

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.17289 of 2018
Date of Decision: 13.02.2020

M/s Bhawan Avam Sahnirman Nirmal Union & Ors. ... Petitioners

VS.

State of Haryana & Anr. ... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Davinder Lubana, Advocate for the petitioners

Ms. Safia Gupta, AAG Haryana

Mr. Lokesh Sinhal, Advocate for respondent No.2

GIRISH AGNIHOTRI, J. (Oral)

CM-1976-CWP-2019

Application for placing on record the affidavit of Sh. KS Chahal, Joint Secretary of respondent No.2 in compliance to the order dated 17.11.2018 along with Annexures R1 to R3 is allowed. The same is taken on record.

Registry to tag the said documents at an appropriate place and paginate the paper book accordingly.

CM stands disposed of.

Main case

(1) The petitioner along with two others have filed the present writ petition, *inter alia*, praying for quashing the order dated 29.05.2018 vide which the respondents have taken away right of the petitioners to issue experience certificate to the building and other construction worker. The pleaded case of the petitioners is that the said order is illegal, discriminatory, arbitrary and is against the Haryana Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Rules, 2005 (in short, the 2005 Rules).

(2) Learned counsel for the petitioners based upon the pleadings in the writ petition submits that right to issue experience certificate of building and other construction workers is a pre-requisite under the Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Ac, 1996.

(3) The record of the case shows that on 18.07.2018, notice of motion was issued.

(4) On behalf of respondents No.1&2, written statement has been filed. Respondent No.2 has filed an application for placing on record the affidavit of Sh. KS Chahal, Joint Secretary of respondent No.2 along with documents Annexures R1 to R3. It has been further submitted by learned counsel for respondent No.2 that vide notification dated 21.12.2018 (R3), under the 1996 Act, the Governor of Haryana has made Rules further to amend the Haryana Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Rules, 2005 wherein Clause (iii) of Sub-Rule (3) of Rule 28 has been omitted.

(5) This Court, in view of the above, finds force in the submission of counsel for respondent No.2 that in fact in view of the notification dated 21.12.2018 as also the orders passed by the Hon'ble Supreme Court on 29.07.2019, the writ petition has been rendered infructuous and as such no further orders are called for. So ordered.

(6) It is made clear that the petitioners herein are at liberty to file a fresh writ petition on the same cause of action, if so advised.

(7) Disposed of as infructuous with liberty aforementioned.

13.02.2020
Vvishal

(Girish Agnihotri)
Judge