

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.23682 of 2002

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the order of the 1st respondent in I.A.No.11 of 2002 in P.W.Case No.7 of 2001, dated 28.05.2002 as without jurisdiction and contrary to the provisions of the Payment of Wages Act, 1936 (for short 'the Act') and to set aside the same with a consequential direction to dismiss P.W.Case No.7 of 2001 on the file of the Authority under Payment of Wages Act-cum-Assistant Commissioner of Labour, Sangareddy.

2. Heard the learned Government Pleader for the petitioner and the learned Government Pleader for Labour, appearing for 1st respondent.

3. It has been contended by the petitioner that the unofficial respondent filed a case in P.W.Case No.7 of 2001 before the Authority/Assistant Commissioner of Labour under the Act claiming minimum wages under Section 22(f) of the Act and while the said case is pending, the petitioner herein filed I.A.No.11 of 2002 contending that the Authority under the Act has no jurisdiction to entertain the case filed by the unofficial respondent, as the petitioner is a Government Department. The Authority under the Act was pleased to consider the said I.A. and dismissed the same on 28.05.2002 and listed the main case on 19.06.2002 for further hearing. Challenging the said interlocutory order passed by the Authority, the present writ petition is filed.

4. It has been contended by the petitioner that the Authority under the Act has no jurisdiction to entertain the case filed by the unofficial respondent and on this ground alone, the order passed in I.A.No.11 of 2002 is liable to be set aside and consequently P.W.Case No.7 of 2001 is also liable to be set aside.

5. This Court, having considered the rival submissions made by the parties, is of the considered view that the Authority under the Act has rightly dismissed I.A.No.11 of 2002 filed by the petitioner, directing the main case to be heard on merits. As the main case i.e. P.W.Case No.7 of 2001 is still pending, the petitioner has liberty to raise all the contentions before the Authority under the Act and the Authority under the Act shall adjudicate P.W.Case No.7 of 2001 on merits and pass appropriate orders within a period of four (04) weeks from the date of receipt of a copy of this order.

6. With the above observations, the writ petition is dismissed.
No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

13th November 2018

ajr