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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-10886-2021

Date of decision:20.12.2021

MAIBAKS

...Petitioner

Versus

STATE OF PUNJAB AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Aditya Partap Singh, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

(Through Video Conferencing)

SURESHWAR THAKUR, J. (ORAL)

1. The learned State counsel has placed on record the report appended with the reply on affidavit furnished to the petition by SDM Payal. The relevant portion of the report of the Naib Tehsildar drawn on 19.11.2021 is extracted hereinafter.

“It is requested with regard to the above cited subject that as per your order committed was constituted and committee on 19.11.2021 i.e. today visited the spot i.e. Batta Brick Field Brick kiln. Labour Inspector, S.H.O. Malaudh, Chowki Incharge Sihar, Inspector Food and Supply department, Sarpanch, Nambardar, employees of CDPO office Dehlon and employee of Social Justice and Minorities Department and Naib Tehsildar Malaudh are members of committee. At the time of visit the brick kiln the 53 persons out of the 71 persons mentioned in criminal petition were present at the spot. Inspector of Labour department recorded the statements of the labour present at the spot and statement of owner of brick kiln. The video recording at the

time of furnishing the statement by labour was also done by police department. Total 26 adult persons out of the above said 53 persons present at the spot got recorded their statement to the effect that they came to this brick kiln at their own will alongwith a contractor and the said contractor left them in the lurch and ran away by cheating them. They also stated that there is no amount outstanding against the owner of brick kiln. They stated that the owner of brick kiln never beat or harassed them in any manner and they were never treated or kept as bounded labour. They want to go back to their home at Muzaffarnagar at their own free will and for that purpose the owner of the brick kiln had arranged the required vehicle and also gave them money for expenses on the way to home. They stated that they are being provided required fundamental/basic facilities and the wages are paid to them from time to time. They also recorded in their statement that the persons mentioned at serial no.13, 15, 32, 35, 36, 40, 58, 59, 60, 61, 62, 63, 65, 66, 67, 69, 70, 71 (18 persons) in their criminal writ petition have already gone back to their respective home with their own free will.

That the above mentioned 53 persons at their own free will have been sent back to their home by the owner of brick kiln by arranging the vehicle bearing no.PB 13 BH 6771 driven by Amrik Singh driver having mobile no.62849 36245 and vehicle no.PB 13 Aw 8556 driven by Avtar Singh driver having mobile no.98768 29886.

That the statement of the labour recorded by Labour Inspector at the spot, statements of brick kiln owner and munshi (manager) and presence report consisting of 5 pages are attached herewith. Hence this report.”

2. Since a perusal of the report of the Naib Tehsildar, Malaudh, discloses that the petitioner was not bonded to work as bonded labour at the brick kiln concerned. Therefore, the Labour Beneficial Legislations were not

amenable to be recoured against the errant concerned, by the authorities concerned.

3. In the wake of the aforemade report, the learned counsel for the petitioner seeks permission to withdraw the instant petition, as having become infructuous.

4. Dismissed as infructuous.

(SURESHWAR THAKUR)
JUDGE

20.12.2021

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Whether speaking/reasoned:-	Yes/No
<i>Whether reportable:</i>	<i>Yes/No</i>