

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

Civil Writ Petition No.15241 of 2020(O&M)
Date of decision: 30.09.2020

Yogesh and others

...Petitioners

Versus

Food Corporation of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gourav Jain, Advocate,
for the petitioners

ANIL KSHETARPAL, J.

The hearing of the writ petition was held through video conferencing on account of restricted functioning of the Courts.

This petition has been filed by 20 petitioners, claiming the following substantial reliefs:-

(i) *issue a writ in the nature of certiorari for quashing the impugned action of the respondent corporation for permitting the outside labour workers to perform the duties of handling labourers, whereas the petitioners are working for more than 8-12 years at Rail Head Depot, Jind of the respondent corporation and the impugned action of the respondent authorities in not restricting the outside labours by replacing the petitioners with the other similar set of workers being violative of the settled principal of law as has already been decided in CWP No.10310 of 2016 vide order dated 10.02.2020 (Annexure P-7).*

(ii) *for issuance of a writ in the nature of mandamus directing the respondents to permit the petitioners to perform the job of handling labourers as they are performing the duties for about 8-12 years and for further directing the respondents not to violate at the settled principle of law as the similar set of workers cannot be replaced with another similar set of workers and admittedly the respondent Corporation does not have any departmentalized/regular labour at the Rail Head Depot, Jind of the petitioners are working."*

The petitioners claim that they were working as labourers at the godown belonging to Food Corporation of India, located at Rail Head Depot, Jind. It is also pleaded case of the petitioners that the Food Corporation of India, invites tenders from the Labour Contractors for allocating job work of loading, unloading and handling of food grains for a period of 2 years. The petitioners claim to have worked under various Labour Contractors.

The petitioners have not impleaded the present or past Labour Contractors in the writ petition. From the reading of the petition, it is apparent that now the petitioners are not being permitted to work. They claim that a direction be issued to the respondents not to replace the petitioners with other similar set of workers. The petitioners place reliance on a decision of the Court in Civil Writ Petition No.10310 of 2016 (***Satish Kumar and another vs. State of Haryana and others***) and other connected petitions.

This court has carefully read the aforesaid judgment.

In that case, the petitioners were working directly under the State Government or its instrumentality. In those circumstances, there was relationship of employer and employee. In the present case, there is no relationship of employer and employee between the petitioners and the Food Corporation of India. Hence, the judgment relied upon in Satish Kumar case (supra) is not applicable.

The petitioners also allege that the Labour Contractor are committing certain violations. It may be noted here that the Parliament has enacted Contract Labour (Regulation and Abolition) Act, 1970, to regulate as well abolish the contract labour. The contract labour can be engaged only

after getting the licence/permission from the appropriate Government. The Act is a complete Code in itself. If anyone has a grievance regarding violation thereof, the remedy has been provided in the Act itself.

Keeping in view the aforesaid facts, the present petition is disposed of with the aforesaid observations.

30th September, 2020
nt

(ANIL KSHETARPAL)
JUDGE

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