

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

CRIMINAL PETITION NO: 1585 OF 2014

Between:

1. THE GENERAL MANAGER, 5-9-62, 6th Floor, Lateef Khan Estate, Fateh Maidan Raod, Hyderabad.
2. Sri Rajesh Dogra, Head Operations 61, A Block Sector - 63, Noida 201 301, Haryana.
3. Sri N.Chandra Sekharan, Executive Officer and M.D. TCS House, Raveline Street, Fort, Mumbai - 400 001

...PETITIONERS/ACCUSED NO.1 TO 3

AND

1. Labour Enforcement Officer (Central), Government of India, Ministry of Labour, A.T.I. Campus, Vidyanagar, Hyderabad.
2. The State of Andhra Pradesh,, rep by the Public Prosecutor, High Court of A.P., Hyderabad.

...RESPONDENTS

Petition under Section 482 of Cr.P.C., praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the proceedings in STC.No. 591 of 2013, on the file of the XII Metropolitan Magistrate, Nampally, Hyderabad.

I.A. NO: 1 OF 2014(CRLPMP. NO: 1306 OF 2014)

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay all further proceedings including appearance of the petitioners in STC.No. 591 of 2013, on the file of the XII Metropolitan Magistrate, Nampally, Hyderabad.

I.A. NO: 1 OF 2018

Petition under Section 482 of Cr.P.C., praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to Stay all further proceedings include appearance of the Petitioners/Accused in S.T.C. 591/2013 on the file of the XII Metropolitan Magistrate, Nampally, Hyderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri C.NIRANJAN RAO, Advocate for the Petitioner and Sri Gadi Praveen Kumar, the Deputy Solicitor General of India, represented by Sri V.T.Kalyan, on behalf of the Respondent No. 1 and of Public Prosecutor (TG) for the Respondent No. 2

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE E.V.VENUGOPAL

Criminal Petition No.1585 OF 2014

ORDER:

1 This criminal petition, under section 482 Cr.P.C, is filed seeking to quash the proceedings against the petitioners in S.T.C.No.591 of 2013 on the file of the XII Metropolitan Magistrate, Nampally, Hyderabad.

2 Heard Sri P.Vidyasagar, learned counsel representing on behalf of the petitioners and Sri V.T.Kalyan, learned counsel representing on behalf of learned Deputy Solicitor General of India for respondents.

3 The Labour Enforcement Officer filed a complaint stating that he inspected the Regional Passport Office, Secunderabad on 25.11.2010 at about 14.30 hours and observed that there was breach of rules with regard to employing the workers without valid licence, display of notices showing rates of wages, hours of work, wage period, date of payment, name and address of inspector, date of payment of unpaid wages in English, Hindi and Telugu at the workplace, place and time of disbursement of wages in English, Hindi and Telugu at the workplace and copy of notices to the principal employer, abstract of the Act and rules in the form approved by the Chief Labour Commissioner, New Delhi in English and Hindi, notice of commencement of work, maintenance register of person employed, maintenance register of wages and muster roll, maintenance register of

finances, deductions and advances, register of overtime and half yearly return for 2012 December. It is further alleged that the said contraventions have been incorporated in the inspection report No.35(60) 2013/LEO/PB/VKK/HYD, dated 19.07.2013, after a lapse of almost three years from the date of the alleged inspection, and a copy of the same has been sent to the petitioners to report the compliance within 10 days from the date of receipt of the notice. It is further alleged that a copy of the said notice was endorsed to the Regional Labour Commissioner (Central) Hyderabad. On the basis of the said complaint the present prosecution is launched against the petitioners.

4. A perusal of record goes to show that this Court granted stay of all further proceedings in STC No.591 of 2013 on the file of XII Metropolitan Magistrate, Nampally, Hyderabad on 17.02.2014.

5. Mr.P.Vidyasagar, learned senior counsel appearing on behalf of petitioners would submit that the complaint itself is not clear. Firstly, on the violation of law, secondly it is irregular pertaining to the notices and moreover, it is not clear whether the services are being named on any petitioners herein, hence no allegation would survive as against the petitioners, as nowhere it is found that the petitioners who have been arrayed in the complaint are physically present at the time of investigation and nowhere in the inspection note, the petitioners are being named and

without there being any allegation as against the petitioners, the petitioners have been arrayed in the complaint, which is illegal and not as per the provision of section 27 of Contract Labour (Regulation & Abolition) Act, 1970, the limitation for taking cognizance of the offence is prescribed as three months, it is evident in the notice sent to the petitioners herein vide Lr.No.Cl(Cont)/35(60)/2013/LEO(C)/PB/Hyd, dated 19.07.2013 at column V of the particulars of the Contractors Establishment in the Inspection Report which states that 25.11.2011 is the date of commencement of contract work.

