

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.24092 OF 2002

ORDER:

1. When this matter is taken up for hearing, the learned Government Pleader for Agriculture and Co-operation contended that the petitioner is not an establishment, and the 1st respondent-authority without appreciating the contentions raised by the petitioner, passed orders dated 28.5.2002 rejecting I.A.No.10 of 2002 in P.W. Case No.6 of 2001 filed by the petitioner holding that the 1st respondent has no jurisdiction to entertain the petition filed by the petitioner.

2. The learned Government Pleader relied upon the judgment rendered by this Court in W.P.No.17937 of 1998 dated 12.3.2003, wherein identical issue fell for consideration before this Court, and this Court was pleased to set aside the order passed by the authority under Payment of Wages Act and remanded the matter to the 1st respondent therein to give a finding on the objection taken by the petitioners therein as to its jurisdiction to adjudicate upon the claims of the party respondents therein under the provisions of the Wages Act. He further contended that the impugned order herein is liable to be set aside in terms of the above judgment and the matter be remanded to the 1st respondent to consider the objections of

the petitioner and pass appropriate orders about the maintainability of the claim made by the 2nd respondent.

3. This Court having considered the above submission is of the view that the 1st respondent has simply rejected the contentions raised by the petitioner without adjudicating the issue about the maintainability of the claim made by the 2nd respondent. Therefore, the order passed in I.A.No.10 of 2002 in P.W. Case No.6 of 2001, dated 28.5.2002, is set aside and the matter is remanded to the 1st respondent-authority to give a finding as to the objection raised by the petitioner in respect of maintainability of the claim made by the 2nd respondent, within a period of six weeks from the date of receipt of a copy of this order.

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

ABHINAND KUMAR SHAVILI, J

22nd November, 2018
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HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No.24092 of 2002
(disposed of)

22nd November, 2018

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