

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.2058 OF 2011

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is directed against the docket order, dated 10.03.2011, in M.P.No.Nil in Application No.11 of 2010 on the file of the Authority appointed under the Minimum Wages Act, 1948 and Joint Commissioner of Labour, Kurnool, whereunder and whereby, the application filed under Order I Rule 10 and Section 151 of the Code of Civil Procedure, 1908 (for short, 'CPC') to implead the second respondent herein as second petitioner in Application No.11 of 2010 as proper and necessary party, was allowed.

Heard the learned counsel for the petitioner. None appears for the respondents in spite of service of notice.

The petitioner herein is the second respondent in the above Miscellaneous Petition. The Assistant Labour Officer, Kalahasthi (respondent No.3 herein) filed Application No.11 of 2010 before the Authority and Joint Commissioner of Labour, Kurnool for grant of compensation. While the said petition was pending, the second respondent herein-Union filed an application to implead i.e., Variety Polyesters Company Workers Union, represented by its General Secretary C.Venkataiah, as petitioner No.2 in Application No.11 of 2010.

The purpose of Order I Rule 10 CPC is to cut short the litigation and to a void multiplicity of proceedings, so that the issue involved in a case can be decided once for all. The Assistant Labour Officer filed an application before the competent authority as the petitioner herein failed to pay salaries as fixed by the Government to the workers.

When the employees of the proposed party are not eligible, and if they are aggrieved for non-payment of wages, they can as well represent the matter to the Assistant Labour Officer, who is the competent authority so as to decide the issue of payment of Minimum Wages. Any order that may be passed by the competent authority in the application filed by the Assistant Labour Officer would not in any manner affect the rights of the second respondent/proposed party. Therefore, the proposed party need not come on record.

Accordingly, the Civil Revision Petition is allowed setting aside the impugned order, dated 10.03.2011, in M.P.No.Nil in Application No.11 of 2010 on the file of the Authority under the Minimum Wages Act, 1948 and Joint Commissioner of Labour, Kurnool. By virtue of this order, the rights and liabilities of the second respondent/proposed party would not in any manner be affected and it can as well have a right to file an application before the Assistant Labour Officer, if the employees of the proposed party are not being paid the minimum wages. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

21.02.2018
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