IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF DECEMBER

TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 29417 OF 2012

Between:

1. P. Madhava Reddy, S/o. P. Subramanyam Reddy, Aged about 57 years, R/o. D.No.4-1842 Durganagar Colony, Greamspet Chittoor District
2. G.Venkata Ramana, S/o. G.Nagamallaiah, Aged about 53 years, R/o. D.No. 3-833 Gandalla Street, Greamspet, Chittoor District
3. K.Subramanyam, S/o. K.Ramaiah, Aged about 50 years, R/o. D.No. 4-1637 Durganagar Colony, Greampet, Chittoor District
4. G.Ganasekhar, S/o. N.Sivaprakasam, Aged about 44 years, R/o. D.No. 25-218 Reddiguntla Post, Chittoor District
5. S.Saravana, S/o. A.M.Sivalingam, Aged about 45 years, R/o. D.No. 25-219 Reddiguntla Post, Chittoor District
6. N.Sreenivasulu, S/o. N.Pedhavenkata Ramaiah, Aged about 55 years, R/o. D.No. 25-59 Villiyappanagar, Greamspet, Chittoor District
7. M.Ravi, S/o. M.Ramalingam, Aged about 44 years, R/o. Mapakshi Village & Post Chittoor District
8. P.Umapathy, S/o. P.Krishnaiah, Aged about 45 years, R/o. D.No. 4-1825/3 Greamspet, Chittoor District
9. V.Jayaramudu, S/o. V.Munaswamy, Aged about 49 years, R/o. D.No. 4-1455/1 Masheedumitta, Greamspet, Chittoor District
10. V.Hari Babu, S/o. V.Vadivel Natar, Aged about 52 years, R/o. D.No. 3/824-3 Vellore road, Greamspet, Chittoor District.
11. G.Munaiah, S/o. G. Venkata Swamy, Aged about 44 years, R/o. Erracheruvu Palli Puthalapattu Mandal, Chittoor District

12. S.Venkatesulu, S/o. S.Subramanyam, Aged about 51 years, R/o Mapakshi Village & Mandal Chittoor District
13. P.Venkatapathy Reddy, S/o. Jogi Reddy, Aged about 59 years, Rio. Eguvakaluva Nandhanoor Post, Gangadhar Nellore Mandal Chittoor District
14. K.Dakshina Murthy, S/o. Nallaiah, Aged about 46 years, R/o. Renukapuram Village Marakalakuppam Post, Gudipala Mandal Chittoor District
15. V.Guru Swamy, S/o. Veera Swamy, Aged about 50 years, R/o. Mapakshi Village & Post Chittoor District
16. K.Balaram, S/o. K. Krishnamachari, Aged about 48 years, R/o. .No. 4-1562 Vellore road, Greamspet, Chittoor District
17. V.Lakshmipathy, S/o. V.Krishanaiah Naidu, Aged about 47 years, R/o.D.No. 25-335 Rediguntla Post, Chittoor District
18. A.T.Sankar, S/o. A.C.Thulasiram, Aged about 50 years, R/o. D.No. 4-1821 Durganagar Colony, Greamspet Chittoor District

...PETITIONERS

AND

1. Chittoor District Cooperative Milk Producers Union Limited, Rep. by its General Manager, Incharge and Liquidator, Milk Products Factory, Chittoor
2. Chittoor District Cooperative Milk Producers Union Limited, Rep. by Chittoor District Collector Person-in-charge, Chittoor
3. A.P Dairy Development Cooperative Federations Limited, Rep. by its Managing Director, Office at 5th Floor (presently 2nd Floor), APIIC Building, Auto Nagar, Mangalagiri, Guntur Dist.
   (Cause title in respect of R3 is amended/modified as per C.O. dt 22/8/24 vide IA 4/24 in Petition and Affidavit)
4. Labour Court, Anantapur, Rep. by its Chairman cum Presiding Officer

