

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT APPEAL No. 1304 OF 2017

DATED 11TH SEPTEMBER, 2017

Between:

The Management of Express Publications (Madurai) Limited,
Begumpet, Hyderabad,
Rep. by its Chairman and Managing Director ... Appellant

AND

The Authority under the Payment of Wages Act &
Joint Commissioner of Labour (T.Cs.),
Hyderabad, and others ... Respondents

Counsel for the appellant : Sri S.Ravindranath

Counsel for respondent No. 1 : G.P. for Labour (T.S.)

Counsel for respondent Nos. 2 to 9 : --

THE COURT MADE THE FOLLOWING

JUDGMENT: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

Feeling aggrieved by the order of learned single judge in W.P.No. 20296 of 2017, whereby he has dismissed the said Writ Petition filed by the petitioner on an order passed by the Authority under the Payment of Wages Act, 1936, - cum – Joint Commissioner of Labour (Twin Cities), Hyderabad, on a preliminary objection about maintainability of the claim for minimum wages by respondent Nos. 2 to 9 (for short, 'the private respondents'), this Writ Appeal is filed.

2. After hearing Sri S.Ravindranath, learned counsel for the appellant, we are of the opinion that the learned single judge has rightly taken the view that since the main case filed by the private respondents claiming minimum wages is still pending and the said case being more than five years old, entertaining the Writ Petition on an order passed on a preliminary objection would cause further delay in disposal of the main case. The law is well settled that ordinarily, High Court shall not entertain an order passed on preliminary objections pending the main case by Labour Courts, Tribunals and similar authorities.

3. Though learned counsel for the appellant tried to persuade us to deal with the issue of jurisdiction of the authority to entertain the claim of the private respondents on merits, we decline to look into this issue as we are satisfied that the learned single judge has taken a correct view while leaving liberty with the appellant to question the order impugned in the Writ Petition along with final order in the event it feels aggrieved by the same.

4. In this view of the matter, without expressing any opinion on the issues raised by the appellant on merits, the Writ Appeal is dismissed.

5. As a sequel to dismissal of the Writ Appeal, W.A.M.P.No. 2386 of 2017 shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J.

M.S.K.JAISWAL, J.

Date: 11-09-2017.

JSK

