
(2001) 01 AHC CK 0004
In the Allahabad High Court
Case No : Writ Petition No. 69 of 2001

Om Prakash

APPELLANT

Vs

Assistant Labour Commissioner and Others

RESPONDENT

Date of Decision : 08-01-2001

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 95 FLR 217 : (2003) 1 LLJ 100

Hon'ble Judges : R.H. Zaidi, J

Bench : Single Bench

Judgement

R.H. Zaidi, J.—By means of this petition filed under Article 226 of the Constitution of India, the petitioner challenges the validity of the impugned order dated May 31, 2000 whereby the petition filed by the petitioner against the notice March 3, 2000, issued by the respondent No. 1 under the Child Labour (Prohibition and Regulation) Act, 1986, for short, "the Act," was dismissed and to quash the notice dated March 3, 2000.

2. In brief, the facts of the case are that it was on June 15, 1999 that the Inspector/Labour Enforcement Officer, Jaunpur inspected the Auto Repairs shop of the petitioner and thereafter reported that in violation of the provision of the Act, a child was engaged as a labourer on the said shop by the petitioner. On the basis of the said report, the respondent No. 1 issued a notice to the petitioner to show cause as to why in view of the law laid down by the Apex Court in M. C. Mehta 's case, an amount of Rs. 20,000/- be not recovered from him. On receipt of the notice, petitioner filed an objection asserting that no child below 14 years of age was ever engaged by him on his shop. Parties produced evidence in support of their cases. The respondent No. 1 after perusing the material on record, rejected the objection filed by the petitioner by its judgment and order dated May 31, 2000. Hence the present petition.

3. Learned counsel for the petitioner vehemently urged that the respondent No. 1 passed the impugned order without considering the objection filed by the

petitioner and the evidence produced by him is wholly arbitrary and illegal and thereafter initiated recovery proceedings against the petitioner to recover an amount of Rs. 20,000/-, the impugned order was therefore liable to be quashed.

4. I have considered the submissions by learned counsel for the petitioner and also perused the record.

5. From the perusal of the order dated May 31, 2000, it is evident that respondent No. 1 has taken into consideration the entire material which was on the record and therefore, passed the impugned order. The findings recorded by respondent No. 1 are all findings of fact, which are based on relevant evidence on record. I do not find any illegality or infirmity in the said findings. No case for interference under Article 226 of the Constitution of India is made out.

6. It is however, observed that petitioner may deposit the amount in question within two months from today. For the said period, the recovery proceedings initiated against the petitioner shall remain stayed. It is further provided that in case the petitioner fails to deposit the aforesaid amount within the said time, the respondents shall be at liberty to recover the said amount in accordance with law.

7. With these observations and directions, this petition stands finally disposed of.