

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

**CRWP No.1552 of 2017 (O&M)
Date of Decision: 18.04.2018**

Brijesh Kumar

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rahul Sharma, Advocate for
Mr. K.K.Goel, Advocate for the petitioner.

Mr. Tanvir Joshi, Assistant Advocate General, Punjab
for respondent Nos.1 to 3.

Mr. Padamkant Dwivedi, Advocate for respondent Nos.4 to 6.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Articles 226/227 of the Constitution of India for issuance of writ in the nature of habeas corpus for appointment of a Warrant Officer to take further action in the matter.

This Court on 22.12.2017, while issuing notice of motion to the respondents, directed the District Magistrate, Ludhiana to submit a report and in compliance thereof, a report was submitted along with an affidavit of Sh. Iqbal Singh Sandhu, PCS, Additional District Magistrate, Ludhiana and perusal of the same reveals as under:-

“ The 27 alleged detenues told the team that they were working here from November 27, 2017. They have not completed one month till 25.12.2017, the day of visit. Their salary is given on monthly basis. They have not received their salary till date. The factory owner was ready to make the payment of their entire salary due but these 27 persons refused to take their salary on 25.12.17 and

they did not want to continue working in the above mentioned industrial unit and wanted to leave the premises willfully.

From the above, it seems that there is no case of forceful detention of the workers in M/s Nestler Spinning and Weaving Mills Pvt. Ltd., made out. There is no apprehension of danger to life or physical injury to the workers as raised in the petition. The workers were not ready to take their payment which seems to be an issue of wages so no case of bonded labour is made out as alleged. The labour department (labour wing) be directed to intervene and ensure that the payment of wages to the workers. All the 27 (alleged detenue) found present as per the list appended to the petition and Sh. Vikas Kumar s/o Ram Chander also working in this unit but his name is not mentioned in the list, wanted to leave the premises of the Industrial Unit. They were allowed to leave the premises along with their belongings as desired by them in the presence of the team. ”

Perusal of the extracted portion of the report dated 26.12.2017 clearly reveals that none of the workers is in the illegal custody of M/s Nestler Spinning and Weaving Mills Pvt. Ltd. and they were allowed to leave the premises with their belongings as desired by them in the presence of the Team, constituted in pursuance of the order of this Court.

In view of above, no further action is required in this matter. Consequently, the same is disposed off as having been rendered infructuous.

April 18, 2018

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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes