

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.10282 of 2001

ORDER.

This Writ Petition is filed seeking to issue a Writ of *Certiorari* calling for the records relating to and connected with the order dated 20.3.2001 in MW.No.60 of 2000, on the file of respondent No.1 and to quash the same by holding it as arbitrary and perverse.

It is the case of the petitioner that he is not the employer of M/s Anand Khandasari Sugar Mill; that his father was a partner of the said Sugar Mill; that he has nothing to do with the said Sugar Mill; and that the Inspector under the Minimum Wages Act, 1948 (for short 'the Act') inspected the said premises and without conducting any enquiry came to an erroneous conclusion that the petitioner being the employer of the said Sugar Mill is not complying with the statutory requirement of paying the minimum wages to the workmen.

Heard Sri V.Hari Haran, learned counsel for the petitioner and learned Government Pleader for Labour (Telangana) appearing for the respondents.

Sri V.Hari Haran, learned counsel for the petitioner, submits that the authority under the Act, i.e., Assistant

Commission of Labour, without appreciating any of the contentions raised by the petitioner, has mechanically passed the impugned order, wherein he has directed the petitioner to deposit a sum of Rs.1,09,755/- as the claim amount. He further submits that in pursuance of interim order, dated 23.5.2001, passed by this Court in WPMP.No.12849 of 2001, the petitioner has already deposited a sum of Rs.50,000/-.

Learned Government Pleader for Labour (Telangana) appearing for the respondents submits that the Inspector as well as the authority under the Act after appreciating the evidence on record, has rightly come to a conclusion that the petitioner has not complied with the statutory requirement of paying the minimum wages to his workmen and hence, the impugned order does not call for any interference by this Court.

This Court, having considered the rival submissions of the learned counsel appearing for both the parties, is of the opinion that the authority has not discussed as to how the petitioner is the principal employer and did not examine whether the petitioner is a partner of the Sugar Mill or not and in order to give quietus to this long pending litigation and to meet the interest of justice, feels it appropriate to waive the balance amount of Rs.59,755/- payable by the petitioner.

The Writ Petition is, accordingly, disposed of.
Miscellaneous petitions pending, if any, shall stand closed. There
shall be no order as to costs.

JUSTICE ABHINAND KUMAR SHAVILI

29th June, 2018

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