

IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI

(Special Original Jurisdiction)

**WEDNESDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE**



:PRESENT:

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 19865 OF 2023

Between:

The Primary Agriculture Co Operative Society, Rep by its President, B.Rama Subba Reddy, S/o B.Pulla Reddy, Yalluru, Gospadu Mandal, Nandyal District.

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Secretary, Labour Department Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The Chairman- Presiding Officer, Industrial Tribunal-Cum-Labour Court, Ananthapur District.
3. B.Siva Rami Reddy, S/o B.Malla Reddy, Aged about 70 years, Occ. Ex-Secretary, Yalluru Primary Agriculture Co-Operative society, R/o Yalluru village, Gospadu Mandal, Nandyal District.

Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ or direction, more particularly one in the nature of Writ of Mandamus, declaring action of the 2nd respondent in issuing direction to Petition (individual capacity) to pay arrears of 2,24,000/- to the 3rd respondent on or before 28.07.2023 and the same is not complied the arrest warrant will be issued U/s 55 of C.P.C by proceeding Lr.Dis.No 260 of 2023, dated 12.07.2023 is illegal arbitrary and violation of principles of natural justice and consequently set aside the same.

IA NO: 1 OF 2023

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the proceedings Lr.Dis.No 260 of 2023 dated 12.07.2023, pending disposal of W.P.No.19865 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI.K.SRINIVAS Advocate for the Petitioner and of GP for Labour for the Respondent Nos.1 & 2, the Court made the following.

ORDER:

On perusal of the impugned letter dated 12.07.2023 it appears that one Mr. B. Siva Rami Reddy, S/o. B. Malla Reddy, Ex-Secretary, Yalluru Primary Agriculture Co-operative Society, Gospadu Mandal, Nandyal District, who is the 3rd respondent herein filed M.P.No.161 of 2007 before the Industrial Tribunal cum Labour Court, Anantapuramu, seeking arrears of wages from March 2005 to October 2007 at the rate of Rs.7,000/- per month and the said M.P. was allowed by this Court on 16.12.2008 and in pursuance of the same E.P.No.05 of 2009 was filed by the said B. Siva Rami Reddy i.e., 3rd respondent herein. Thereafter, the 2nd respondent herein has issued a notice to the petitioner herein in an individual capacity directing him to pay arrears for an amount of Rs.2,24,000/- on or before 28.07.2023 before the Court, otherwise arrest warrant will be issued against him under Section 55 of C.P.C.

As per the said impugned letter, it is clear that the petitioner is only the president of the Primary Agriculture Co-Operative Society and he is not eligible to pay any wages to the workers working in the said Society. In spite of the same, the 2nd respondent herein issued notice to the petitioner in an individual capacity, which is unwarranted.

In view of the same, there shall be interim stay of all further proceedings in pursuance to the letter No. Lr.Dis.No.260 dated 12.07.2023.

Learned counsel for the petitioner is permitted to take out personal notice on respondent No.3 through registered post with acknowledgment due, returnable within a period of two (2) weeks and file proof of service in the Registry.

Post after two (2) weeks.

In the meanwhile, learned Government Pleader for Labour is directed to file counter.

Sd/- B. PRASADA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

For /

SECTION OFFICER

To,

1. The Secretary, Labour Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The Chairman- Presiding Officer, Industrial Tribunal-Cum-Labour Court, Ananthapur District.
3. B.Siva Rami Reddy, S/o B.Malla Reddy, Occ. Ex-Secretary, Yalluru Primary Agriculture Co-Operative society, R/o Yalluru village, Gospadu Mandal, Nandyal District. (1 TO 3 by RPAD)
4. One CC to SRI.K.SRINIVAS, Advocate [OPUC]
5. Two CCs to GP FOR LABOUR, High Court Of Andhra Pradesh. [OUT]
6. One spare copy

SRL

HIGH COURT

VSJ

DATED:09/08/2023

NOTE: POST AFTER TWO (2) WEEKS

ORDER

WP.No.19865 of 2023

DIRECTION

