

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-PIL No. 39 of 2020 (O&M)

Date of decision:- 17.04.2020

Indian Federation of Trade Unions (IFTU)

.....Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.**

Present:- Mr. Sanjiv Kumar Yadav, Advocate, for the petitioner.
Mr. Deepak Balyan, Addl. Advocate General, Haryana,
for the respondents.

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RAVI SHANKER JHA, C.J. (ORAL)

The petition has been taken up for hearing through video conferencing.

This petition has been filed by the Indian Federation of Trade Unions (IFTU) praying for providing food, shelter and monetary benefits to 4314 migrant labour in District Panipat (Haryana) on the strength of the orders issued by the State Government dated 27.03.2020, 27.03.2020, 29.03.2020, 27.03.2020 and 29.03.2020 (Annexures P-13, P-14, P-16, P-17 and P-18) respectively, issued pursuant to the directions issued by the Government of India dated 27.03.2020 (Annexure P-12).

2. It is submitted by the petitioner that as per the directions of the Government of India and the consequent orders issued by the State of Haryana, the State Government is required to provide food, shelter and monetary reliefs to the migrant labour. It is submitted that inspite of repeated representations, the authorities have not mitigated the grievances of 4314 migrant labour, who are illiterate.

3. At the outset, on a query being made by the Court, learned counsel appearing for the petitioner has admitted that the petitioner-IFTU is not a registered union nor is it a recognized union or a representative union under the law relating to trade unions or labour laws. Apparently, the petitioner union has no juristic entity. Significantly, the petition has been

filed only on behalf of IFTU and no other individual, who is alleged to be aggrieved, has been impleaded as petitioner.

4. Faced with this, learned counsel for the petitioner submits that the petition on behalf of the union may not be entertained but the issue raised being of public importance this Court may take up the matter suo-motu.

5. Having heard learned counsel for the petitioner and in view of the admitted fact regarding the status of IFTU we are of the considered opinion that the petition filed on behalf of IFTU cannot be entertained far IFTU has no juristic status nor is a legal entity. Thus, the petition filed by the petitioner is dismissed.

However, we accept the submission of learned counsel for the petitioner and take up the issue raised in this petition suo-motu and proceed accordingly.

6. Upon advance copy of the petition having been served on the State, a short reply has been filed on its behalf.

7. In paragraph-2 of the reply submitted by the State, it is stated that the representations dated 30.03.2020 and 31.03.2020 for providing food, shelter etc. to the migrant labour were examined by the Nodal Officers at Panipat, who post conducting the necessary exercise and due verifications of the individuals have provided the basic facilities i.e. food, shelter etc. as per the Government instructions. It is further stated that the list of the persons, who were not provided food, shelter etc., made available to the authorities, has also been considered and eligible persons have been granted the basic necessary facilities.

8. In paragraph-3 of the reply, the State of Haryana has stated that they have notified helpline number viz. 1100 on which online registration forms can be furnished by the unorganized labour for financial assistance i.e. Rs.1000 per week for a period of one month. It is stated that as many as 29533 labourers got themselves registered and after verification 13182 persons, who were found eligible, have been granted the benefit under the government scheme. In paragraph-4, it has further been stated that two

helpline numbers 0180-2631855 and 0180-2683850 have also been notified, on which any person can seek the required assistance.

9. In paragraph-5, the State of Haryana has submitted that they have notified three Nodal Officers, namely, (i) Commissioner, Municipal Corporation, Panipat, (ii) Sub Divisional Magistrate, Panipat and (iii) Sub Divisional Magistrate, Samalkha, to monitor the fair distribution of dry ration/cooked food and to provide other assistance to the migrant labour in District Panipat. In paragraph-6, the State of Haryana has stated that on 16.04.2020, 772 persons were residing in the 10 shelter homes established in the District Panipat.

The State has also stated that all the land owners/landlords have been directed not to demand any rent from the labourers and workers working in various units/companies/offices etc. for a period of one month in accordance with the directions issued on 29.03.2020 by the State Government (Annexure P-18).

10. In the end, learned Additional Advocate General, Haryana has reiterated the stand taken by them in the reply and has also undertaken that any person in need of assistance even today can approach the respondents with his grievances and the same shall be considered by the respondent-authorities immediately in accordance with the directions issued by the State Government. He further submits that the State Government is taking all possible steps to provide food, shelter and monetary assistance to those who are eligible under the scheme.

11. Learned counsel for the petitioner, who was requested to assist this Court inspite of dismissal of the petition, submits that there are several other persons who have not been able to avail of the benefits under the government orders. He further submits that in view of the response submitted by the State of Haryana, any grievance surviving or any person in need of assistance under the government orders would approach the authorities. He submits that as and when such persons approach the authorities they may be directed to take necessary steps to provide assistance as per the orders issued by the State of Haryana Annexures P-13 to P-18.

12. Learned Additional Advocate General for the State of Haryana submits that they are bound to provide necessary assistance in these difficult times to any person in need who approaches them and they would take immediate necessary steps to provide the necessary assistance in accordance with the Government scheme to the persons who are eligible for the same. He submits that the State Government is taking all possible steps to provide necessary assistance and shall continue to do so. He submits that the response given by the State of Haryana indicates that adequate necessary effective steps have already been taken by the State Government to provide necessary help to the eligible persons. He undertakes to continue to do so and also to mitigate the grievances of any persons who approaches the Nodal Officers notified for the District Panipat or seeks assistance through helpline numbers notified by the State of Haryana.

13. Having heard the learned counsel for the parties, it is evident that the State has and is taking steps to provide the necessary relief to those who need the same. In the circumstances, by taking on record the aforesaid statement and undertaking given by the learned Additional Advocate General for the State of Haryana, the petition stands disposed of with a direction to the State of Haryana in terms thereof to immediately examine and provide food, shelter as also the necessary assistance to the eligible migrant labour or persons who approach the Nodal Officers personally or on the helpline numbers pursuant to the government schemes, if they have not done so already or if some persons have been deprived of the relief.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

17.04.2020

ravinder

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No