

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 15195 of 2017

Date : 27.4.2017

Between :

Garikapati Adinarayana S/o G Venkateshwara Rao
R/o H NO. 185, A colony VTPS
Ibrahimpatnam, Krishna dist

Petitioner

And

The A P Heavy machinery & Engg Ltd
Rep by its MD, Kondapally, Krishna district

Respondents

The Court made the following:



ORAL ORDER:

Gratuity and leave encashment amounts payable to the petitioner are not paid, even though petitioner retired from service on 30.6.2015. Petitioner filed P.G.No. 2 of 2016 before the Assistant Labour Commissioner, Vijayawada. Alleging that the said authority is not disposing off the case filed by him and that on account of delay in settlement of the retirement benefits, grave prejudice is caused, this writ petition is filed.

Petitioner has invoked the jurisdiction of authority under Payment of Gratuity Act, 1972 (for short the Act, 1972) and same is pending. During the pendency of the said case, on the same issue, this writ petition cannot be entertained. The remedy under the Act, 1972, is efficacious and effective and petitioner having availed the said remedy, merely on the ground that said case is not disposed of, cannot invoke the jurisdiction of this Court. This writ petition is liable to be dismissed on that ground alone. However, it is needless to observe that the authorities constituted under the special enactments to adjudicate grievances brought before them are expected to examine the claim made before them and pass orders within fixed time frame. Delay caused in such matters would defeat the very objective of special enactments and creation of adjudicatory mechanism. Thus, the Assistant Commissioner of Labour, Vijayawada who is competent under the Act, 1972 and before whom case in P.G No. 2 of 2016 is pending, shall dispose of the case as expeditiously as possible, preferably within a period of two months from the date of receipt of copy of this order. Petitioner is directed to file a petition before the said authority seeking expeditious disposal by enclosing copy of this order.

Subject to above, the writ petition is disposed of. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 27.4.2017

TVK

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