6. It is further submitted that the work entrusted to the accused company was not in RPO, Secunderabad, as alleged but are serving elsewhere i.e. at passport seva kendras operated by Tata Consultancy Services Limited and he also draws the attention of this Court to the agreement entered by the Ministry of External Affairs vide No.CPV/PMU/576/01/11, dated 22.12.2011 permitting to operate by the petitioner in the state of Andhra Pradesh and more particularly in Hyderabad at Passport Seva Kendras. The alleged offence has not been committed at Passport Seva Kendras operated by Tata Consultancy Services Limited but in RPO, Secunderabad. The said notice complaint S.T.C.591 of 2013 on the file of the learned XII Metropolitan Magistrate at Nampally has been hit by the infirmity of law.

7. It is further submitted that the complaint appears to proceed on the basis that the said M/s Tata Consultancy Services Limited have deployed its employees at the Regional Passport Office, Secunderabad numbering 33 in all, as on 25.09.2010 without valid licence. The petitioners submit that as on the said date the said company Tata Consultancy Services Limited have not deployed any of its employees and none of its employees were working at the office of the Regional Passport Office, Secunderabad and therefore no question arises of either complying with the Contract labour (Regulation & Abolition) Act or the rules thereunder. In fact M/s Tata Consultancy Services Limited has nothing to do either with the administration or with the management of affairs of the Regional Passport Office, Secunderabad which is under the control of Ministry of External Affairs, Government of India. It is submitted that all the employees, workers, contract labour and other staff working in Regional Passport office are under the control of Regional Passport Office which is managed and maintained by the Ministry of External Affairs, Government of India. In such circumstances neither the petitioners nor their company Tata Consultancy Services Limited has anything to do with Regional Passport office, Secunderabad and they were not involved in providing any services to the Regional Passport Office, Secunderabad either through the engagement of contract labour or otherwise and have nothing to do with the said office. This fact was communicated to the 1st respondent vide its response dated 02.08.2013 to

the said inspection report dated 19.7.2013. However the 1st respondent proceeded to file the said complaint totally ignoring the said response given by Tata Consultancy Services Limited.

8. It is further submitted that the Ministry of External Affairs, Government of India entered into an agreement dated 13.10.2008 with M/s Tata Consultancy Services Limited to implement the passport seva project with an object to provide the citizens of India Passport related services in an efficient, convenient and transparent manner. Accordingly the Tata Consultancy Services Limited is only a service provider to the Ministry of External Affairs in implementing the said Passport Seva Project and by virtue of above agreement the Ministry of External Affairs has permitted Tata Consultancy Services Limited to set up and operate passport seva kendras across India at the locations specified by them i.e. Ameerpet, Begumpet and Tolichowki centres in Hyderabad. As already pointed out the said company has no role to play in the running of the Regional Passport Office, Secunderabad which is under the control of Ministry of external affairs, Government of India. Moreover, the 1st respondent inspected the premises on 25.11.2010 and filed the complaint before the learned Magistrate only on 23.10.2013 i.e. after lapse of almost three years. As per the provisions of Section 27 of the Contract Labour (Regulation & Abolition Act), 1970 the limitation for taking cognizance of the offence is prescribed

as three months. Therefore the complaint is barred by limitation and the learned Magistrate ought not have taken cognizance of the case and therefore seeks to allow the present criminal petition.

9. Mr. V.T.Kalyan, learned counsel representing on behalf of learned Deputy Solicitor General of India for respondents submitted that the inspection was conducted on 19.7.2013 at the centres which were run by the petitioners and accordingly inspection report was served upon the regional passport office, Secunderabad stating that it is necessary to obtain the licenses as per law. Hence on the said discrepancy, the notices have been served upon the petitioners passport offices which were located at Begumpet, Ameerpet and Tolichowki which were run by Tata Consultancy Service Limited. Therefore seeks to dismiss the petition.

10. Having considered the submissions made by both side counsel, the criminal petition is allowed, quashing the proceedings against the petitioner herein in S.T.C.No.591 of 2013 on the file of the Court of the learned XII Metropolitan Magistrate, Nampally, Hyderabad.

11. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

Sd/- T. VIJAY KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XII Metropolitan Magistrate, Nampally, Hyderabad.
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
3. One CC to SRI. C. NIRANJAN RAO Advocate [OPUC]

HIGH COURT

DATED:27/12/2023



ORDER

CRLP.No.1585 of 2014

ALLOWING THE CRIMINAL PETITION

⑦ VW
6/3/24