

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.NO.9939 OF 2010

ORDER

The grievance of the petitioner – workman is that though the appellate authority and the Assistant Commissioner of Labour, allowed the claim of the petitioner vide order dated 3.2.2003 in S.E.No.3 of 2001, with a direction to reinstate the petitioner into service with back wages and attended benefits; the 1st respondent, who is the second appellate authority, entertained the appeal filed by the 2nd respondent – District Co-operative Officer, Khammam, by condoning the delay vide impugned order dated 23.03.2010 in S.A.No.I.A.No.1 of 2009, even though the wages have not been deposited and hence the appeal is not maintainable in view of violation of the provisions under sub section 3 of Section 48 of the A.P. Shops and Establishment Acts, 1988.

Heard the learned counsel for the petitioner and the Government Pleader for Labour.

On 10.12.2013, the learned counsel for the petitioner has undertaken to check whether the respondents have deposited fifty per cent of the wages required to be deposited under Section 48(3) of the Act. Till date no instructions have been reported in this regard.

Having regard to the facts and circumstances, writ petition is disposed of directing the 1st respondent to adjudicate the appeal on merits and pass appropriate orders in accordance with law, within reasonable time, preferably within a period of six weeks from the date of receipt of a copy of this order.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

ABHINAND KUMAR SHAVILI,J

DATE:26—10—2018
AVS