

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO. 10696 OF 2004

ORDER:

This writ petition is filed challenging the orders passed by the second appellate authority under A.P. Shops and Establishment Act (in brief, the Act) in S.A.M.P.Nos. 1 to 4 of 2003 dated 13.4.2004 on the ground that petitioners were not arrayed as parties and the second appellate authority has passed orders remanding the matter to the first appellate authority under the Act.

The grievance of the petitioners is that they are employees of 3<sup>rd</sup> respondent and 3<sup>rd</sup> respondent, without assigning any reasons have mechanically terminated their services. Challenging the same, the petitioners have initially filed first appeal in S.E.Nos. 7 to 10 of 1997 and the first appellate authority has initially passed orders to reinstate the petitioners and subsequently it was modified directing the respondents to pay compensation of Rs.2,61,825/-. Aggrieved by the same, 3<sup>rd</sup> respondent had preferred second appeal under the Act and the appellate authority vide orders dated 13.4.2004 had remanded the matter back to the first appellate authority.

Learned counsel for 3<sup>rd</sup> respondent had contended that the second appellate authority has rightly passed orders by setting aside the orders passed by the first appellate authority and remanded the matter back to the first appellate authority and as the first appellate authority has adjudicated the issue ex parte without giving an opportunity to the 3<sup>rd</sup> respondent, contends that let the first appellate authority under the Act pass appropriate orders after giving opportunity to both the parties.

Having considered the rival contentions made by both sides, this Court is of the considered view that this Writ Petition can be disposed of directing the first appellate authority under the Act i.e., the Assistant Commissioner of Labour, 2<sup>nd</sup> respondent, to adjudicate the case filed by the petitioners i.e., S.A.Nos.7 to 10 of 1997 afresh after giving opportunity to the petitioners as well as third respondent and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

With the above observations, the Writ Petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

Date: 17.12.2018

KPM



ABHINAND KUMAR SHAVILI ,J