

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.Nos.5836, 5870, 5899, 5904 & 6099 of 2018

COMMON ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Labour appearing for respondent Nos.1 and 2.

2. In all these Writ Petitions, the petitioner has assailed orders passed by the authority under Section 48 of the A.P. Shops and Establishments Act, 1948 condoning delay in filing an application under Section 51 of the said Act invoking power under Section 5 of the Limitation Act, 1963.

3. It is not in dispute that the applications filed by the respective 3rd respondents in these cases are admittedly in execution of earlier orders passed in their favour directing reinstatement with back-wages and in the said applications, the respective 3rd respondents seek execution of the said orders.

4. It is settled law that for all proceedings in execution of adjudicatory orders, the provisions of the Limitation Act, 1963 do not apply. The Supreme Court in **Kaushalya Rani Vs. Gopal Singh**¹ has held that Section 5 of the Limitation Act, 1965 applies only to the appeals and applications other than those under Order 21 CPC. Similar view has been taken by this Court in **Shaik Hasan Saheb Vs.**

¹ AIR 1964 S.C. 260

A.V. Subba Reddy² and Pindukuru Balarami Reddy Vs. Jaladanki Venkatasubbaiah and Another³.

5. Therefore, there is no necessity for the respective third respondents to seek condonation of delay at all. Therefore, I see no reason to interfere with the respective impugned orders passed by the 2nd respondent.

6. Therefore, all these Writ Petitions are dismissed. No costs.

7. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 28-02-2018
kvr

² 2009 (5) ALD 253

³ AIR 1965 A.P. 386