IN THE HIGH COURT OF JUDICATURE AT JABALPUR (M.P.)

W.P. No. 5199 /2000

(14

PETITIONER

Dilip Singh Bhuval, S/o. late Shri Lakhan Singh Bhuval, aged 42 years, Occupation Business, C/o. Bhuval Bricks, Village Balodi, Dist. Durg (M.P.)

VERSUS

RESPONDENTS

- State of Madhya Pradesh, Through Secretary, Department of Labour, Vallabh Bhawan, Bhopal
- Assistant Labour Commissioner Durg-cum-Inspector, Child Labour (Prohibition and Regulation) Act, 1986, Durg, Dist. Durg (M.P.)
- 3. Collector,
 Durg, Dist. Durg (M.P.)
- 4. Tehsildar, Durg (M.P.)

PETITION UNDER ARTICLES 226/227 OF THE

CONSTITUTION OF INDIA FOR ISSUANCE OF AN

APPROPRIATE WRIT OF MANDAMUS, CERTIORARI,

CERS

उच्च न्यायालय, मध्यप्रदेश, जबलपुर



मामला क्रमांक W.P.No.5199/2000 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
13-12-2000	Shri Manindra Shriv	astava, learned counsel for
	the petitioner.	

As the return has already been filed by respondent No.2 who had issued the demand notices, the petition is finally heard.

Taking shelter under the orders issued by the Supreme Court relating to prohibition on the employment of child-labour, respondent No.2 issued notices to the petitioner that he is required to deposit a sum of Rs.4,20,000/- as he had employed as many as 21 child labourers, contrary to the Prohibition Act. This Court required respondent No.2 to state on oath as to before issuance of the demand notices, any enquiry on the said allegation was made or not. Respondent No.2 in his reply-affidavit, had sim stated that be issuing the demand notices, a survey was made and it was found that 21 child labourers were employed in the establishment of petitioner. In the reply-affidavit, it is not stated that any enquiry was made or any show-cause notice was/even to the petitioner. Respondent No.2, however, submits that on 29-7-1997, he had issued a show-cause notice to the petitioner and as no reply

GRPRJ-FS/242-2/2000-30,000.

उच्च न्यायालय, मध्यप्रदेश, जबलपुर

मामला क्रमांक

सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	was received from the pet	itioner, he had issued the
	demand notices.	
	A perusal of Anne	xure R-2(1) dated 29-7-1997
	would show that the same	is not a show cause notice
	In the said notice, it is	clearly observed that the
	petitioner had employed c	ertain child workers in his

the Supreme Court, therefore, he must deposit a sum of Rs.20,000/- for each breach. Under Annexure R-2(1) the petitioner was required to deposit the amount and

establishment in contravention of the directions of

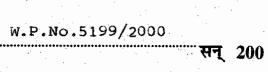
was not required to say anything kin his defence.

The demand notices dated 06-12-1997 reiterate the demand in relation to each breach for depositing the said amount in the welfare fund.

A simple question which could be answered by respondent No.2 has not been answered. He was required to say whether any enquiry was made before issuing the demand notices or not. Instead of submitting the reply in terms of the query, he simply stated that he had issued some notices.

As there is no assertion on the part of the

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आदेश पत्रक (पूर्वानुबद्ध)

	आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश	
		respondents especially r	espondent No.2, that any enquiry	
		was made by respondent No	before .2/me issuing the demand notices	
		or raising the demand, th	e principle of natural justice	
			ted. When an order of demand	
Page 1887		leads to severe consequen	ce, ix a person is entitled to	
		be heard. In the least,	it is expected of respondent No.2	
S. A. de Constitution		that before taking an act	ion, he would give some opportunity	
		to the petitioner to subm	it his case before the said	
		authority. The survey ap	pears to be lopssided. With the	
		reply nothing has been fi	led to show or suggest that	
		certain statements were r	scorded or certain information	
		was sought from the petit	ioner even on the spot.	
ĺ	/Rao/	The demand raised	by the respondents is	
		prima-facie illegal. It	deserves to and is accordingly	
	*	quashed. The respondents	are free to take any action	
		in accordance with law.		
	* /	Petition is allo		
	¥,5°'		Sd/- R.S. Garg Judge	