

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

C.R.P.No.6069 of 2017

ORDER

This revision petition under Article 227 of Constitution of India is filed challenging the docket order dated 12.10.2017 passed in Appeal SR No.5812 of 2017 by the Principal District Judge, Khammam, rejecting the appeal filed against the order dated 13.09.2017 passed by the Regional Labour Commissioner (Central), Hyderabad, which is an Authority under Payment of Wages Act, 1936 (for short 'the Act').

2. Since the order impugned is only regarding maintainability based on objection, no notice need be ordered to the respondents.

3. Undisputedly, the order was passed by the Regional Labour Commissioner (Central) and Authority under Payment of Wages Act, 1936 under Section 15(2) of the Act, and against the said order, an appeal lies and jurisdiction was conferred on the District Courts as per sub-section (1) of Section 17 of the Act, which reads as under:

"17.Appeal: An appeal against an order dismissing either wholly or in part an application made under sub-section (2) of Section 15, or against a direction made under sub-section (3) or sub-section (4) of that section) may be preferred, within thirty days of the date on which the order or direction was made, in a Presidency town before the Court of Small Causes and elsewhere before the District Court".

4. The District Court, on the premise that the appeal lies only to the Small Causes Court, passed the impugned order. It is explicit from the proviso to sub-section (1) of Section 17, if the order is passed by the Regional Labour Commissioner within the Presidency town, appeal lies to the Small Causes Court and it is elsewhere to the District Court. The Court below committed grave error in issuing such direction to prefer an appeal

before the Small Causes Court. Therefore, the order impugned is illegal and the appeal lies before the District Court in other places other than Presidency Town.

5. In view of the aforesaid discussion, the order of the Principal District Judge, Khammam, dated 12.10.2017 in Appeal SR No.5812 of 2017 is hereby set aside, holding that the appeal lies to the District Court against the order dated 13.09.2017 passed under Section 15(2) of the Act by the Regional Labour Commissioner (Central), Hyderabad, which is impugned in the appeal before the District Court, directing the District Judge to entertain the appeal and dispose of the same in accordance with law.

6. Accordingly, the Civil Revision Petition is allowed. No order as to costs. Miscellaneous petitions, if any, pending in this revision shall stand closed.



M. SATYANARAYANA MURTHY, J

13th November, 2017

sj