



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

[3457]

THURSDAY, THE FIFTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 39666/2012

Between:

- 1.A. SAMUDRAM,, S/O. A. RAMU AGED ABOUT 58 YEARS, R/O. NEAR
FCI GODOWNS LALA CHERUVU, RAJAHMUNDRY, E.G.DISTRICT
- 2.BANDARU VENKANNA,, S/O. TIMMAIAH AGED ABOUT 60 YEARS,
R/O. MALLAYYAPETA RAJAHMUNDRY, E.G.DISTRICT
- 3.BATHULA VENKATESWARA RAO,, S/O. VENKANNA AGED ABOUT
58 YEARS, R/O. NEAR SANATORIUM SARANGADHARA MENA,
RAJAHMUNDRY, E.G.DISTRICT
- 4.V.V.S NAIDU,, S/O. V.SURYANARAYANA AGED ABOUT 55 YEARS,
R/O. DANA VENKATA, RAJAHMUNDRY, E.G.DISTRICT
- 5.V. BHASKARA RAO,, S/O. V.RAMA RAO AGED ABOUT 54 YEARS,
R/O. MALLAYYAPETA RAJAHMUNDRY, E.G.DISTRICT
- 6.G.P. CHOWDARY,, S/O. RANGA RAO AGED ABOUT 50 YEARS, R/O.
MALLAYYAPETA RAJAHMUNDRY, E.G.DISTRICT
- 7.V.S.V.R. GOVIND,, S/O. GANGA RAJU AGED ABOUT 50 YEARS,
R/O. SRIRAM NAGAR RAJAHMUNDRY, E.G.DISTRICT

...PETITIONER(S)

AND

- 1.AUTHORITY UNDER PAYMENT OF WAGES ACT 1936, JOINT
COMMISSIONER OF LABOUR, ZONN-II RAJAHMUNDRY,
E.G.DISTRICT

2. AUTHORITY UNDER PAYMENT OF WAGES ACT 1936, CUM DY.
COMMISSIONER OF LABOUR, ELURU WEST GODAVARI DISTRICT

3. ASST LABOUR OFFICER CIRCLE III, RAJAHMUNDRY EAST
GODAVARI DISTRICT

...RESPONDENT(S):

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 Mandamus or any other appropriate Writ, Order or Orders, Direction or Directions declaring the action of the Respondent in filing complaints under Section 15(5)(b) of the Payment of Wages Act, 1936, in the court of Spl. Judicial II Class Magistrate, Rajahmundry, East Godavari District for the recovery of the amount in P.W Cases No. 6 to 35 and 44 dt. 3-4-1997 from the petitioners herein despite the orders in those cases having been quashed by this Hon'ble court in a batch of writ petitions by judgment dt. 13.7.2006 as illegal, arbitrary and unconstitutional and without jurisdiction and to restrain the court of Spl. Judicial II Class Magistrate, Rajahmundry, East Godavari District, from proceeding with STC Nos. 1048, 1051, and 1053 to 1057/2012 in any manner and pass

IA NO: 1 OF 2012(WPMP 50392 OF 2012)

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 stay of all further proceedings in STC Nos. 1048, 1051, and 1053 to 1057/2012 on the file of Spl. Judicial II Class Magistrate, Rajahmundry, East Godavari District, pending disposal of the Writ Petition and pass

Counsel for the Petitioner(S):

1. VEDULA SRINIVAS

Counsel for the Respondent(S):

1. GP FOR LABOUR

The Court made the following:

Order:-

1. The learned counsel appearing for the petitioners, virtually online, submits that the petitioners have challenged the recovery order issued pursuant to the orders passed in P.W.Case Nos.6 to 35 and 44, dated 03.04.1997. The petitioners are contractors of Andhra Pradesh Paper Mills, Rajahmundry, and had supplied labour for execution of several works in the factory. The petitioners possess the requisite licences under the Contract Labour (Regulation and Abolition) Act. Cases were filed under the Payment of Wages Act against Andhra Pradesh Paper Mills, Rajahmundry

2. It is submitted that the petitioners had claimed difference of wages payable to the contract labour. Orders were passed in those cases directing the management to deposit a sum of Rs.21,78,726.18/- apart from Rs.7,26,242.06/- along with two times compensation. The principal employer, i.e., Andhra Pradesh Paper Mills, Rajahmundry, filed a batch of writ petitions, and this Court passed a common order in W.P.No.18891 of 1997 and batch, allowing the writ petitions. Thereafter, the 1st respondent filed applications before the Court of the Special Judicial II Class Magistrate, Rajahmundry, under Section 15 (5)(B) of the Payment of Wages Act for recovery of the amounts as determined in P.W. Case Nos. 6 to 35 and 44, dated 03.04.1997, from the petitioners herein. The Court registered Summary Trial Case Nos. 1048, 1051, 1053, 1057 of 2012 and summons was issued to the petitioners.

3. The proposed recovery proceedings initiated by the 1st respondent are challenged before this Court in the present writ petition. The recovery proceedings were initiated after a lapse of more than 15 years and, as such, the Act does not permit initiation of such proceedings at a belated stage. Though the writ petition was filed in the year 2012, counters have not been filed by any of the respondents. This Court, while admitting the writ petition on 26.12.2012, granted interim stay.

3. Considering the legal position that the proposed recovery proceedings were initiated after a lapse of 15 years, this Court is of the considered opinion that the said proceedings are liable to be set aside. Accordingly, STC Nos. 1048, 1051, 1053, 1057 of 2012, dated 05.07.2012, on the file of the Court of the Special Judicial II Class Magistrate, Rajahmundry, are hereby quashed.

4. Accordingly, this writ petition is allowed.

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

JUSTICE HARINATH.N

05.02.2026
RMD

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THE HONOURABLE SRI JUSTICE HARINATH.N

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