
(2000) 08 MP CK 0078

In the Madhya Pradesh High Court

Case No : Writ Petition No. 1349 of 1999

Panch Ram Barat

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

Date of Decision : 11-08-2000

Acts Referred:

Citation : (2001) 89 FLR 1106 : (2001) 2 LLJ 841

Hon'ble Judges : C. Kumar Prasad, J

Bench : Single Bench

Advocate : Prashant Mishra, for the Appellant; K.S. Wadhwa, for the Respondent

Final Decision : Allowed

Judgement

C.K. Prasad, J.—By this writ petition filed under Articles 226 and 227 of the Constitution of India, prayer made by the petitioner is to quash the order dated June 18, 1997 (Annexure P-1) whereby the petitioner has been asked to pay a sum of Rs. 40,000/- under the provisions of the Child Labour (Prohibition and Regulation) Act, 1986 as also the consequential order dated September 19, 1997 (Annexure P-8).

2. Shorn of unnecessary details, facts giving rise to the present writ petition are that on the allegation that the petitioner has employed two child labourers, namely, Rameshwar Ram and Shashi Bhushan, in view of the judgment of the Supreme Court dated December 10, 1986 passed in Civil Appeal No. 465/1986, he has been asked to pay a sum of Rs. 20,000/- each for the two child labourers by the Inspector under the Act.

3. It is the stand of the petitioner that without giving any opportunity of hearing to the petitioner, he has been asked to make payment of the said amount. Mr. Mishra appearing on behalf of the petitioner contends that respondents before demanding the sum of Rs. 40,000/- ought to have given opportunity to the petitioner. He submitted that the matter stands concluded by the judgment of this Court dated March 5, 1998 passed in W.P. No. 4809/1997.

4. It seems that the respondents after the judgment of the Supreme Court as referred to above have straightaway directed the petitioner to make payment of the aforesaid amount on the purported ground that he has employed two child labourers without giving any opportunity to the petitioner. The mode adopted by the respondents is not provided in law, it renders impugned orders bad in law.

5. In the result, writ petition is allowed. Impugned orders are quashed. Petitioner shall appear before the competent authority on September 4, 2000 and the competent authority after giving opportunity to the petitioner shall decide the matter in accordance with law expeditiously. In the facts and circumstances of the case, there shall be no order as to cost.