

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.14688 OF 2002

ORDER:

1. This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with S.E.No.57 of 2000 on the file of the 1st respondent-Labour Officer, and to quash the order dated 16.3.2001 passed therein by holding it as arbitrary and illegal.

2. Heard Sri A.K. Jayaprakash Rao, learned Counsel for the petitioner and Sri M. Aravindu, learned Counsel for the 2nd respondent-workman.

3. It is the case of the petitioner that the 2nd respondent-workman filed S.E.No.57 of 2000 before the 1st respondent-Labour Officer claiming the terminal benefits along with compensation and interest under Section 51(1) of the A.P. Shops and Establishment Act, and that the Labour Officer passed orders on 16.3.2001, in favour of the 2nd respondent-workman without appreciating any of the contentions raised by the petitioner, and challenging the same, the present writ petition is filed.

4. Learned Counsel for the petitioner submitted that the 2nd respondent-workman is not entitled for the service compensation and that all the contentions raised by the

petitioner were not considered by the Labour Officer and therefore, the order passed by the Labour Officer under the Shops and Establishments Act are liable to be set aside.

5. It is noticed that on 14.8.2002, this Court while admitting the writ petition passed interim orders suspending the order impugned on condition of the petitioner depositing half of the amount demanded within four weeks. Further, it is noticed that the authority under the Shops and Establishment Act had awarded Rs.33,600/- to be paid to the 2nd respondent-workman. Since half of the awarded amount had already been deposited by the petitioner, the only issue remains to be considered is with regard to remaining half of the awarded amount.

6. This Court has considered the submissions made by both the parties and the material available on record. The Labour Officer after considering the claim made by the respondent-workman passed the impugned order in accordance with law. Unless and until any irregularity or illegality has been pointed out, the Court will not interfere with the orders passed by the Labour Officer under the provisions of the Shops and Establishments Act. The petitioner has not pointed out any illegality or irregularity in the order passed by the Labour Officer. Therefore, this Court is not inclined to interfere with the order impugned.

7. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated:8th October, 2018.

Nn.



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8/10/2018

Nn.