

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 11260 of 2004

O R D E R:

This writ petition is filed seeking to issue a writ of *Certiorari* calling for records pertaining and connected with the order dated 20.05.2004 passed in PW No.1 of 2002 by respondent No.1 and quash the same as illegal and arbitrary.

It is the case of the petitioner-Port Trust that through a contractor, it engaged respondent-workmen for performing certain works. There is no master and servant relationship between the petitioner and respondents. Without disclosing the true and correct facts, respondents approached respondent No.1 authority alleging that there was delay in payment of wages. Respondent No.1-Authority under Payment of wages Act, 1936 by impugned order allowed P.W.No.1 of 2002 and directed petitioner and respondent No.2 herein to deposit a sum of Rs.48,500/- jointly and severally. Challenging the same, the present writ petition is filed.

Heard Sri P.Sri Raghu Ram, learned counsel for petitioner and learned Government Pleader for Labour.

Learned counsel for petitioner-Port Trust would submit that respondent No.1 authority ought to have considered the crucial aspect that there is no master and servant relationship between the petitioner and respondents and arbitrarily and illegally passed the impugned order and the same is liable to be set aside.

Learned Government Pleader for Labour appearing for respondents would submit that this Court by order dated 05.07.2004 passed in WPMP No.14303 of 2004 granted interim suspension subject to condition of depositing half of the amount before respondent No.1 within a period of four weeks from the date of receipt of the said order and accordingly, the amount was deposited and now the issue is only with respect to payment of balance half of the amount.

Having considered the rival submissions of both the counsel, since the issue is with regard to payment of balance half of the wages as directed by respondent No.1, this Court finds no merits in the writ petition.

Accordingly, the writ petition is dismissed. No costs.

Miscellaneous Petitions, if any, pending in this writ Petition shall stand dismissed.

ABHINAND KUMAR SHAVILI, J

05.12.2018
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