

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THURSDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY
WRIT PETITION NO: 2623 OF 2021

Between:

- ✓ 1. Konda Vijaya Kumar, S/o. Late Srinivasa Rao, Aged about 39 years, Occ. Un-Employee, R/o. 19/426, Bethavolu Pedda Peta, Gudivada, Krishna District. A.P.
2. Konda Vinay Kumar, S/o. Late Srinivasa Rao, Aged about 34 years, Occ. Un-Employee, R/o. 19/426, Bethavolu Pedda Peta, Gudivada, Krishna District, A.P.

(Petitioners are sons of Late Konda Srinivasa Rao, who is a party to the award dated 23-02-2018 in I.D. No. 47 of 2009 on the file of Labour Court cum Industrial Tribunal, Guntur, which is subject matter of challenge in the present Writ petition)

... Petitioners

AND

- ✓ 1. The Labour Court cum Industrial Tribunal, Rep. by its Presiding Officer, Guntur, Guntur District, A.P.
2. Sri Chakra Cements Limited, Rep. by its Managing Director, Administrative Office, Concrete House, 6-3-668/10/66, Durga Nagar Colony, Punjagutta, Hyderabad - 500 082.
3. The Assistant Manager Personal, Sri Chakra Cement Limited, Narasimhapuri Post, Karampudi Mandal, Guntur District, A.P.

.... Respondents

Whereas the Petitioner above named through their Advocate Sri M Pitchaiah presented this 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 writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the award dated 23-02-2018 in I.D. No. 47 of 2009, on the file of Labour Court cum Industrial Tribunal, Guntur, in so far as it relates to rejection of relief of reinstatement with continuity of service with back wages only as arbitrary and violative of Art. 14 and 21 of Constitution of India and provisions of Y.D. Act, 1947 by modifying the same and consequently direct the respondents and 3 to pay an amount of Rs. 15, 00, 000/- (Fifteen Lakh Rupees) as compensation in lieu of reinstatement towards back wages and other attendant benefits in view of the death of the workman, and retirement benefits that fell due to the deceased workman to the petitioners with interest at the rate of 12 percentage per annum, grant costs of proceedings.

And Whereas the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri M Pitchaiah Advocate for the Petitioner, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Managing Director, Sri Chakra Cements Limited, Administrative Office, Concrete House, 6-3-668/10/66, Durga Nagar Colony, Punjagutta, Hyderabad - 500 082.
2. The Assistant Manager Personal, Sri Chakra Cement Limited, Narasimhapuri Post, Karampudi Mandal, Guntur District, A.P.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed

therewith (copy enclosed) this WRIT PETITION should not be admitted, on or before 19-02-2021, on which date the case stands posted for hearing.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant leave to the Writ Petitioners to file this Writ Petition challenging the Award dated 23-02-2018 in I.D.No.47 of 2009, on the file of Labour Court cum Industrial Tribunal, Guntur, pending disposal of WP No. 2623 of 2021, on the file of the High Court.

IA NO: 2 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents 2 and 3 pay retirement benefits due to deceased workman Late Srinivasa Rao to the petitioners with interest at the rate of 12 % per annum, pending disposal of WP No.2623 of 2021, on the file of the High Court.

**The Court made the following:
ORDER:**

"Issue notice to the respondents 2 and 3.

Learned counsel for the petitioner is permitted to take out personal notice to the respondents 2 and 3 by RPAD and file proof of service into Registry within two (02) weeks.

Post the matter after two weeks.

Office is directed to print the name of Government Pleader for Labour appearing for the 1st respondent in the cause list."

Sd/-P.VenkataRamana
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Labour Court cum Industrial Tribunal, Guntur.
 2. The Managing Director, Sri Chakra Cements Limited, Administrative Office, Concrete House, 6-3-668/10/66, Durga Nagar Colony, Punjagutta, Hyderabad - 500 082.
 3. The Assistant Manager Personal, Sri Chakra Cement Limited, Narasimhapuri Post, Karampudi Mandal, Guntur District, A.P.(RR 1 and 2 by RPAD- along with a copy of petition and memorandum of grounds)
 4. One CC to Sri. M Pitchaiah Advocate [OPUC]
 5. **One spare copy**
 6. *The Section Officer, Posting Section, High Court of AP, Amaravathi.*
- PR

HIGH COURT

MSMJ

DATED:04/02/2021

POST THE MATTER AFTER TWO WEEKS.

NOTICE BEFORE ADMISSION

WP.No.2623 of 2021

DIRECTION