5. The State of Andhra Pradesh, Rep. by its Principal Secretary, Animal Husbandry Diary Development and Fisheries Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District

(Respondent No. 5 impleaded as per Court Order dated 22.08.2024 vide I.A.No.2 of 2024 in WP No. 29417 of 2012)

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ of Certiorari or any other appropriate writ order or orders, direction or directions to quash the order of the 4th respondent in MP No. 27/09, dated 21.08.2012 and to direct the first respondent to pay arrears of salaries, retirement benefits, annual increments and enhancement of DA etc., to the petitioners from 30.07.2003 to till the age of superannuation of the petitioners.

(Main Prayer amended/substituted as per Court Order dated 05.09.2024 vide I.A.No.3 of 2024 in WP No.29417 of 2012)

Counsel for the Petitioners: SRI RAJENDRA BUSSA

Counsel for the Respondent No.1:SRI N. RAJESWAR RAO

Counsel for the Respondent No.2: GP FOR REVENUE

Counsel for the Respondent No.3: M/s. P.SRI LATHA REDDY, SC FOR APDDCF

Counsel for the Respondent No.4: GP FOR LABOUR

Counsel for the Respondent No.5:GP FOR ANIMAL HUSBANDRY

The Court made the following: ORDER

APHC010715472012

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3457]**
(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR
PRESENT
THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 29417/2012

Between:
P. Madhava Reddy, and Others ...**PETITIONER(S)**

AND

Chittoor District Cooperative Milk Producers Union Limited and Others ...**RESPONDENT(S)**

Counsel for the Petitioner(S):
1. RAJENDRA BUSSA

Counsel for the Respondent(S):
1. GP FOR LABOUR
2. GP FOR REVENUE
3. P SRI LATHA REDDY (SC FOR APDDCF)
4. N RAJESWAR RAO

The Court made the following Order:

1. The learned counsel for the petitioners submits that the petitioners worked in the 1st and 2nd respondent establishements and that the 1st respondent was a registered society in the business of collecting milk from various places of Chittoor District, processing the same and selling the milk and its by-products. The 1st respondent went into liquidation in the year 2003 and the liquidator was appointed on 29.07.2003. VRS scheme was introduced for the

employees on 11.04.2002. 451 workers opted for VRS scheme and about 140 working did not opt for it. The 1st respondent intended to retrench the 140 workers who did not opt for VRS scheme and sought permission from the State. However, the State Government rejected the request of the 1st respondent for retrenching the 140 workers who did not opt for VRS scheme.

2. The petitioners in the writ petition claim that they have been working in the 1st and 2nd respondent establishments as watch and ward staff, as the 2nd respondent was under liquidation. Since there was no activity, the watch and ward staff was essential to ensure the safety of movable and immovable properties of the 1st and 2nd respondents. It is submitted that the petitioners were not paid salaries from 30.07.2003, though they had been working as watch and ward staff. The petitioners also filed W.P.Nos.874 of 2003 and 3492 of 2007. The writ petitions were disposed off on 25.04.2008 and the official liquidator appointed to look after the affairs of the 1st and 2nd respondents was directed to pay salaries from 2022 to 30.07.2003. However, the petitioners were not paid salaries by the official liquidator, despite specific directions from the Court.

3. The order passed by this Court in the writ petition was challenged by filing the Writ Appeal No.552 of 2008, which was

disposed off with an observation that, as the respondent society was wound up, further orders were not granted. Having no other option, the petitioners approached the Labour Court, Anantapur and filed M.P.No.27 of 2009 seeking payment of wages from 30.07.2003 to 31.07.2009. A petition under Section 33(c)(2) of the ID Act was filed. The Labour Court considered the issue in totality and also examined the orders passed by this Court in W.P.No.874 of 2003 and W.A.No.552 of 2008. The Labour Court also considered the oral and documentary evidence submitted by the petitioners and the management and held the documents submitted by the petitioner were insufficient for concluding insofar as the service of the petitioners in a closed factory. As such, the Labour Court declined to pass orders directing the respondents therein to pay the salaries by the period during which the petitioners' services were engaged. However, their salary and other wages were denied.

