

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 13298/2020

Roop Singh S/o Shri Santram, Aged About 40 Years, R/o Village Sesar, Police Station Sesar, District Bharatpur.

-----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Department Of Labour, Government Of Rajasthan, Secretariat, Jaipur Rajasthan.
2. Labour Commissioner, Department Of Labour, Government Of Rajasthan, Shram Bhawan, Shanti Nagar, Khatipura Road, Hasanpura, Jaipur.
3. Cess Assessment Officer And Divisional Joint Labour Commissioner, Bharatpur, Department Of Labour, Government Of Rajasthan,, Mukharaji Nagar, Bharatpur.
4. District Collector, Bharatpur.
5. Tahsildar, Bharatpur Tahsil, District Bharatpur.

-----Respondents

For Petitioner(s)	:	Mr.Nikhlesh Katara
For Respondent(s)	:	

HON'BLE MR. JUSTICE ASHOK KUMAR GAUR

Order

10/11/2020

Learned counsel for the petitioner submitted that a Show Cause Notice dated 23rd April, 2019 was given to the petitioner on the basis of an inspection carried out in absence of him about employment of construction workers and at serial No.9, number of the workers, said to be employed, was 3 to 4.

Learned counsel further submitted that the **Building and other Construction Workers' Welfare Cess Act, 1996** and Rules made thereunder do not bring the petitioner in ambit of

employing required number of persons, as minimum 10 workers are required to be employed.

Learned counsel submitted that the respondents, in a mechanical manner, have passed assessment order dated 23rd May, 2019 and have asked the petitioner to deposit Rs.5,98,125/-.

Learned counsel further submitted that the respondents have recently issued notice dated 28th September, 2020, wherein they intend to effect recovery along with interest @ of 24% per annum.

Issue notice of the petition as well as stay application, returnable on 16th December, 2020. Notices be given 'dasti', if prayed.

In the meanwhile, the effect and operation of the assessment order dated 23rd May, 2019 shall remain stayed and further, the respondents are restrained to take any coercive action against the petitioner for recovery of the aforesaid amount.

(ASHOK KUMAR GAUR),J

Preeti Asopa /Parul/46

