

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17700 of 2001

ORDER.

This Writ Petition is filed seeking to issue a Writ of *Mandamus* declaring the proceedings, dated 29.7.1999, of respondent No.1 in File No.C/460/97-PW.No.7/1997, as illegal and arbitrary, and to set aside the same.

In the affidavit, filed in support of the Writ Petition, it is *inter alia* averred that respondent No.2 was appointed as Attender in the petitioner-showroom and was paid the minimum wages as per the Payment of Minimum Wages Act, 1936 (for short 'the Act'). But, respondent No.2 has filed P.W.No.7 of 1997 before respondent No.1 on 27.02.1997 contending that he was orally terminated by the petitioner on 31.01.1997 and that therefore he is entitled to Rs.61,283/- for the deficit payment made by the petitioner. Respondent No.1 by the impugned order directed the petitioner to pay the said amount with interest @ 12% per annum from the date of filing of the petition till the date of deposit. Hence, the present Writ Petition.

Sri K.Durga Prasad, learned counsel for the petitioner, contended that the petitioner has not received any notice from the authority under the Act and consequently, it could not be represented before the said authority and that, after expiry of

respondent No.2 on 04.7.1997, i.e., during the pendency of the said case, his legal representative-Komma Manohara has pursued the case and eventually, respondent No.1 passed the impugned *ex parte* order on 29.7.1999 holding that the petitioner is liable to pay Rs.61,283/- to the deceased respondent No.2, which shall be received by his legal representative-Komma Manohara.

Learned Government Pleader for Labour (Telangana) appearing for respondent No.1 contended that though notice was served on the petitioner and an opportunity was given to put forth its case, it has not taken any steps to contest the case before respondent No.1 and as such, the said authority had no other option except to allow the Claim Petition filed by the deceased respondent No.2 and therefore, the impugned order does not call for any interference by this Court and the Writ Petition is liable to be dismissed.

Heard Sri K.Durga Prasad, learned counsel for the petitioner, and the learned Government Pleader for Labour (Telangana) appearing for respondent No.1.

This Court, having considered the rival submissions of the learned counsel appearing for both the parties and on a perusal of the material record, is of the considered view that the petitioner except making a bald statement that no notice was served on it, has not taken any steps to demonstrate that notice

was not served on it and the order was passed by respondent No.1 *ex parte*. Contrary to the submissions made by the petitioner, the impugned order discloses that notice has been served on the petitioner.

In the light of the above, the Writ Petition is devoid of merits and the same is, accordingly, dismissed, however, without costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

29<sup>th</sup> June, 2018

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JUSTICE ABHINAND KUMAR SHAVILI