4. The respondent Nos.1 and 2 have filed a counter affidavit and submits that the petitioners could not have approached the Labour Court after winding up the 1st respondent. The official liquidator, who filed counter on behalf of the 1st respondent, took a plea that the petitioners could not have worked as watch and ward

staff at a closed factory without the knowledge of the official liquidator, who was appointed to look after the affairs of the closed factory. The petitioners have filed a reply to the counter and submit that FIR was registered on the complaint of the watchman, one K.Munaswamy, on 05.01.2013, informing the Chittoor One Town Police about the theft committed at the factory.

5. The learned counsel for the petitioner places reliance on the proceedings of the Assistant Commissioner of Labour, dated 01.02.2008, whereby the Assistant Commissioner of Labour brought to the notice of the Commissioner of Labour that 115 petitioners were paid wages by the period on 01.06.2001 to 31.08.2002 and that the wages from 01.09.2002 onwards were not paid. It is also submitted that, as per the directions of this Court in W.P.M.P.No.24497 of 2007, the wages of 115 petitioners were paid for the period from 01.06.2001 to 31.08.2002 on 29.10.2007. It is further submitted that the names of the petitioners reflect in the proceedings of the Assistant Commissioner of Labour. It is submitted that the said proceedings would endorse the claim of the petitioners as working as watch and ward staff at the 1st respondent factory.

6. The learned counsel for the petitioner submits that *vide* proceedings dated 02.05.2003, the liquidator addressed a letter to the District Collector requesting for settlement of dues for 141 employees who did not opt for VRS and were retrenched by adopting the method of calculation which was arrived at by the liquidator. It is also submitted that the District Collector addressed a letter to the Special Chief Secretary of the Government of Andhra Pradesh, *vide* proceedings dated 27.06.2003, seeking the release of the requisite budget for settling the claim of the petitioners.

7. Considering the submissions of the learned counsel for the petitioner and after thoroughly reviewing the record, it is found that the ends of justice would be met if the respondents are directed to comply with the decision of the liquidator, *vide* proceedings dated 02.05.2023. The respondents are further directed to take necessary steps in accordance with the proceedings dated 27.06.2023, to settle the dues of the petitioners by duly considering the individual services rendered by the petitioners and pass necessary orders within a period of four (04) weeks from the date of the receipt of this order.

8. Accordingly, the writ petition is disposed off. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

SD/- K. TATA RAO
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The General Manager, Incharge and Liquidator, Chittoor District Cooperative Milk Producers Union Limited, Milk Products Factory, Chittoor
2. The District Collector Person-in-charge, Chittoor District Cooperative Milk Producers Union Limited, Chittoor, Chittoor
3. The Managing Director, A.P Dairy Development Cooperative Federations Limited, Office at 5th Floor (presently 2nd Floor), APIIC Building, Auto Nagar, Mangalagiri, Guntur Dist.
4. The Chiarman cum Presiding Officer, Labour Court, Anantapur.
5. The Principal Secretary, Animal Husbandry Diary Development and Fisheries Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District
6. One CC to Sri Rajendra Bussa, Advocate [OPUC]
7. One CC to Sri N. Rajeswar Rao, Advocate [OPUC]
8. One CC to M/s. P. Sri Latha Reddy, SC for APDDCF[OPUC]
9. Two CCs to GP for Labour, High Court of Andhra Pradesh. [OUT]
10. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
11. Two CCs to GP for Animal Husbandry, High Court of Andhra Pradesh. [OUT]
12. Three CD Copies.

ssb

HIGH COURT

DATED:12/12/2024

ORDER

WP.No.29417 of 2012



DISPOSING OF THE W.P. WITHOUT COSTS