

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8178 of 2020

Centre DIRECT, A Non Governmental Organisation, having its registered office 4 B, Charuvilla Apartment, Boring Road, P.S.- Srikrishnapuri, District-Patna, through its Executive Director, Suresh Kumar, aged about 46 years, Gender Male, son of Shrikant Sharma, resident of B-31, Capitol Residency, Shri Nath Nagar, Ram Nagri, P.S.- Rajeev Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Labour Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Niraj Kumar, Advocate
For the Respondent/s : Mr. Pawan Kumar, AC to AG

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 04-11-2020

Petitioner has prayed for the following relief(s):-

“For issuance of appropriate writ/ order/ direction to the respondents concern to constitute a state level Commission to advise and make recommendation to the Government for welfare, development and effecting protection against exploitation of Migrant Workers of the State of Bihar as well to create job opportunities within the state. Because no such effective mechanism to regulate and redress the grievances of migrant workers exists in Bihar from where millions of unskilled, semi-skilled and skilled workers, who have been termed as “builders of our booming economy”, migrate to other parts of the country and they confront with many forms of exploitations and unspeakable hardships.



Having so with the migrant workers of other states like Madhya Pradesh and Uttar Pradesh, the State of Madhya Pradesh has constitute a Commission (vide Annexure-2) and the cabinet of Uttar Pradesh approves constituted of Commission for the purposes of strengthening the economy and social security of workers (vide Annexure-3). The commission will also ensure to develop the skills of workers so as to create employment opportunities.”

Having heard learned counsel for the petitioner, we are of the considered view that since the matter pertains to policy formulation, the petitioner should first approach the respondent-State highlighting the issues raised with regard to the migrant labourers.

Learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondent(s) to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of two months from the date of its filing along with a copy of this order.

Prayer allowed.



Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

We have not expressed any opinion on merits.

Petitioner shall have the liberty to approach the Court, if the need so arises subsequently.

The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(S. Kumar, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	05.11.2020
Transmission Date	

