

(2011) 03 KAR CK 0334
In the Karnataka High Court
Case No : Writ petition No. 29354 of 2009

Mr. Channakeshava Reddy

APPELLANT

Vs

The Labour Inspector

RESPONDENT

Date of Decision : 11-03-2011

Acts Referred:

Citation : (2011) 03 KAR CK 0334

Hon'ble Judges : A.N. Venugopala Gowda, J

Bench : Single Bench

Advocate : S.R. Sree Prasad, for the Appellant; Jagadeesh Mundargi, AGA, for the Respondent

Final Decision : Allowed

Judgement

A.N. Venugopala Gowda, J.—A show-cause notice dated 4.3.2009 was issued by the Respondent to the Petitioner to appear on 11.03.2009 and have his say with regard to the appointment of child labour by name Ramachandrappa. It was alleged in the show-cause notice that the Petitioner is an offending employer, in employing a child labour and that the proceedings could be initiated against him in accordance with law. The 1st Respondent had also lodged a criminal case against the Petitioner and the case ended in a order of acquittal as per judgment dated 29.12.2007. The Petitioner appeared before the Respondent through his counsel and filed statement of objections. The Petitioner also produced a copy of the judgment passed in the criminal case and sought for dropping of the proceedings.

2. The Respondent has passed an order as at Annexure-D, directing the Petitioner to remit the compensation of Rs. 20.000/-. Aggrieved, the Petitioner has filed this writ petition.

3. Heard the learned Counsel and perused the record.

4. The impugned order is neither considered nor a reasoned order. The finding recorded by the Criminal Court in its order dated 26.12.2007 has not been kept,

in view, while passing the impugned order. Even the statement of objections, which was filed by the Petitioner on 3.6.2009 has also not been kept in view. Thus the impugned order being bald and laconic is unsustainable.

In the result, the wait petition is allowed and the impugned order is quashed. The matter stands remitted to the Respondent for consideration and disposal in accordance with law. The Petitioner to appear before the Respondent on 5.4.2011 and receive further orders. It is needless to observe that the Respondent has to consider the case of the Petitioner in accordance with law.

No costs.