

**CRM-M-39631-2017 and
CRM-M-39791-2017**

1

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Date of Decision: 5th May, 2022

CRM-M-39631-2017

M/s Tata Consultancy Services Limited and another Petitioners

Versus

Union of India and another Respondents

CRM-M-39791-2017

M/s Tata Consultancy Services Limited and another Petitioners

Versus

Union of India and another Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Divya Sharma, Advocate for the petitioners.

Mr. Aditya Sanghi, Advocate for respondent No.1.

AVNEESH JHINGAN, J (Oral):

Petition bearing No. **CRM-M-39631-2017** is filed for quashing of Criminal Complaint No. COMA 54/2016 dated 15.2.2016 under Section 24 of the Contract Labour (Regulation and Abolition) Act, 1970 (for short 'the Act) titled as "State through Labour Enforcement Officer (C) vs. M/s Tata Consultancy Services Limited" and summoning order dated 15.2.2016 vide which petitioners have been summoned to stand trial for offence under Section 24 of the Act.

Petition bearing No. **CRM-M-39791-2017** is filed for quashing of Criminal Complaint No. COMA 181/2016 dated 11.5.2016 under Section 10 of the Equal Remunderation Act, 1976 (for short 'the ER Act) titled as “Labour Enforcement Officer (C) vs. M/s Tata Consultancy Services Limited” and summoning order dated 11.5.2016 vide which petitioners have been summoned to stand trial for offence under Section 10 of the ER Act.

While issuing notice of motion the personal appearance of the petitioner No. 2 who is Vice President of M/s Tata Consultancy Services Limited (petitioner No.1) was exempted.

The grievance raised by learned counsel for the petitioners is that the petitioner No.2 is not the person in charge of the day to day business being conducted at Passport Sewa Kendra, Amritsar.

Learned counsel for the respondent No.1 submits that no such plea was taken before the Trial Court.

Learned counsel for the petitioners at this stage submits that the petitioners be granted liberty to avail remedies before the Trial Court for appropriate relief. However, in the meantime, the interim protection granted be continued.

The petitions are disposed of with liberty as prayed for.

The personal appearance of petitioner No.2 is dispensed with for six weeks from today, in meanwhile the petitioner No.2 may avail the remedies in accordance with law and make the prayer for personal exemption for personal appearance before the Court concerned and further if so desired, petitioners may avail remedies against the summoning order.

A photocopy of this order be placed on the file of connected case(s).

[AVNEESH JHINGAN]
JUDGE

5th May, 2022
anuradha

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No