
(1994) 02 AP CK 0018

In the Andhra Pradesh High Court

Case No : Writ Petition No. 1640 of 1993

Karimnagar Municipality

APPELLANT

Vs

Authority Under The P. W. Act and Assitant Commissioner of
Labour and Another

RESPONDENT

Date of Decision : 22-02-1994

Acts Referred:

Administrative Tribunals Act, 1985 — Section 15(2), 15(3), 28, 28
Payment of Wages Act, 1936 — Section 15(1)

Citation : (1994) 1 ALT 421 : (1994) 1 APLJ 374 : (1994) 2 LLJ 880

Hon'ble Judges : B. Subhashan Reddy, J

Bench : Single Bench

Judgement

B. Subhashan Reddy, J.—This Writ Petition raises rather an important question of law as to whether in the face of Section 15(3) of the Administrative Tribunals Act, 1985, the authority under the Payment of Wages Act has got jurisdiction to entertain the claim by a workman of a local authority, like the Municipality which is the writ petitioner in the instant case. It is urged in support of the pleas of the Municipality that inasmuch as a Municipality is the local authority and coming within the purview of the Administrative Tribunals Act, all service matters including that of a claim of wages, as it is a condition of service, have got to be adjudicated only by the Andhra Pradesh Administrative Tribunal and not by the Payment of Wages Authority.

2. Mr. Gopal G. Naik, in support of his argument has cited a judgment of the High Court of Calcutta in Gangaram Topji Hupade us. Digamber Sadashiv Kanwale, 1992 (2) LLJ 408. In the said case, a writ petition was filed in the matter arising for appointment of respondent as police patel under the Maharashtra Village Police Act, 1976. A contention was raised that the High Court was having jurisdiction. But, repelling the same, the Bombay High Court held that on the advent of the provisions of the Administrative Tribunals Act, 1985, the High Court jurisdiction was barred. A police patel is concerned with service in connection with the affairs of the State and is appointed by an officer of the State

Government and is governed by the conditions of service under the relevant rule or the regulation, as the case may be. As such, he comes under the purview of the Administrative Tribunals Act, 1985. The same analogy cannot be applied to the 2nd respondent in the instant case. Even though the petitioner municipality is a corporation and by virtue of sub-section (2) and (3) of Section 15 of the Administrative Tribunals act, 1985, all service matters relating to conditions of service have got to be adjudicated by the Tribunal constituted for the State under the said Act, but the said Act itself makes exceptions u/s 28 thereof which reads :-

"On and from the date from which any jurisdiction, powers and authority be comes exercisable under this Act by a Tribunal in relation to recruitment and matters concerning recruitment to any service or post or service matters concerning members of any Service or persons appointed to any Service or post, no Court except -

(a) the Supreme Court; or

(b) any industrial Tribunal, Labour Court or other authority constituted under the Industrial Disputes Act, 1947 or any other corresponding law for the time being in force, shall have or be entitled to exercise any jurisdiction, powers or authority in relation to such recruitment or matters concerning such recruitment to such service matters."

3. The 1st respondent is an authority constituted u/s 15(1) of Payment of Wages Act, 1936 with an object to ensure payment of wages in particular form and at regular intervals without undue delay. Special matters and disputes are entrusted to the said authority for adjudication. It is not within the competence of the said authority to decide upon the validity of termination of service of the employee nor does the 1st respondent has the right to decide about the claim of retrenchment relief or benefit. The 1st respondent has right to adjudicate whether any earned wages are due to an employee like the 2nd respondent. If that be so, the 1st respondent cannot be construed as a Court and is only an authority under beneficial legislation with an avowed object of checking unscrupulous employers evading wages. The 1st respondent fits in as an authority under the corresponding law for the time being in force i.e., Payment of Wages Act, 1936".

4. In view of what is stated supra, the 1st respondent is excepted from the purview of Administrative Tribunals Act, 1985 in view of Section 28(b) of Administrative Tribunals Act, 1985 and has got jurisdiction to adjudicate the claim for wages filed by the 2nd respondent. This view of mine is fortified by the decision in General Manager N. E. Railway, Gorakpur v. Sripat, 1988 LIC 266. It is needless to mention that the 1st respondent will decide the said claim for payment of wages on the basis of the material available before him.

5. The writ petition is dismissed subject to the above observations. No costs.