

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 21758 of 2001

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, by the petitioner seeking a writ of certiorari to call for the records in P.W.No.7 of 1998 on the file of the Assistant Commissioner of Labour-I, Visakhapatnam, 1st respondent herein, and quash the order dated 31.08.2001 passed in the said case.

2. Heard Mr. Ch. Ravinder, learned standing counsel for the petitioner, the learned Government Pleader appearing for the 1st respondent, and the learned standing counsel for the 3rd respondent.

3. The case of the petitioner is that he is a contractor and entered into an agreement with the 3rd respondent-Corporation for execution of certain works. Thereafter, he engaged various workers in order to execute the contract work. While so, some of the workmen engaged by him filed P.W.No.7 of 1998 before the 1st respondent against the petitioner and the 3rd respondent claiming wages for the period from 01.03.1998 to 31.5.1998 to a tune of Rs.1,80,000/-. The 1st respondent passed an award on 31.08.2001 allowing the claim of the workmen and directing the petitioner and the 3rd respondent to pay to the workmen a sum of Rs.1,80,000/- severally and jointly within 30 days. Questioning the said award, the petitioner filed the present writ petition.

4. On 19.10.2001, while admitting the writ petition, this Court granted interim suspension of the impugned order on condition of the petitioner depositing Rs.90,000/- within a period of eight weeks. In default, the respondents are at liberty to proceed with the award.

5. The material placed on record would disclose that the petitioner did not produce any documentary evidence in proof of payment of wages to the claimants for the period from 01.03.1998 to 31.5.1998. Further, the 3rd respondent in his counter specifically stated that it is the duty of the contractor to pay the wages of the labour engaged by him, but did not deny that the claimants have not worked with the contractor. Therefore, I am of the opinion that the 1st respondent has rightly passed the award directing the petitioner as well as the 3rd respondent to pay the wages to the workmen engaged by the petitioner. Therefore, I see no merit in the writ petition to interfere with the impugned order. Accordingly, the Writ Petition is dismissed.

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

28th November, 2017
cbs

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WRIT PETITION No. 21758 of 2001
(dismissed)

28th November, 2017

cbs