

(1998) 10 AP CK 0027

In the Andhra Pradesh High Court

Case No : Criminal R. Case No. 674 of 1995

Jitendra Kumar Agarwal

APPELLANT

Vs

Employees" State Insurance Corporation

RESPONDENT

Date of Decision : 27-10-1998

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 13, 14(1)
Employees State Insurance Act, 1948 — Section 84, 85

Citation : (1998) 2 ALD(Cri) 892 : (1999) 1 ALT 799 : (1999) 2 ALT(Cri) 87 :
(1998) 3 APLJ 373 : (1999) 3 LLJ 1604

Hon'ble Judges : K.B. Siddappa, J

Bench : Single Bench

Advocate : Koka Satyanarayana Rao, for the Appellant; Public Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

K.B. Siddappa, J.—This revision is tiled against the order passed in PSC No. 110/1994 on the file of Special First Class Magistrate, Employees" Insurance Court and Chairman, Industrial Tribunal, Hyderabad.

2. The case of the petitioner is that the Special Magistrate has no power to pass the impugned order. The notification in G.O. Ms. No. 91, Home (Courts-B) Department, dated January 12, 1963 made by the Government of Andhra Pradesh had worked out. Under Sub-section (1) of Section 14 of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898), the Governor was authorised to confer powers upon the Presiding Officer, Industrial Tribunal, Hyderabad to try cases punishable under Sections 84 and 85 of the Employees" State Insurance Act, 1948. Subsequently after amendments of the old Act this G.O. is no longer valid. It is also not saved by savings provision u/s 484 of the Code of Criminal Procedure. Now u/s 13 of the New Code, the High Court is vested with the powers to confer powers on the Judicial Magistrate of First Class to deal with the cases under Sections 84 and 85 of the Central Act 34 of 1948. Such a notification

is not forthcoming. Therefore, the impugned order passed by the Industrial Tribunal exercising powers under Sections 84 and 85 of the Employees' State Insurance Act, 1948 is untenable and is without jurisdiction. I entirely agree with the submission made by the learned Counsel for the petitioner. Section 13 of the New Code specifically confers powers on the High Court to confer judicial powers on the Industrial Tribunals to exercise jurisdiction under Sections 84 and 85 of the Employees' State Insurance Act. On enquiry, the High Court was not able to show any such notification, G.O.Ms. No. 91, dated January 12, 1963 is not saved u/s 484, Cr.P.C. Therefore, certainly the impugned order is without jurisdiction. Accordingly, the impugned order is set aside and the revision is allowed.