

WP No. 353 of 2013(S)

Executive Engineer & Anr. Vs. Dharmendra Jatav & Ors.

31 /01/2013

Shri Ravi Jain, Advocate for the petitioners.

Shri Mahesh Goyal, Advocate for the respondents
No.1.

With the consent of learned counsel for the respondent No.1, this petition is being heard finally and disposed of, looking to the facts of the case.

The petitioner has filed this petition against the order 05/11/2012 (Annexure P/1) passed by the Labour Court.

The respondent No.1-workman filed an application under Section 10 of Workmen's Compensation Act, 1923 for grant of compensation on account of injuries sustained by him. It was pleaded by him in the application that the present petitioners had been granted a contract to the respondent No.2 and thereafter, the respondent No.2 further granted the sub-contract to the respondent No.3. The workman had been working in the employment of respondent No.3 and on 22/01/2010 he received injuries in an accident. Before the labour Court the respondent Nos. 2 and 3 were *ex-parte*. The labour Court vide impugned order has directed the petitioners to produce attendance register, register of payment of salary and other documents, that order is under

challenge.

The petitioners granted contract in favour of respondent No.2.

Section 29 of the Contract Labour [Regulation and Abolition] Act, 1970 prescribes provisions in regard to maintenance of registers and other records by the principal employer and other contractor. The relevant Section is as under:-

“29. Registers and other records to be maintained.- (1) Every principal employer and every contractor shall maintain such registers and records giving such particulars of contract labour employed, the nature of work performed by the contract labour, the rates of wages paid to the contract labour and such other particulars in such form as may be prescribed.

(2) Every principal employer and every contractor shall keep exhibited in such manner as may be prescribed within the premises of the establishment where the contract labour is employed, notices in the prescribed form containing particulars about the hours of work, nature of duty and such other information as may be prescribed.”

From the aforesaid Section, it is clear that the principal employer is liable to see and maintain the registers and records of the contractor. However, there is no liability of the principal employer in regard to maintenance of registers and other benefits of sub-

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contractor.

Section 12 of the Workmen's Compensation Act, 1923 prescribes contracting.

From the aforesaid Sections, it is clear that the principal employer is not liable to maintain the record of workers of a sub-contractor. In such circumstances, direction issued by the labour Court in regard to production of register to the petitioners, is contrary to law. The labour Court can very well infer the attendance of respondent No.1 by directing the respondents No.2 and 3 to produce the record.

With the aforesaid directions, the writ petition is disposed of. No order as to costs.

(S.K. Gangele)
Judge

mkb/-