

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.14656 OF 2002

ORDER

This Writ Petition is filed seeking to issue a Writ of *Certiorari* calling for the records relating to and connected with the order passed by the Labour Court - III, Hyderabad, in M.P.No.49 of 1997 dated 07.07.2001 and to quash or set aside the same by holding it as illegal and arbitrary.

2. Heard Sri G. Vidya Sagar, learned Senior Counsel, appearing for Smt. K. Udaya Sri, learned Standing Counsel for the petitioner - APGenco, and the learned Government Pleader for Labour, and perused the material on record.

3. Learned Senior Counsel appearing for the petitioner contends that respondent Nos.2 and 3 - workmen were engaged through a contractor and the petitioner has no control over those workmen, but, the workmen had filed M.P.No.49 of 1997 seeking wages as per the notification dated 25-07-1995 and the Labour Court had erroneously awarded wages by allowing the said M.P. as prayed for directing the petitioner to pay wages to the workmen accordingly. Challenging the same, the present Writ Petition is filed. He further contends that the workmen claimed enhancement of wages for unskilled, semiskilled and skilled workers at the rate of Rs.500/-, Rs.550/- and Rs.600/-

respectively, with effect from 17.06.1995 and notification issued by the State Government enhancing their wages for unskilled, semiskilled and skilled workers was given effect from 25.07.1995, as such, the question of paying enhanced wages as per the notification issued by the State Government would not arise and that the Labour Court has erroneously allowed the M.P. filed by the workmen.

4. Learned Government Pleader for Labour appearing for the 1st respondent contends that the State Government had issued notification on 25.07.1995 and the wages for unskilled, semiskilled and skilled workers have been enhanced and the workmen are entitled to the wages as per the said notification and that the Labour Court had rightly passed the order impugned in favour of the workmen and there is no illegality or irregularity committed by the Labour Court in passing the same.

5. Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that when this matter had come up for admission, by the order dated 08.08.2002, this Court granted interim suspension on the condition that the petitioner shall deposit half of the amount as directed by the Labour Court in the order impugned.

6. The only issue which remains to be adjudicated is in respect of remaining half of the amount as directed by the Labour Court. The petitioner could not point out any grave irregularity or illegality in the order impugned. The Labour Court has gone into merits of the case and gave a specific finding that the workmen are entitled to enhanced wages. On one hand the petitioner is contending that the workmen are engaged through a contractor and on the other, they contend that the workmen claim for enhanced wages of unskilled, semiskilled and skilled workers is with effect from 17.06.1995, which goes contrary to the stand taken by them that the workmen are engaged through a contractor.

7. For the aforesaid reasons, I do not find any merit to entertain this writ petition.

8. Therefore, the Writ Petition is dismissed. No costs.

Miscellaneous Petitions, if any, pending in this Writ Petition stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

4th October, 2018
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