

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 14639 of 2001

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, by the petitioner-Union seeking a writ of mandamus to declare the action of the respondents in withdrawing the benefit of weekly off to its members, as illegal and arbitrary and, consequently, to set aside the proceedings dated 04.06.2001 issued by the 3rd respondent to that effect.

2. The case of the petitioner-Union is that the Union was formed at F.C.I. Depot, Dowlaiswaram, East Godavari District, and there are 258 handling and 23 ancillary workers. As the workers were used to pay meager amounts in the contract labour system, the management of the respondent-Corporation introduced direct pay system and no work no pay system with effect from 13.11.1998 and thereby, the workers are entitled for minimum guaranteed wages. As per the proceedings dated 02.09.1998, the management of the respondent-Corporation has given weekly off for every six days of working attendance and the workers are availing the benefit. While so, the 3rd respondent issued the impugned proceedings withdrawing the benefit of weekly off. Aggrieved by the same, they filed the present writ petition.

3. Heard Ms. S. Padma, learned counsel for the petitioner-Union, and Mr. Meherchand Nori, learned standing counsel for the Food Corporation of India, appearing for the respondents.

4. Learned counsel for the respondent-Corporation would submit that the members of the petitioner-Union are not entitled for the relief as prayed for, as they are not the permanent employees of the Corporation and they are neither forming part of direct pay system nor no work no pay system. However, he submitted that the benefit of weekly off is being extended to all the workmen.

5. Be that as it may, the prayer sought for in the writ petition is that the members of the petitioner-Union are entitled for weekly off, which the learned standing counsel for the respondent-Corporation has not denied, but submitted that the benefit of weekly off is being extended to all the workmen working under direct pay system as well as no work no pay system. In view of the same, the Writ Petition is disposed of, directing the respondent-Corporation to extend the benefit of weekly off to the members of the petitioner-Union, if they are in service.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

27th November, 2017
cbs

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(disposed of)

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