

Criminal Writ Petition No. 878 OF 2015 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.238

Criminal Writ Petition No. 878 OF 2015 (O&M)
Date of decision : May 25, 2016

RAM SAROOP @ BABLI

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Hitesh Sammi, Advocate, for the petitioner.

Mr. S.S. Pannu, Deputy Advocate General, Haryana.

Mr. Sandeep Goyat, Advocate for respondents No.6 to 8.

JASPAL SINGH, J

By virtue of this criminal writ petition preferred by Ram Saroop @ Babli under Article 226 of the Constitution of India has sought issuance of writ in the nature of habeas corpus and for appointment of Warrant Officer, with a roving writ to search for the detenues mentioned in para no.3 of the criminal writ petition at the premises of the brick kiln of respondent Nos.6 to 8 or at any other place to be pointed out by the petitioner at the spot, and get the detenues released with their belongings and wages from

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the illegal custody of respondents No.6 to 8 forthwith.

Pursuant to notice of motion issued by this Court, the reply by way of affidavit of Bhagwan Dass, HPS, Deputy Superintendent of Police, Hisar on behalf of respondents No.3 to 5 has been filed.

For the disposal of the instant petition, para Nos.2 & 3 of the reply-cum-affidavit referred to above are relevant, which are reproduced as under:-

“2. That on receipt of the notice from this Hon'ble Court, the respondent No.2 constituted a team consisting of respondent No.5, District Food and Supplies officer, Hisar and Labour Inspector, Hisar and directed them to visit the premises of M/s Salasar Brick Company, Harita and get the alleged detenues released from the owner of the Brick Kiln in case they are found in his illegal confinement. As per directions of the answering respondent, the above said team visited the spot on 11.06.2015 and found the persons named in para No.3 of the petition present at the said Brick Kiln along with the petitioner. The spot inspection report is annexed herewith as ANNEXURE R-1.

3. That the said Team recorded consolidated statement of the alleged detenues found present at the spot, who stated that none of them has been detained by the owner of Brick Kiln, they are getting their payment regularly, there is n complaint against the owner of Brick Kiln, they are working with their own wishes, there was some misunderstanding regarding the new rates of payment but now the same has been settled and they now do not want to work at the Brick Kiln and they are going to their native village after arranging vehicle on the spot by the owner of the Brick Kilen. On spot inspection it has been stated by the labour present there that they are enjoying all kind of basic amenities available on the brick Killen. It has

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*further been stated by the labour presented there that now all kind of dispute pertaining to payment with respondent No.6 and 7 has been settled and the respondent No.6 & 7 had never detained the labour on the said premises. Moreover, from the bare perusal of the record of the brick kiln it has been found that respondent No.6 & 7 had complied with the Inter State Migrant Workman Act and Contractual Labour Act 1970 but the provisions of MW Act 1948 and PR Act 1936 was not complied with for which the owner of the Brick Killen was challaned by way of fine. It is further pertinent to mention here that the owner of the brick kiln is complying with all provisions of Labour laws and he had registered his establishment for employing contractual labour and for employing migrant workmen. The consolidated statement of the labourer present on the spot is annexed herewith as **ANNEXURE R-2** and the statement of the owner of brick kiln respondent No.6 is attached herewith as **ANNEXURE R-3.**"*

A glance at the aforesaid paragraphs transpires that a team was constituted by respondent No.2 consisting of respondent No.5, District Food and Supplies Officer, Hisar and Labour Inspector, Hisar, who visited the premises of M/s Salasar Brick Company, Harita on June 11, 2015 and found the persons namely in para No.3 of the petition at the brick kiln along with petitioner. These teams so constituted already recorded the consolidated statement of the alleged detainees who were present at the spot. But they clearly stated that none of them has been detained by the owner of the brick kiln, they are getting their payment regularly, there is no complaint against the owner of brick kiln, they are working at their own wishes, there was some misunderstanding regarding the new rates of payment but now the

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same has been settled and now they do not work at the brick kiln and are leaving for their native village after making an arrangement of vehicle by the owner of the brick kiln.

In view of the aforesaid contents, instant petition has rendered infructuous and is disposed of as such.

However, the petitioner shall be at liberty to approach the concerned authorities, if still there remains any dispute with regard to wages.

May 25, 2016
Ankur

(JASPAL SINGH)
JUDGE