

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.3370 OF 2004

ORDER:

1. This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with the order dated 11.2.2004 passed by the 2nd respondent in I.A.No.2 of 2004 in unnumbered S.A. of 2003, and to quash the same by holding it as arbitrary and illegal.

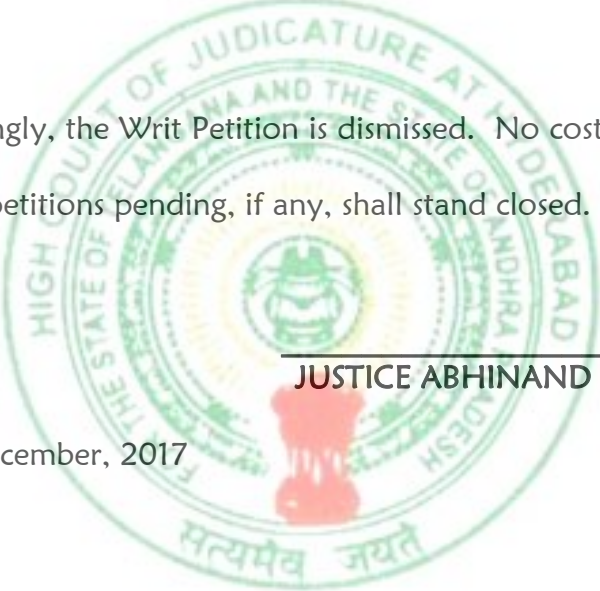
2. Heard Sri P. Sridhar Rao, learned Counsel for the petitioner and the learned Government Pleader for Labour.

3. It has been submitted by the learned Counsel for the petitioner that the 1st respondent was appointed for a very short term, and because of his bad behavior, the petitioner-management removed the 1st respondent from service, and challenging the said removal order, the 1st respondent filed S.E.No.5 of 2003 under Section 48(1) of the A.P. Shops and Establishments Act before the 1st appellate authority, and that the 1st appellate authority allowed the appeal filed by the 1st respondent on 1.10.2003 and directed the petitioner-management to reinstate the 1st respondent into service. It has been contended by the learned Counsel for the petitioner that the order passed by the 1st appellate authority was received by some staff member of the office of the petitioner on 9.10.2003, and it was not brought to the notice of the petitioner immediately, and consequently, there was delay in filing the second appeal before the 2nd respondent and that the petitioner-management submitted condone delay application viz., I.A.No.2 of 2004 in unnumbered Second Appeal of 2003 and that the 2nd respondent entertained the I.A. and erroneously dismissed the same on the ground that the delay was not properly explained, and thus, the 2nd

respondent declined to entertain the second appeal filed by the petitioner-management under Shops and Establishments Act. It has been submitted by the learned Counsel for the petitioner that the orders passed by the 1st appellate authority had been complied with and that the 1st respondent was taken into service and he has been discharging his duties.

4. In view of the fact that the 1st respondent herein was reinstated into service in compliance with the orders passed by the 1st appellate authority under the Shops and Establishments Act and he has been discharging his duties, I do not see any reason to entertain this writ petition at this length of time.

5. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

Dated: 26th December, 2017
Nn.

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Nn.