

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 33557 of 1998

Between:

Municipal Corporation Contract Workers Union,
Visakhapatnam Regd. No. D 1636/97, rep. by its
President, Y. Mohan Rao, S/o. late Jagannadham,
Chandanapuri Colony, Prahladapuram,
Visakhapatnam.

..... PETITIONER

AND

1. The Commissioner of Municipal Corporation,
Visakhapatnam.
2. The Assistant Commissioner of Labour,
Visakhapatnam (Circle-I), Peda Waltair,
Visakhapatnam.
3. B.S.N. Murthy, S/o. S. Appa Rao, aged 40 years,
R/o.48-18-27/12, Mandavari Street, Dondaparthi,
Visakhapatnam.
4. G. Rama Raju, aged 50 years, D.No.32-25/1,
Achiammapeta, Near Manorama Theatre,
Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of a Writ of Mandamus directing the respondents 1 and 3 to 5 :

- i) to continue the services of the workers of this union who are working in the works stated in para 2 (a) to (f) of this Writ

Affidavit as revealed by the records of the Labour Department either as employees of the Respondents 3 to 5 or of the 1st respondent;

- ii) to pay the full arrears of wages as per the statute and Rules in the presence of the representative of the 1st respondent under due acknowledgments forthwith;
- iii) to obtain necessary Registration on the part of the 1st Respondent Under Sec.7 of the Contract Labours (Regulation and Abolition) Act 1970 for the purpose of engaging Contract Labour;
- iv) to direct the Respondents 3 to 5 to obtain Licences immediately Under Sec.12 of the Act forthwith;
- v) to direct the 2nd Respondent to take suitable steps for the immediate implementation of the Provisions of the abovesaid Act if required by Criminal Prosecutions;
- vi) to direct the Respondents 1 and 3 to 5 not to continue the terrorizing activities with ulterior mala fide intentions of squeezing out the members of this Union from their employment;

Declaring :-

- i) that the acts of the Respondents 1 and 3 to 5 in not insisting on the Registration and the licences for engaging contract Labour Workers, under the Contract Labour (Regulation and Abolition) Act 1970 while engaging contract labour for the water works (a) to (f) stated in para 2 of the Writ Affidavit;
- ii) that the non-maintenance of any Registers, records and the issue of wage slips or certificates to the workers by both the 1st Respondent who is the principal Employer and the Respondents 3 to 5;
- iii) that the non-payment of the wages to the members of this Union for the last several months as per the statutory provisions;
- iv) the efforts and the attempts of the Respondents 1 to 5 displace the members of this Union from the service are highly

mala fide, arbitrary, improper, contrary to law, violative of the Fundamental Rules and the Principles of natural justice.

v)

Counsel for the Petitioner : MR.D.RAMALINGA SWAMY, Advocate

Counsel for the Respondent No.1 : Mr. T.S.Venkata Ramana, Advocate

Counsel for the Respondent No.2 : GP FOR LABOUR

Counsel for the Respondent No.3 : Mr. A.V. Dhanamjaya Rao, Advocate

Counsel for the Respondent Nos.4 and 5 : None appeared.

The Court made the following :

ORDER:

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The learned counsel for the petitioner submits that the petitioner-Union seeks permission of the Court to withdraw the writ petition. Permission is accorded.

Accordingly, the writ petition is dismissed as withdrawn.

N.V.RAMANA, J

Date : July 8, 2004.

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To

1. The Commissioner of Municipal Corporation,
Visakhapatnam.
2. The Assistant Commissioner of Labour,
Visakhapatnam (Circle-I), Peda Waltair,
Visakhapatnam.
3. Two CCs to the GP for Labour, High Court Buildings, Hyderabad
(O.u.T)
4. Two CD copies.

