

**HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD  
(Special Original Jurisdiction)**

**TUESDAY, THE EIGHTEENTH DAY OF JUNE  
TWO THOUSAND AND TWENTY FOUR**

**PRESENT**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI**

**WRIT PETITION NO: 17991 OF 2009**

**Between:**

Viceroy Hotel Employees Union, Rep by its General Secretary, K.V.S. Ramachandra Rao, C/o. H.No. 8-2-269/19/381/B, Indiranagar, Jubilee Hills, Hyderabad.

**...PETITIONER**

**AND**

1. The Institution Of The Lok Ayukta, Rep by its Registrar, Basheerabagh, Hyderabad.
2. Smt. Asha Murthy,, Special Chief Secretary, (retd), W/o. Sri J.P. Murthy, R/o. 8-2-674/2/B2, Road No. 12, Banjara Hills, Hyderabad.
3. Sri Karikala Valavan, Commissioner of Labour,, Presently Managing Director, A.P. Beverages Corporation, Excise Bhavan, M.J. Road, Hyderabad.
4. Sri Satish Chander,, I/c. Commissioner of Labour, Presently Joint Secretary, Union Ministry of Petroleum, Chemicals and Fertilisers, Govt. of India, New Delhi.
5. Sri B. Ajay,, Deputy Commissioner of Labour (Twin Cities) Presently Joint Commissioner of Labour, T. Anjaiah Bhavan, RTC X Roads, Hyderabad.

**...RESPONDENTS**

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 an order, direction or writ, more particularly one in the nature of Writ of Certiorari, calling for the records of complaint No. 917/2007/B1 on the file of the Honble Lok Ayukta of Andhra Pradesh and set aside the order in proceedings No. 917/2000/B1/LOK/325/2009 dated 20-1-2009

**IA NO: 1 OF 2019**

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 permit the Petitioner Union for withdrawal of this Writ Petition No: 17991 of 2009

and consequently permit the petitioner herein to represent Party in Person by determining the vakalat executed in favor of Sri K Bala Gopal.

**Counsel for the Petitioner: NONE APPEARED**

**Counsel for Respondent No. 1: SRI M. V. S. SURESH KUMAR**

**Counsel for Respondent Nos. 2 to 5: GP FOR LABOUR**

**The Court made the following: ORDER**

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI

Writ Petition No.17991 of 2009

ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

None for the petitioner.

2. In this writ petition, the petitioner has assailed the validity of the order dated 31.12.2008, passed by Lokayukta, by which the complaint made by the petitioner has been dismissed.

3. Facts giving rise to filing of this writ petition are that a complaint was made to Lokayukta in which a grievance was made that the protected labour have not been recognized by the Labour Commissioner. The aforesaid complaint has been rejected by the Lokayukta by the impugned order.

4. Section 2 (a) and (b) as well as Section 7 of the 'Telangana Lokayukta Act, 1983, read as under:

**"2. Definitions:-** (a) 'action' means an administrative action taken by a public servant by way of decision, recommendation or finding or in any other manner, and includes any omission and commission and failure to act

in connection with or arising out of such action; and all other expressions connecting action shall be construed accordingly.

(b) '*allegation*' in relation to a public servant means any affirmation that such public servant –

(i) has abused his position as such, to obtain any gain or favour to himself or to any other person, or to cause undue harm or hardship to any other person;

(ia) has failed to discharge the functions attached to his post.

(ii) was actuated in the discharge of his functions as such public servant by improper or corrupt motive and thereby caused loss to the State or any member or section of the public; or

(iii) is guilty of corruption, or lack of integrity in his capacity as such public servant.

.....  
7. (1) Subject to the provisions of this Act, the Lokayukta may investigate any action which is taken by, or with the general or specific approval of, or at the behest of,-

(i) a Minister or a Secretary; or

(ii) a Member of either House of the State Legislature; or

(iii) a Mayor of the Municipal Corporation constituted by or under the relevant law for the time being in force; or

(iii-a) a Vice Chancellor or a Registrar of a University;

(iv) any other public servant, belonging to such class or section of public servants, as may be notified by the Government in this behalf after consultation with the Lokayukta, in any case where a complaint involving an allegation is made in

respect of such action, or such action can be or could have been, in the opinion of the Lokayukta, the subject of an allegation.

(2) Subject to the provisions of this Act, the Upa-Lokayukta may investigate any action which is taken by, or with the general or specific approval of, any public servant, other than those referred to in sub-section (1), in any case where a complaint involving an allegation is made in respect of such action, or such action can be or could have been, in the opinion of the Upa-Lokayukta, the subject of an allegation.

(3) Notwithstanding anything in sub-section (2), the Lokayukta may, for reasons to be recorded in writing, investigate any allegation in respect of an action which may be investigated by the Upa-Lokayukta under that sub-section, whether or not complaint has been made to the Lokayukta in respect of such action.

(4) Where two or more Upa-Lokayuktas are appointed under this Act, the Lokayukta may by general or special order, assign to each of them matters which may be investigated by them under this Act:

Provided that no investigation made by the Upa-Lokayukta under this Act and no action taken or thing done by him in respect of such investigation shall be called in question on the ground only that such investigation relates to a matter which is not assigned to him by such order."

5. Thus, from a perusal of the aforesaid provisions, it is evident that the Lokayukta has no jurisdiction to deal with the prayer made in the complaint. Lokayukta has rightly dismissed the complaint filed by the petitioner.

---

6. The Writ Petition, therefore, fails and is, hereby, dismissed.

No costs.

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

SD/- V. HARI PRASAD  
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Registrar, Institution Of The Lok Ayukta, Basheerabagh, Hyderabad.
2. Two CCs to GP FOR LABOUR, High Court for the State of Telangana. [OUT]
3. One CC to Sri M V S Suresh Kumar Advocate [OPUC]
4. Two CD Copies

MBC  
GJP

 \$

HIGH COURT

DATED: 18/06/2024



ORDER

WP.No.17991 of 2009

DISMISSING THE WRIT PETITION

WITHOUT COSTS

⑦ Copies  
8/2  
15/10/24