

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION Nos.8212, 8214, 8216 & 8217 of 2005

COMMON ORDER:

All these four writ petitions are being disposed of by this common order as the issue raised in these writ petitions is one and the same. For the sake of convenience, the facts in W.P.No.8212 of 2005 are hereunder discussed.

The petitioner is challenging the orders of respondent No.1 in S.A.No.9 of 2004, dated 14.03.2015, confirming the orders passed by the 2nd respondent in S.E.No.15 of 2004 vide orders dated 29.10.2004, as arbitrary and illegal, and consequently set aside the same.

Heard Sri M.Naga Raghu, learned counsel for petitioner and the learned Government Pleader for Labour.

It has been contended by the petitioner that the petitioner is incorporated under Companies Act and it is into the business of telecasting various film programs and other entertainment activities. After running the business for certain time, the petitioner had to stop the operations of "Satellite Channel" with effect from 27.07.2004 as its licence was pending before the concerned Department of Government of India for renewal. The petitioner further contend that some of the employees of the petitioner, including the 3rd respondent, have approached the 1st Appellate Authority under Shops and Establishments Act, complaining that their salaries were not being paid regularly. The 1st Appellate Authority had entertained the complaint of the 3rd respondent, numbering it as S.E.No.15 of 2004 and passed orders 29.10.2004,

directing the petitioner herein to pay a sum of Rs.11,016/-. Challenging the same, the petitioner had preferred appeal by filing S.A.No.9 of 2004. The 2nd Appellate Authority under Shops and Establishments Act had dismissed the appeal preferred by the petitioner, vide orders dated 14.03.2005, without appreciating the contentions raised by the petitioner. Challenging the same, the present writ petition is filed.

Learned counsel for petitioner contend that the Authorities under Shops and Establishments Act have failed to appreciate that the 3rd respondent-workman was not continued in service as the petitioner was facing crisis with effect from 27.07.2004 on account of non-renewal of licence and though the 3rd respondent had not worked with the petitioner, the Authorities have passed orders directing the petitioner herein to pay salary to the 3rd respondent-workman. The learned counsel for petitioner contend that appropriate orders be passed by setting aside the orders passed by the Authorities under Shops and Establishments Act and the writ petition be allowed.

The learned Government Pleader appearing for 1st and 2nd respondents contend that the Authorities have rightly passed orders in favour of 3rd respondent and no interference is called for as no grave irregularity or illegality has been pointed out by the petitioner, and in the absence of the same, this Court should not normally interfere with the orders passed by the Authorities under Shops and Establishments Act.

This Court, having considered the rival submissions of the parties, is of the considered view that the petitioner could not demonstrate before this Court that the 3rd respondent-workman has not worked with the

petitioner during the relevant period of time. As long as the 3rd respondent-workman has worked with the petitioner, the 3rd respondent-workman is entitled to salary. Therefore, the Authorities under Shops and Establishments Act have rightly passed orders in favour of the 3rd respondent-workman and directed the petitioner to pay salary and no illegality or irregularity has been pointed out by the petitioner so as to interfere with the orders passed by the Authorities under Shops and Establishments Act, in the absence of the same, this Court cannot interfere with such orders.

With these observations, all the writ petitions are dismissed.
No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

20th December 2018

ajr

ABHINAND KUMAR SHAVILI, J

