

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINTH DAY OF MARCH
TWO THOUSAND AND TWELVE

PRESENT
THE HON'BLE MR JUSTICE ASHUTOSH MOHUNTA

-
WRIT PETITION No.24428 of 2010

Between:
M/s.A.V.Rambabu Infra Pvt.Ltd.
Rep.by its M.D.A.Krishna Chaitanya

..... PETITIONER

AND
The Government of A.P. rep.by its Principal
Secretary, Finance & Planning Department,
Secretariat, Hyderabad and 36 others

.....RESPONDENTS

The Court made the following:

THE HON'BLE MR JUSTICE ASHUTOSH MOHUNTA

-
WRIT PETITION No.24428 of 2010

ORDER:

The petitioner prays that a direction be issued to the respondents to include 1% towards Labour Cess in all the works entrusted to him and for all the payments made after 26.06.2007 as per Clause-(i) of U.O.No.4763/PFS/F8(A1)/98-4, Finance (Works & Projects) Department, dated 28.02.2008.

Learned counsel for the petitioner submits that the subject matter

of this writ petition is squarely covered by a common order passed by this Court in W.P.No.11269 of 2009 and batch, dated 22.10.2009.

Learned Assistant Government Pleader for Finance & Planning, however, submits that since large number of cases are already pending in this Court and at most, only interim order may be passed and cases may not be disposed of in terms of W.P.No.11269 of 2009 and batch. He also referred to the judgment passed by a learned Single Judge of this Court in W.P.No.4587 of 2008 and batch, dated 15.07.2008.

However, the learned counsel for the petitioner submits that as far as the controversy involved in the aforementioned judgment of this Court in W.P.No.4587 of 2008 and batch dated 15.07.2008 is concerned, the same is entirely different to the controversy involved in this case. The learned counsel for the petitioner further submits that indeed on 10.02.2012 itself my learned Brother, Sri Justice Nooty Ramamohana Rao disposed of a large number of batch of cases being W.P.No.12911 of 2009 and batch involving the one and the same controversy in the case on hand and therefore, the present writ petition also be disposed of in terms thereof.

Heard the learned counsel at length.

The question, which came up for consideration in W.P.No.11269 of 2009 and batch, and W.P.No.12911 of 2009 and batch, and the present writ petition, is absolutely one and the same. Hence, no purpose would be served by passing interim order now and thereafter disposing of the cases in terms of decision rendered in W.P.No.11269 of 2009 and batch.

In view of the above, this writ petition is disposed of in the same terms as in W.P.No.11269 of 2009 and batch with the following directions:

- (a) the respondents shall include 1% cess in the estimates for the works which they propose to undertake, if the work continues for or beyond twelve months and involves engagement of 10 workers or more; and

- (b) the respondents shall not deduct any amount towards cess, unless the corresponding amount is included in the estimates.

There shall be no order as to costs.

As a sequel to disposal of the writ petition, WPMP.No.31271 of 2010 filed by the petitioner for interim relief as well as WVMP.No.955/2011 for vacating the interim order are disposed of as infructuous.

ASHUTOSH MOHUNTA,J

Dated: 29.03.2012
Dsr