

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-28437 of 2015

Date of Decision: August 25, 2015

Trigo Quality Production Services

.....Petitioner

Vs.

Labour Inspector

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr. Anilendra Pandey, Advocate and
Mr. C.S. Bagri, Advocate,
for the petitioner.

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M.M.S. BEDI, J. (ORAL)

Petitioner is a registered Company which seeks quashing of private complaint filed by Labour Inspector, Rewari alleging that the factory of the petitioner was inspected by a team of Labour Department on October 31, 2014 and found that an information in form 'A' had not been sent under the Payment of Gratuity Act, 1972. The learned CJM has summoned the petitioner as accused to face trial. The petitioner has allegedly violated the provisions of Minimum Wages Act, 1948, Payment of Wages Act, 1936 and Payment of Gratuity Act, 1972. The petitioner Company had earlier

deposited a fine of Rs.2400/- on July 1, 2015 in an earlier complaint which was disposed of vide order annexure P-6.

Counsel for the petitioner has vehemently contended that the petitioner Company does not have any establishment and have not opened any labour, shop, mines, oil field or any other establishment in the State of Haryana. It is claimed that the petitioner Company was approached by another company M/s Harley Davidson Motor Company India Limited. In the month of July 2015, a fresh case was again filed by Labour Inspector, alleging that the petitioner has violated the provisions of Payment of Gratuity Act. It is claimed that the complaint had been filed by the Labour Inspector being inimical to the petitioner Company. It is claimed that the petitioner Company is only providing quality assurance to M/s Harley Davidson Motor Company India Limited, Plot No. 8-10 and 19-21, Sector 7, Bawal, District Rewari, without having any independent establishment at Rewari. It has been claimed by the petitioner Company that it is registered under the State of Maharashtra.

I have heard learned counsel for the petitioner and carefully gone through the record. The petitioner Company had been issued show cause notice annexure P-3 by the Deputy Labour Commissioner, Circle II, Gurgaon, requiring the Company to produce the record on January 27, 2015. The sole argument raised on behalf of the petitioner Company is that it being a Company with Head Office at Maharashtra cannot be tried in the area of Rewari. A perusal of the notice issued to the petitioner Company indicates

that it has been shown to be c/o M/s Harley Davidson Motor Company India Limited. The petitioner Company was served at the address of M/s Harley Davidson Motor Company India Limited at its registered office. In November 2014, the Labour Inspector had inspected the establishment of M/s Harley Davidson Motor Company India Limited. It was reported that the petitioner Company has violated the provisions of Minimum Wages Act, Payment of Wages Act and Payment of Gratuity Act. No reply had been filed to the show cause notice indicating that it has got no concern with address i.e. Plot No. 8-10 and 19-21, Sector 7, Bawal, District Rewari. The disputed question of facts cannot be gone into in the exercise of powers under Section 482 Cr.P.C. The ratio of the judgments cited by counsel for the petitioner is not applicable to the facts of the present case.

The petition is dismissed.

August 25, 2015
sanjay

(M.M.S.BEDI)
JUDGE