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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (L) No.5 of 2021**

1. Shreyans Jain, S/o Sanmar Mal Jain, Aged About 44 Years, Director, Royal Infraconstru Ltd. (wrongly mentioned as Royal Infrastructu LTD.), DP Block, Plot No. 5, Godrej Water Site Building, 4th Floor Salt Lake City, Sector 5 Kolkata, West Bengal, PIN 700091.
2. Jitendra Kumar Jain, S/o Late Jagadish Prasad Jain, Aged About 55 Years, Director, Royal Infraconstru Ltd. (wrongly mentioned as Royal Infrastructu LTD.), DP Block, Plot No. 5, Godrej Water Site Building, 4th Floor Salt Lake City, Sector 5 Kolkata, West Bengal, PIN 700091.
3. Umashankar Agrawal, S/o Late Sagar Mall Agrawal, Aged About 63 Years, Director, Royal Infraconstru Ltd. (wrongly mentioned as Royal Infrastructu LTD.), DP Block, Plot No. 5, Godrej Water Site Building, 4th Floor Salt Lake City, Sector 5 Kolkata, West Bengal, PIN 700091.

---- Petitioners**Versus**

1. State of Chhattisgarh, Through Labour Inspector Surajpur, Office at Mahuapara Chowk, Main Road, Surajpur, District Surajpur, Chhattisgarh.
2. State of Chhattisgarh, Through Presiding Officer, Labour Court at Ambikapur, Chhattisgarh.

---- Respondents

For Petitioners	:	Mr. Hemant Gupta, Advocate.
For State/Respondents	:	Ms. Akansha Jain, P. L.

Hon'ble Shri Justice P. Sam Koshy, J**Order On Board****16.02.2021**

1. Grievance of the Petitioner appraisal with petition is the issuance of non-bailable warrant by the Judicial Magistrate First Class-Cum-Labour Court, Ambikapur in Case No.2003/Building and other Construction/2014.
2. All the Petitioners herein are Directors of the Company known as 'Royal Infraconstru Limited'. It appears that a prosecution case under the provisions of Building and Other Construction Workers (Regulation of Employment And Condition of Service) Act 1996 (hereinafter referred to as 'the Act of 1996'), was initiated against the Respondents and since the Petitioner did not appear, the Labour Court, Ambikapur seems to have issued the non-bailable warrant against the Petitioners. It is a categorical stand taken by the petitioners that the notices/summons/bailable warrants issued by the Labour Court had never been served upon the Petitioners, by which they could have appeared and defended the case. According to the Petitioners, they have never tried to avoid or evade the proceedings before the Labour Court, Ambikapur.
3. The learned counsel appearing for the Petitioners submits that given a date by this Court, all the Petitioners would make themselves available before the Labour Court and shall furnish the requisite formalities and thereafter shall contest the case on its own merits.

4. At this juncture, what has to be considered is the fact that ultimately the proceeding before the Labour Court is one under the provisions of the Act of 1996. The Petitioners herein are the hardcore criminals, where there is a possibility of their being absconded.
5. Moreover atleast from seeking the time to the Writ Petition, there does not seem to be any proper service of notice of summons of bailable warrant issued to the Petitioners. Moreover, the counsel for the Petitioners undertakes of keeping the Petitioners present before the Labour Court on a given date. This Court is of the opinion to cut short the further proceedings and to ensure that the proceedings before the Labour Court, Ambikapur reaches to have a logical conclusion at the earliest, without entering into the merits of the case, so as to whether the issuance of non-bailable warrant by the Labour Court was proper, legal or justified, ends of justice would be served if the Petitioners herein are directed to ensure to be remain present before the Labour Court on 1st March 2021. On the said date, they shall furnish the requisite bail bond and other formalities and shall enter appearances in the case and contest the same in accordance with law.
6. The Respondents Authorities and Petitioners are also expected to render all cooperations in early conclusion of the proceedings. The Labour Court, Ambikapur is also hereby ordered that appearances of the petitioners shall be taken into note of and requisite formalities shall be completed on the said date and shall proceed further in the matter in accordance with law. The Labour Court, Ambikapur is also ordered to list the case on 1st March, 2021 enabling the Petitioners to remain present before it.

7. The Writ Petition is accordingly disposed of.

Sd/-

(P. Sam Koshy)
Judge

Deepti Jha