

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.42835 OF 2015

ORDER:

This writ petition is filed aggrieved by the action of the 2nd respondent in issuing show-cause notice dated 30.07.2015, whereby the petitioner was asked to pay a sum of Rs.1,36,742/- towards damages in respect of restaurant being run by the petitioner under the name and style of 'M/s. Gopuram Multi Cuisine Family Restaurant for the period from August, 2009 to March, 2011.

According to the petitioner, he established a business firm in the name and style of Achyuta Lakshmi Hoteliers Pvt. Limited (Gopuram Multi Cuisine Restaurant) in the year 2008, but however, due to financial loss, he closed down the said business on 30th November, 2009. The closure of said business was duly intimated to the 2nd respondent in writing on 02.12.2009 and at that time, since the respondents made a demand for payment of arrears, the petitioner, in all, paid a sum of Rs.2,82,325/- through cheques and demand drafts on five different dates from 17.11.2014 to 15.06.2015, as detailed in the affidavit. Thus the petitioner has cleared all the arrears in respect of his closed business. In spite of the same, the 2nd respondent has issued the impugned show-cause notice directing him to pay a sum of Rs.1,36,743/- towards damages.

It is the case of the petitioner that though the impugned notice was termed as show-cause notice, it does not indicate as to how the said damages have been arrived at and it also does not reflect with regard to the payment of Rs.2,82,325/- made by the petitioner on the earlier occasion.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Labour (Telangana) appearing for the first respondent and perused the material available on record.

As seen from the impugned show-cause notice, nowhere it is stated as to how the petitioner has fell in arrears to a tune of Rs.1,36,743/- though the petitioner has closed down his business long back on 30.11.2009. Further as contended by the learned counsel for the petitioner, there is no indication in the impugned notice as to the payment of Rs.2,82,325/- made by the petitioner in pursuance of the demand of the 2nd respondent.

In view of the above, the writ petition is disposed of setting aside the notice issued by the 2nd respondent vide Ref.No. AP/Ins.II/52000287710001102, dated 30.07.2015. However, the 2nd respondent is at liberty to initiate fresh proceedings in accordance with law duly following the principles of natural justice. No order as to costs.

As a sequel, pending miscellaneous applications shall stand closed.

21st DECEMBER 2018
TSR

T.AMARNATH GOUD, J