

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 11102 of 2002

ORDER:

This Writ Petition is filed seeking a Writ of Certiorari to call for the records in S.A.No.2 of 2000 dated 16.01.2002 passed by respondent No.1 – Appellate Authority, confirming the orders of the Labour Officer, Khothagudem, passed in APSE.Case No.1 of 1999 dated 08.05.2000, and to quash or set aside the same as arbitrary and illegal.

Heard Sri J.Prabhakar, learned counsel for the petitioner, and Sri G.Ramachandra Reddy, learned counsel for respondent No.3.

Respondent No.3 states that her husband was an employee of petitioner – Singareni Collieries and, alleging certain irregularities, disciplinary action was initiated against him. Subsequently, he was reinstated into service as a fresh employee. While working with the petitioner – Singareni Collieries, her husband died and she was appointed on compassionate grounds. However, the petitioner – Singareni Collieries recovered the deficit amount from the service benefits of her husband. Challenging the same, she approached the Assistant Commissioner of Labour, Khammam (Original Authority under the Shops and Establishments Act) who, by his order dated 08.05.2000, allowed APSE.Case No.1/1999. Questioning the said order, petitioner – Singareni Collieries

had filed S.A.No.2 of 2000 before respondent No.1 - Appellate Authority under the Shops and Establishments Act who, by order dated 16.01.2002, had dismissed the appeal confirming the order dated 08.05.2000 passed by the Original Authority. Challenging the same, the present Writ Petition is filed.

Learned counsel for the petitioner submits that, on account of the alleged irregularities committed by the husband of respondent No.3, the petitioner – Singareni Collieries had suffered and, as such, respondent No.3 is vicariously liable for the acts committed by her husband. He contends that both the authorities, under the A.P. Shops and Establishments Act, had erroneously allowed the cases of respondent No.3 and, therefore, the orders passed by the Original Authority as well as Appellate Authority are liable to be set aside.

Learned counsel for respondent No.3 would contend that the amounts, which were liable to be paid by the husband of respondent No.3, cannot be recovered from his service benefits and, hence, the Writ Petition may be dismissed.

Having considered the rival submissions, this Court is of the opinion that the petitioner – Singareni Collieries cannot recover the amount alleged to have been misappropriated by the husband of respondent No.3. The

Authorities, under the A.P. Shops and Establishments Act, have rightly passed orders in favour of respondent No.3.

The Writ Petition fails and is, accordingly, dismissed. Consequently, Miscellaneous Petitions pending, if any, shall stand dismissed. No costs.

ABHINAND KUMAR SHAVILI,J

Date: 03.08.2018
usd

