

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.25282 of 2002

ORDER:-

1. When this matter is taken up for hearing, the learned Counsel for the petitioners contended that the petitioner-Corporation is a Central Government Undertaking and the unofficial respondents-workmen have erroneously approached the authority under the Shops and Establishments Act complaining that they were removed illegally and without following due process of law. He further contended that initially, the 1st respondent-1st appellate authority under the Shops and Establishments Act rejected the claim of the unofficial respondents-workmen vide order dated 15.1.1993, and after some time, the unofficial respondents-workmen have once again approached the very same authority and the 1st respondent entertained the matter, which was rejected earlier, and passed orders in favour of the unofficial respondents-workmen. Challenging the same, the petitioners have preferred second appeals before the 2nd respondent-appellate authority under the Shops and Establishments Act. The 2nd respondent-2nd appellate authority initially directed the petitioner-Corporation to pay a sum of Rs.10,000/- each to the unofficial respondents-workmen. Later on, the 2nd respondent-second appellate authority recalled its order and dismissed the appeals

directing that the unofficial respondents-workmen be reinstated into service with continuity of service and back wages. Challenging the same, the present writ petition is filed.

2. The principal contention of the learned Counsel for the petitioners is that the petitioner-Corporation would not come within the meaning of Shops and Establishment Act and the authorities under Shops and Establishments Act erroneously granted relief to the unofficial respondents-workmen. The learned Counsel for the petitioners further submitted that this Court was pleased to grant interim suspension on 9.12.2002 subject to condition that the petitioners deposit Rs.1,50,000/- in favour of the Assistant Commissioner of Labour, Hyderabad-III, within two weeks. The learned Counsel for the petitioners further submitted that with the deposit of Rs.1,50,000/- before the authorities, the relief sought by the respondents be restricted to Rs.1,50,000/- in order to give a quietus to this litigation.

3. In spite of adjourning this matter from time to time to enable the learned Counsel for the unofficial respondents-workmen to appear, he has not appeared.

4. This Court having considered the submissions made by the learned Counsel for the petitioners and the material on record, is of the view that ends of justice would be met if this

writ petition is disposed of confining the claim of the unofficial respondents-workmen to Rs.1,50,000/-, which was already deposited by the petitioners in pursuance of the interim order passed by this Court on 9.12.2002.

5. Accordingly, the orders passed by respondents Nos.1 and 2 under the Shops and Establishment Act are modified to that of payment of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) to the respondents-workmen towards compensation in lieu of their reinstatement. The respondents-workmen or their legal representatives are entitled to receive the said compensation.

6. With the above observations, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Dated: 14-11-2018

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14.11.2018

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