

APHC010280732022



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

[3310]

FRIDAY ,THE TWENTY SIXTH DAY OF JULY  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HONOURABLE DR JUSTICE K MANMADHA RAO**

**WRIT PETITION NO: 17670/2022**

**Between:**

Ongole Anand Paul

**...PETITIONER**

**AND**

The State Of Andhrapradesh and Others

**...RESPONDENT(S)**

**Counsel for the Petitioner:**

1.NIMMAGADDA VIJAYA SANTHI

**Counsel for the Respondent(S):**

1.GP FOR LABOUR

2.GP FOR SERVICES III

3.VIVEK CHANDRA SEKHAR S

**The Court made the following:**

**ORDER:**

The Writ Petition is filed under Article 226 of the Constitution of India,  
seeking the following relief:

*“.....declaring the inaction of the respondents 2 herein in considering the application of the petitioner herein filed through the advocate dt.10.3.2022 submitted before the 2<sup>nd</sup> respondent herein toward considering the contents of representation of petitioner dt.12.10.2021 Ex.P1 and reinstate the petitioner in the service of establishment of the opposite parties 4 to 6*

*company from 24.04.2021 and regularize the service of the petitioner under law as illegal, arbitrary, discriminatory and violation of the principals of Natural Justice under Article 14, 21 of the Constitution of India and set aside the order of letter of endorsement file No.D/1074/2022 dt.27.04.2022 Ex.P5 and consequently direct the 2<sup>nd</sup> Respondent Assist Commissioner of labour, Nellore to consider the application of petitioner dt.10.03.2022 and pass appropriate order for reinstate the petitioner in service of establishment of opposite parties 4 to 6 company from 24.04.2021 and regularize the service of the petitioner under law and consequently direct the respondents 4 to 6 company to pay the arrears of salary of petitioner herein for the month of April-2021 onwards as shown is Ex.P7 Document within prescribed period by law and pass such other order or orders.....”*

2. Brief facts of the case are that originally the petitioner was appointed as Supervisor in the office of 4<sup>th</sup> respondent company on 29.04.1989 on the basis of monthly salary and continued his service for 32 years. At present, he got salary of Rs.10,700/- instead of Rs.67,000/- as on 24.04.2021 and he worked in the said company without any remarks. While so, the 4<sup>th</sup> respondent company suddenly terminated the petitioner from the job without any notice as on date and simply instructed him through mobile phone stating that “there is no any work to do in the office due to second face Covid-2019, so far you may kindly stop to the office and you may come after instructions made to you by this office.” Thereby, the respondents company terminated the petitioner on 24.04.2021. Thereafter, the petitioner approached the respondents 4 to 6 seeking for continuation of his service and release of his service benefits. As there was no response from the respondents 4 to 6, the petitioner submitted a representation before the 4<sup>th</sup> respondent company on 12.10.2021. But the respondents company did not take any action and later the Commissioner of Labour after conducting meeting, issue a letter Rc.No.G/679/2021, dated

17.01.2022, advised the petitioner to approach this Court. Hence the writ petition.

3. The 2<sup>nd</sup> respondent filed counter while denying the averments made in the writ petition, contended that the authority shall ensure that the location of cause of action is within his territorial jurisdiction to take up and decide the case as per Section 48 of the A.P. Shops and Establishments Act, 1988. On perusal of the appeal submitted by the appellant before the Assistant Commissioner of Labour, Nellore, it is noted that the appellant worked in the opposite party-5 company M/s. Balaji Industries Corporation Private Limited, Nellore from 29.04.1989 and continued service up to 24.04.2021 and got salary of Rs.10,700/- without single remark. But as seen from the appellant application, the office of opposite party-5 is situated at Ongole town, Prakasam District. Whereas the I.D. card submitted by the petitioner shows his designation as telephone operator and his place of work is at Nellore. Further, on perusal of the appointment letter submitted by the appellant, it is clear that the said letter was addressed to the Manager, Magunta Aqua Forms Private Limited, Tupilipalem, Valamedu, Vakadu Mandal, SPSR Nellore District, which is not within the territorial jurisdiction of Assistant Commissioner of Labour, Nellore. The exact place of work, where the petitioner worked at the time of his termination, is also not established by the documentary evidence produced by the appellant. Hence sought for dismissal of the writ petition.

4. Heard learned counsel for the petitioner, learned Government Pleader for Services-III, appearing for the respondents 1 to 3 and Mr.S.Vivek Chandra Sekhar, learned counsel for the respondents 4 to 6.

5. Perused the material on record.

6. On perusal of the material available on record, it appears that the petitioner filed application before the authority under Section 48 of the A.P. Shops and Establishments Act, 1988, seeking reinstatement into service and to pay arrears of salary, but the same was returned with objections by the 2<sup>nd</sup> respondent-Assistant Commissioner of Labour, Nellore vide File No.D/1074/2022, dated 27.04.2022 and the objections were not complied with. Thereafter, the petitioner preferred appeal before the authority under the A.P. Shops and Establishments Act, 1988 and Assistant Commissioner of Labour, Gudur, wherein the Assistant Commissioner of Labour-3<sup>rd</sup> respondent has returned the appeal vide Endt.No.A/109/2022, dated 30.05.2022, which reads as under:

*"As per the appeal filed by the appellant, it is clear that the appellant has not been worked in the territorial jurisdiction of the Authority under A.P. Shops and Establishments Act, 1988 & Assistant Commissioner of Labour, Gudur, hence the appeal is returned."*

7. So, in view of the above proceedings, it appears that the 2<sup>nd</sup> respondent is the competent authority to decide the matter. However, the petitioner has not re-submitted the application, which was returned on 27.04.2022, before the 2<sup>nd</sup> respondent and has not complied the objections.

8. In view of the same, this Court feels it appropriate to dispose of the writ petition by directing the petitioner to re-submit the application by complying with the objections and file the same before the 2<sup>nd</sup> respondent. On receipt of the same, the 2<sup>nd</sup> respondent is directed to dispose of the application within a period of four (04) months from the date of receipt of a copy of this order.

9. With the above observation, the Writ Petition is disposed of. There shall be no order as to costs.

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

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**DR. K. MANMADHA RAO, J.**

*ARR*

**HON'BLE DR.JUSTICE K.MANMADHA RAO**

**WRIT PETITION NO.17670 OF 2022**

**Date: 26.07.2024**

*ARR*