

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.9415 OF 2002

ORDER:

This Writ Petition is filed seeking a writ of *Mandamus* declaring the action of the 1st respondent in passing *ex parte* order, dated 05.10.1999, in M.W. No.730 of 1999 for payment of alleged wages as already 2nd and 3rd respondents received the amounts by way of full and final settlement and retired from the service voluntarily, and pursuing the application in CrI.M.P. No.1111 of 2002 on the file of V Metropolitan Magistrate, Vijayawada, without passing any order on the application filed by the petitioner - society for setting aside the order as arbitrary, illegal and in violative of principles of natural justice.

2. Heard Sri Ghanta Rama Rao, learned counsel for the petitioner - society, and Sri V. Raghu, learned counsel for the respondents – workmen.

3. It has been contended by the learned counsel for the petitioner – society that the 2nd and 3rd respondents have taken voluntary retirement and accepted the amounts towards full and final settlement but, after their retirement, they have filed M.W. Nos.91 and 92 of 1998 before the Authority under the Minimum Wages Act, 1948-cum-Assistant Commissioner of Labour, Circle – I, Guntur, claiming the minimum wages. The Authorities, without considering any of the contentions raised by the petitioner – society, have mechanically passed orders in M.W. Nos.91 and 92 of 1998 on 16.02.1999 and 26.04.1999 respectively and in M.W. No.730 of 1999 passed an order on 05.10.1999 directing that an amount of Rs.67,426/- be paid by the petitioner – society in favour of respondents – workmen.

4. Learned counsel appearing on behalf of the respondents 2 and 3 contends that the respondents – workmen have already retired from service and this Court, *vide* order dated 20.11.2002, was pleased to modify the *interim* order which was granted earlier, to the effect that 50% of the amounts as directed by the Authority be paid to the respondents – workmen. Accordingly, the respondents – workmen have received 50% of the amounts and in order to give a quietus to this litigation, it would be suffice, if 50% of the amounts which is liable to be paid by the petitioner - society are waived.

5. This Court, having considered the rival submissions made by the parties, is of the considered view that ends of justice would be met if 50% of the amounts, which was already paid by the petitioner – society in favour of respondents – workmen, as per the order of this Court on 20.11.2002, made absolute by partially modifying the order in M.W. No.730 of 1999 passed by the Authority under the Minimum Wages Act.

6. Accordingly, with the above observation, the Writ Petition is closed duly modifying the order dated 05.10.1999 passed in M.W. No.730 of 1999 by the Authority under the Minimum Wages Act to that of 50% of the wages as determined by the Authority. No costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed in consequence.

ABHINAND KUMAR SHAVILI, J

Date: 14.08.2018.
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