

GAHC010087562020



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Pet. 340/2020

1:FIROZE DOTIWALA
S/O- FAROOKH RUSTOMJI DOTIWALA, R/O- 401, ANANT BUILDING, PLOT
NO. 13, SECTOR-4, KHARGHAR, NAVI MUMBAI, MAHARASHTRA

VERSUS

1:THE UNION OF INDIA AND 2 ORS.
REP. BY THE SECY., MINISTRY OF LABOUR AND EMPLOYMENT, GOVT. OF
INDIA, SHRAM SHAKTI BHAWAN, RAFI MARG, NEW DELHI- 110001

2:THE CHIEF LABOUR COMMISSIONER (CENTRAL)
5
SHAM NATH MARG
PREMA KUNJ
CIVIL LINES
NEW DELHI-110054

3:THE ASSTT. LABOUR COMMISSIONER (CENTRAL)
MINISTRY OF LABOUR AND EMPLOYMENT
GOVT. OF INDIA
GHY
ZOO NARENGI TINIALI
SAPTARSHI PATH
GHY-2

Advocate for the Petitioner : MR S N SARMA SENIOR ADVOCATE

Advocate for the Respondent : ASSTT.S.G.I.

BEFORE
HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN

O R D E R

24-06-2020.

By filing this petition under Section 482 of the CrPC, the petitioner has sought for quashing of the complaint petition of the Complaint Case No.4402^C/2009, pending in the Court of learned Chief Judicial Magistrate, Kamrup (M) at Guwahati.

Heard Mr. S.N. Sarma, learned senior counsel appearing for the petitioner as well as Mr. K. Gogoi, learned Central Govt. Counsel (CGC) appearing for and on behalf of all the respondents.

It is contended by the learned senior counsel that the present petitioner is not named in the complaint and has retired since long but has been surprised on receipt of the summons in connection with the Complaint Case and has sought for quashing of the complaint as regards him.

I have gone through the documents annexed.

The said complaint has been filed under Section 29 of the Industrial Disputes Act, on the ground inter alia that the accused persons have failed to satisfy the award in terms of the order, referred in the complaint petition itself, filed by the Assistant Labour Commissioner (Central), Guwahati. Although several orders passed in different litigations have been pressed into to submit that the award has already been fully satisfied by the Corporation but the same is to be appreciated in due course. Only fact remains that the present petitioner was not made an accused in the said complaint, as one Sahasra Budhe, Assam Basin Manager was impleaded as opposite party No.2 but not the present petitioner. Subsequently summons was issued to the present accused/petitioner, on the prayer so made by the complainant side.

The matter needs to be examined as on what capacity the present petitioner was impleaded in the said complaint. The respondents side will submit their response by the next date.

As the learned CGC has appeared on behalf of all the respondents, necessary extra copies be furnished to him.

List the matter again on 20.07.2020, by reflecting the name of Mr. K. Gogoi, learned CGC, in the cause list.

Till then, further proceeding in Complaint Case No.4402^C/2009, so far against the present petitioner is

concerned, is hereby stayed.

JUDGE

Comparing Assistant