

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.25393 of 2002

ORDER:

This writ petition is filed seeking to issue writ of Certiorari calling for the records connected with the orders passed in S.A.No.1 of 2002 on the file of the 4th respondent and quash the order dated 7.9.2002 as arbitrary and illegal.

Heard Ms. M. Bhaskara Lakshmi, learned counsel for the petitioner and Sri T.Nageswara Rao, learned counsel for the respondents.

It has been contended by the petitioner that the unofficial respondents 1 to 3 were not engaged on regular basis and they were only engaged by the petitioner on piece rate basis. It has been further contended by the petitioner that the unofficial respondents 1 to 3 have approached the first appellate authority under the A.P. Shops and Establishments Act complaining that compensation amount was not paid to them. The first appellate authority, without appreciating any of the contentions raised by the petitioner, had passed orders in favour of the unofficial respondents 1 to 3 and awarded service compensation of Rs.34,278/- to them. Aggrieved by the same, the petitioner filed second appeal before the Second Appellate

authority-4th respondent under the A.P. Shops and Establishments Act. It has been further contended by the petitioner that without appreciating any of the contentions raised by the petitioner, the Second Appellate Authority had also mechanically dismissed the appeal preferred by the petitioner and confirmed the order passed by the First Appellate Authority. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner had contended that the unofficial respondents were never engaged by the petitioner as regular employees and in pursuance to the agreement entered with the unofficial respondents 1 to 3, the petitioner had engaged them on piece rate basis. At any stretch of imagination, the unofficial respondents relied upon the evidence that they were employed regularly with the petitioner. Learned counsel for the petitioner further contended that the orders passed by both the authorities under the A.P.Shops and Establishments Act are liable to be set aside and the writ petition has to be allowed.

Learned counsel appearing for the unofficial respondents 1 to 3 contends that the petitioners were engaged on regular basis and while disengaging their services, compensation was not granted. Learned counsel further contended that they have given evidence before the authorities and only after appreciating the entire evidence, both the authorities have

passed orders in favour of the unofficial respondents and that no illegality or irregularity has been pointed out by the petitioner so as to interfere with the orders passed by the authorities under the A.P. Shops and Establishments Act.

Considering the submissions made by both the parties, this Court is of the considered view that both the authorities have passed orders in favour of the unofficial respondents and no illegality or irregularity has been pointed out by the petitioner so as to interfere with the orders passed by the authorities under the A.P. Shops and Establishments Act. In view of the same, there are no merits in the writ petition.

Accordingly, the Writ Petition is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 05/11/2018

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