

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.8048 of 2003

ORDER

This writ petition is filed seeking a writ of mandamus declaring the action of respondents 1 and 2 in issuing the restraint order dated 20.03.2003 vide proceedings No.52Q/14658-34 as illegal and arbitrary and to set aside the same by holding that the provisions of the Employees' State Insurance Act, 1948 (for short 'the Act') have no application to M/s.Nizam Sugars Limited, Chagallu Unit.

2. Heard learned counsel for the petitioner and learned counsel for the respondents.

3. The petitioner contended that M/s.Nizam Sugars Limited is a public sector undertaking owned by the State Government and the respondents, without appreciating the fact that the provisions of the Act are not applicable to the petitioner company, passed the restraint order.

4. Learned counsel for the petitioner submits that the petitioner has submitted a representation on 19.07.2002 to the 3rd respondent-State Government seeking exemption from the provisions of the Act and the same is pending. However, he seeks leave of the Court to implead the State Government for the State of Telangana as party to the writ petition. Permission is accorded.

5. Learned counsel appearing for the respondents contended that the petitioner has to approach the Court established under the Act and seek exemption from the provisions of the Act and this Court

has no jurisdiction to entertain the present writ petition and the same is liable to be dismissed. .

6. This Court, having considered the rival submissions, is of the considered view that ends of justice would be met if the 3rd respondent-State Government is directed to dispose of the representation dated 19.07.2002 submitted by the petitioner and pass appropriate orders in accordance with law, within eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

20th November, 2018

sj

ABHINAND KUMAR SHAVILI, J

