

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.5980 OF 2002

ORDER:

1. This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with the order dated 8.10.1998 passed by the 2nd respondent-Labour Officer-Authority under the A.P. Shops and Establishments Act, 1988, Hyderabad-II, in S.E.No.41 of 1994 and the order dated 28.8.2001 passed by the 1st respondent-Assistant Commissioner of Labour-appellate authority under the A.P. Shops and Establishments Act, Hyderabad-III in S.A.No.1 of 2000, and to quash the same.

2. Heard Sri N. Rajeshwar Rao, learned Counsel for the petitioner and Sri G. Ravi Mohan, learned Counsel for the 3rd respondent-workman.

3. It has been submitted by the learned Counsel for the petitioner that the 3rd respondent-workman was appointed in the petitioner-organization in the year 1970 to assist in the sales and he caused loss of Rs.23,765.50 ps., to the petitioner and the said amount was recovered from the 3rd respondent and then, the 3rd respondent approached the 2nd respondent-Labour Officer and filed S.E.No.41 of 1994 and the said authority vide order dated 8.10.1998 allowed the same directing the petitioner to refund a sum of Rs.47,531/- being Rs.23,765.50 p.s., deducted from the wages of

the 3rd respondent and Rs.23,765.50 p.s., being compensation allowed under Section 51(2) of the A.P. Shops and Establishments Act. It has been further submitted that aggrieved by the said order, the petitioner filed appeal before the 1st respondent-Assistant Commissioner of Labour and the 1st respondent passed orders impugned observing that the petitioner is liable to pay Rs.23,765.50 ps., to the 3rd respondent-workman, without appreciating the facts, and aggrieved by the same, the petitioner filed this writ petition, and on 3.4.2002, while admitting this writ petition, this Court was pleased to grant interim suspension of the orders passed by the authorities under the Shops and Establishments Act while permitting the 3rd respondent-workman to withdraw half of the sales commission already deposited by the petitioner before the 1st respondent.

4. Now, the only question is whether the remaining 50% of the amount directed by the authority concerned under the Shops and Establishments Act is to be complied with or not.

5. This Court having considered the submissions made by the parties, is of the view that no lacuna has been pointed out by the petitioner in the order passed by the 1st respondent-appellate authority. Since no illegality has been pointed by the petitioner in the order passed the 1st respondent-appellate authority under the

Shops and Establishments Act, this Court is not inclined to interfere with the same.

6. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, shall stand dismissed.

(ABHINAND KUMAR SHAVILI, J)

Dated: 20th August, 2018

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Dated: 20.8.2018

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