

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

CWP-21052-2020 (O&M)
Date of decision:- 29.01.2021

Krishan Kumar Saini and others

...Petitioner (s)

Versus

State of Punjab and others

...Respondent(s)

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

Present: Mr. Surinder Kumar Daaria, Advocate,
for the petitioners.

Mr. Vikas Mohan Gupta, Additional Advocate General, Punjab.

(The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual Court)

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RAVI SHANKER JHA, C.J. (ORAL)

The petitioners have filed this petition praying for quashing the notification dated 20.04.2020 (Annexure P-1) issued by the Government of Punjab, Department of Labour (Labour Branch) under section 65 of the Factories Act, 1948.

The petitioners have also challenged the orders of transfer dated 11.06.2020 and 13.06.2020 (Annexure P-3) issued by respondent No. 3.

From a perusal of the impugned notification dated 20.04.2020 (Annexure P-1), it is evident that the said notification was in force only for a period of three months from 20.04.2020 which period is over and, therefore, the same is no longer in operation or existence.

The petition filed by the petitioners as far as challenge to the said notification is, therefore, absolutely mis-conceived.

As far as the orders of transfer of the petitioners are concerned, the petitioners had approached the Department of Labour, Punjab. The Labour Inspector Grade-I, Dera Bassi, District SAS Nagar vide communication dated 29.06.2020 (Annexure P-5) has already written to the management of M/s Steel Strips Wheels Limited stating therein that in view of the complete lockdown in the country due to COVID-19 pandemic, the forcible transfer of labourers in the Gujarat State by them during this period without taking approval of the government/administration is illegal with a further direction to cancel the transfer orders of those who are not interested in being transferred.

The Labour Inspector has also informed the management that in case any forcible transfer is made, legal action would be taken against them.

In view of the aforesaid, it is evident that the Labour Inspector has already written to the management in this regard and in case any grievance in that respect survives, an appropriate remedy with the petitioners is to approach the appropriate forum under the relevant laws for mitigation of their grievance.

In the circumstances, we do not find any reason to entertain the present petition, which is accordingly dismissed.

The petitioners, however, are at liberty to avail of the appropriate remedy available to them in law.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

29.01.2021
Amodh

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