

Instant petition has been filed by the Petitioner under Section 105 of the Factories Act seeking to ***quash the impugned order dated 21.05.2022 passed by Respondent No.1 and also to issue direction to the Respondents to take immediate steps to provide Rank and Status to the petitioner from the date of appointment of the petitioner and extend all other service benefits from retrospective effect.***

The relief claimed by the petitioner herein cannot be granted by this Court for want of jurisdiction. This Court is not conferred with powers to direct the Respondents to provide Rank and Status of a Safety Officer to the petitioner. It is to be noted here that petitioner has filed Criminal Misc. Petition and not complaint alleging the violation of the provisions of the Factories Act by the Respondents resulting in commission of offence as per Section 92 of the Factories Act. Section 105 of Factories Act speaks about Cognizance of Offences. It says that no

Court below the rank of Presidency Magistrate or of a Magistrate of First Class shall try the offence punishable under this Act. Nowhere it is stated that JMFC is conferred with powers to issue directions. Powers have been conferred only to try the offences under the said Act. The reliefs claimed by the petitioner is absolutely beyond the powers of this Court and purely comes under Writ Jurisdiction of the Hon'ble High Court. Hence this Court is not inclined to issue notice to the Respondents and to proceed with the case. In view of the same, case is hereby disposed off.

Addl.JMFC, Karwar