/2016, 6219/2016,
6221/2016 & 6224/2016

COMMON ORDER:

Since all these writ petitions share common grievance and as the petitioner in all these writ petitions is the same, this Court deems it appropriate to dispose of these writ petitions by way of this common order.

2. Though these matters appear under the interlocutory caption, with the consent of the learned counsel for the petitioner and the respondents, this Court is inclined to dispose of the writ petitions.

3. The unofficial respondents herein filed cases under the Minimum Wages Act before the first respondent authority. The first respondent authority passed the orders under challenge directing the petitioner Cooperative Society to pay the amounts along with one time penalty in all the cases.

4. Calling in question, the validity and the legal sustainability of the orders passed by the first respondent, the present writ petitions have been filed.

5. Heard Sri Y.Rama Teertha, learned counsel for the petitioner in all the cases and B. Chandrasekhar for the contesting respondents and the learned Government Pleader for the first respondent authority apart from perusing the material available before the Court.

6. It is contended by the learned counsel for the petitioner society that the questioned orders are erroneous, contrary to law and opposed to the provisions of the Minimum Wages Act. It is further submitted by the learned counsel that the first respondent authority passed the impugned orders without assigning any valid reasons and there is no basis for the first respondent to arrive at the figures indicated in the orders. It is also the submission of the learned counsel that the

members of the petitioner society along with the deponent of the affidavit negotiated with the unofficial respondents and in the said process passed resolution also on 30.09.2015 and also asked the unofficial respondents to furnish their birth particulars and academic qualifications for considering their service in the society. It is further stated that due to the said endeavour made by the petitioner society the cases before the first respondent authority could not be defended. It is the further submission of the learned counsel for the petitioner that the petitioner is a cooperative society and is the custodian of the property of the public and its members.

7. On the contrary, it is vehemently contended by the learned counsel for the unofficial respondents and the learned Government Pleader that there is no illegality nor there exists any procedural infirmity in the impugned action and the first respondent authority correctly passed the impugned orders, as such, the said orders are not amenable for any judicial review under Article 226 of the Constitution of India. It is further submitted by the learned counsel that the reasons assigned by the petitioner society are not valid and cannot be the basis for giving any opportunity to the petitioner.

8. A perusal of the orders under challenge clearly and vividly discloses that in view of absence of any contest by the petitioner society the first respondent was compelled to pass the orders. By way of the impugned orders the authority granted not only the wages but also inflicted one time penalty. According to the affidavit filed in support of the writ petition, the petitioner society could not defend the matters in view of the negotiations which they held with the unofficial respondents herein and it is also the case of the petitioner that it passed the resolution after holding the negotiations and called for the birth particulars and also the particulars of academic qualifications. The fact remains that the petitioner is a society registered under the A.P. Cooperative Society Act and it is a custodian and trustee of the public money and the money of its members. Therefore, this Court is of the considered opinion that the ends of justice would be served if the petitioner society is given one opportunity to contest the matter by way

of remand to the first respondent authority, however, with certain conditions.

9. For the aforesaid reasons, writ petitions are allowed, setting aside the impugned orders dated 06.10.2015, 30.09.2015, 07.10.2015, 05.10.2015, 05.10.2015, 30.09.2015, 30.09.2015, 06.10.2015, 30.09.2015, 06.10.2015, 30.09.2015, 07.10.2015 and 08.10.2015 passed in M.W.Case Nos.16/2012, 69/2011, 3/2015, 14/2012, 12/2012, 6/2013, 68/2011, 58/2014, 15/2012, 59/2014, 20/2013, 2/2015 and 5/2013 respectively, and the M.W cases are remanded to the first respondent herein for fresh consideration in accordance with law, after giving notice and opportunity of being heard to the petitioner herein. This arrangement would however enure to the benefit of the petitioner herein, if the petitioner deposits $\frac{1}{4}$ of the amounts awarded by the first respondent authority by way of the impugned orders, within a period of two months from the date of receipt of this order before the authority and the unofficial respondents herein are entitled to withdraw the same. As a sequel, the miscellaneous petitions, if any, shall stand disposed of. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 07.04.2016
grk



THE HON'BLE SRI JUSTICE A.V.SESHA SAI

Writ Petition Nos.5928/2016, 6018/2016, 6022/2016,
6047/2016, 6049/2016, 6086/2016, 6125/2016,
6144/2016, 6158/2016, 6192/2016, 6219/2016,
6221/2016 & 6224/2016

Dated 07th April, 2016

grk