

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38849 of 2010

Arising Out of PS.Case No. -0 Year- null Thana -null District- BHAGALPUR

- =====
1. B.P. Rao son of Sri Bontha Ramaprathapa Rao, Chairman & Managing Director, Bharat Heavy Electricals Ltd. B.H.E.L. House, Sirifort, New Delhi - 49
 2. M. Rajiv Kumar @ Kumar M. Rajiv, son of Sri Ramananda Prasad, Executive Director (ER), Bharat Heavy Electricals Ltd. B.H.E.L. – P.S.E. R., Salt Lake, Kolkata – 91
 3. Pravat Kumar Das @ Prabhat Kumar Das, son of Sri R.N. Das, Additional General Manager/Construction Manager, Bharat Heavy Electricals Ltd. P.S.E.R. Kahalgaon, Bhagalpur - 813214

.... Petitioner/s

Versus

1. The Union of India through Secretary, Ministry of Labour & Employment, Govt. of India, New Delhi
2. Labour Enforcement Officer (Central) Bhagalpur, Office of the Regional Labour Commissioner (Central), Ministry of Labour & Employment, Government of India, Mouryalok Complex, A Block, 2nd floor, Room No.16 and 17, Patna – 800001

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Alok Kumar Sinha, Advocate
Mr. Indrajeet Bhushan, Advocate
Mr. Manish Kumar, Advocate

For the Union of India : Mr. Ravinder Kumar Sharma, CGC

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 22-02-2016

The Petitioners seek quashing of the entire proceeding including the order of cognizance dated 23.6.2010 passed by the Chief Judicial Magistrate, Bhagalpur in Complaint case bearing P.S. case No.206 of 2010.

The case of the Complainant is that the Petitioners had employed labourers but had flouted certain rules of the Contract Labour (Regulation and Abolition) Act, 1970 in its regard.

The Petitioners submit that the Petitioner No.1 and 2 are posted in New Delhi and Calcutta, who had no hold over the local office. In the Complaint Petition there is no averment that the Petitioner No.3 was conducting the business of the company at the local level.

Considering the aforesaid, the application is allowed and the entire proceeding including the order of cognizance dated 23.6.2010 passed by the Chief Judicial Magistrate, Bhagalpur in Complaint case bearing P.S. case No.206 of 2010 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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