

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24300 of 2012

Arising Out of PS.Case No. -1342 Year- 2010 Thana -null District- PATNA

- =====
1. Housing Urban Development Corporation Limited, Representing Executive Director through Subrato Saha, the Regional Chief, Regional Office, Block-B, 2nd Floor, Maurya Lok Complex, District- Patna
 2. Arun Kumar S/O Late Kpildeo Singh, presently posted as Regional Chief, Hudco Kolkata Regional Office, New CMC Building, 3rd Floor, 15-N Lindsay Street, Kolkata- 700087

.... Petitioner/s

Versus

The Union of india through the Ministry of Labour and Employment, office of the labour Enforcement Officer (Central) Maurya Lok Complex, 2nd Floor, A-Block, Room No.- 6 And 15, Patna

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Chosarvey, Adv.

For the State : Mr. Raghib Ahsan, A.P.P.

For the Opposite Party No. 2: Mr. Satya Prakash Tripathy, Standing Counsel of Union of India

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 01-05-2015

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order of cognizance dated 24.12.2010 passed by the Chief Judicial Magistrate, Patna, in Complaint Case No. 1342(C-2) of 2010 under the Provisions of Contract Labour (Regulation and Abolition) Act, 1970.

The case of the Complainant is that the Petitioners were employers within the meaning of the Act and had not complied with certain provisions of the Act.

It has been submitted on behalf of the Petitioners that

they are not Employers but merely arrayed accused in their official capacity whereas the Petitioner No. 1 is representing the Company. If at all, there was some irregularity, it did not come within the Provisions of the Act.

Several adjournments had been granted to the Union of India to file counter affidavit but to no avail.

Having accepted the submissions of the Petitioners, the application is allowed and the order of cognizance dated 24.12.2010 passed by the Chief Judicial Magistrate, Patna, in Complaint Case No. 1342(C-2) of 2010 under the Provisions of Contract Labour (Regulation and Abolition) Act, 1970, is hereby set aside.

(Anjana Prakash, J)

S.Ali/-

U		T	
---	--	---	--