

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.18979 of 2004

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“For the reasons stated in the affidavit accompanying, this Hon'ble Court may be pleased issue Writ Order or Direction more particularly one in the Nature of Writ of Certiorari after calling for the records Order in M.P.No.9/2003, dt. 24-8-04 on the file of Hon'ble 1st Respondent in so far as granting service compensation of Rs.50,733/- is illegal, arbitrary, and unjust consequently quash the order in M.P. No. 9/2003 dt.24/8/04 and pass such other order or orders as this Hon'ble Court may deem fit and proper under the Circumstances of the case.”

2. Heard Sri G.Ravi Mohan, Counsel for the petitioner, Government Pleader for Labour appearing for the 1st respondent and Sri Kalvala Sanjeeva, Counsel appearing for the 2nd respondent.

3. It has been contended by the petitioner that she is the proprietor of Padmalaya Enterprises, which deals with the business of cement and it started in the year 1994 and the 2nd respondent was employed with the petitioner's shop during 01.10.1999 to 31.10.2001 and thereafter, the 2nd respondent has absconded from services and thereafter, without disclosing that he has absconded from the duties, the 2nd respondent has filed M.P.No.9 of 2003 before the 1st respondent-the Industrial Tribunal-cum-Labour Court, Warangal, under Section 33-C (2) of Industrial Disputes Act, claiming an amount of Rs.63,321/-. The Labour Court, *vide* orders, dated 24.08.2004, had granted relief to the 2nd respondent and directed the petitioner to pay Rs.50,733/- towards the difference of

wages within two (02) months. Challenging the same, the present writ petition is filed.

4. Counsel for the petitioner submits that without appreciating any of the contentions raised by the petitioner, the Labour Court has allowed the M.P.No.9 of 2003, preferred by the 2nd respondent. Therefore, the orders, dated 24.08.2004, passed by the Labour Court in the above said M.P. are liable to be set aside.

5. Standing Counsel appearing for the 2nd respondent had contended that the Labour Court has rightly passed orders and allowed the M.P. preferred by the 2nd respondent and this Court, at the time of admission, was pleased to grant interim suspension of the orders passed by the 1st respondent subject to the condition that the petitioner deposits 50% of the amount and the issue is only in respect of remaining balance of 50%. The 2nd respondent is a poor workman and ends of justice would be met if the orders passed by the Labour Court are confirmed and the petitioner is directed to pay the balance amount of Rs.25,000/- to the 2nd respondent.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that the Labour Court has rightly passed orders in favour of the 2nd respondent and the Labour Court has given a specific finding that the petitioner has paid less amount to the 2nd respondent and the differential amount of wages were directed to be paid to the 2nd respondent. There are no illegalities or irregularities pointed out by the petitioner in the orders of the Labour Court. Hence, there are no merits in the writ petition and the writ petition is liable to be dismissed.

7. In the result, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 27th August, 2019

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