

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No.15254 OF 2006

ORDER:

The present writ petition came to be filed seeking issuance of a writ of mandamus declaring the action of the first respondent in awarding interest at the rate of 12% per annum vide orders, dated 26.02.2005 in M.P.No.32 of 2000 on the file of the Labour Court-I, as illegal and arbitrary.

An application under Section 33(c)(2) of the Industrial Disputes Act was filed by 56 casual labourers of the second petitioner herein before the Labour Court-I praying the Court to determine the benefits and direct the first petitioner herein to pay a sum of Rs.3,40,518.90 (as per claim statement) to them with interest @ 18% per annum. By an order, dated 26.02.2005, the Labour Court-I allowed the petition holding that the petitioners therein are entitled to difference of wages, as shown in the annexure, to a tune of Rs.3,40,518.90 ps., or the correct amounts that may be calculated by the respondents therein with notice to the petitioners therein and pay the said amounts to the respective petitioners individually with interest thereon at 12% per annum from the date of petition i.e., 13.02.1995 till the date of realization, within a month from the date of the said order. Thereafter, on 22.06.2006, the Deputy Commissioner of Labour, Hyderabad, second respondent herein, issued a show cause notice to the first petitioner directing him to deposit the balance amount of Rs.6,32,218/- (Rupees six lakhs thirty two thousand two hundred and eighteen only) within ten days from the date of receipt of the said notice, payable to the 56 casual labourers as per the Order in M.P.No.32 of 2000, dated 25.02.2005.

This Court, by an order, dated 28.07.2006, granted interim stay of all further proceedings pursuant to the notice, dated 22.06.2006, issued by the Deputy Commissioner of Labour, Hyderabad. Later, on 10.12.2012, this Court passed the following order.

Petitioners' counsel to take out fresh notices to the unserved respondents by registered post with acknowledgement due within four weeks from today, failing which the writ petition against the unserved respondents shall stand dismissed.

Since the said order was not complied with by the learned counsel for the petitioners, the writ petition was dismissed for not complying with the order, dated 10.12.2012, insofar as unserved respondents are concerned.

Subsequently also, no steps have been taken, by the learned counsel for the petitioners, to comply with the order, dated 10.12.2012, by serving the notices on the unserved respondents. As such, nothing survives for adjudication in the writ petition at this stage.

Hence, the writ petition is accordingly dismissed as infructuous. Miscellaneous petitions, if any, pending in the writ petition shall stand closed.

08.03.2017
pln



C.PRAVEEN KUMAR, J