

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

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**CWP-18204-2018 (O&M)
Date of decision:06.09.2022**

Dharminder Singh @ Bhinda and anotherPetitioners

Versus

The Deputy Commissioner, Hoshiarpur and anotherRespondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Ajay Pal Singh, Advocate,
for the petitioners.

Mr. Saurabh Verma, Addl. A.G., Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed under Article 226/227 of the Constitution of India seeking issuance of directions to respondent No.1 i.e. Deputy Commissioner, Hoshiarpur to protect the rights and liberties of the petitioners and to take appropriate and expeditious steps on the representation submitted by the petitioner and to complete the proceedings under the Bonded Labour System (Abolition) Act, 1976.

Reply by way of short affidavit of Isha Kalia, IAS, Deputy Commissioner, Hoshiarpur has been filed wherein it has been pointed out that specific action has already been taken. The relevant extract of the said affidavit reads thus:-

“2. *That the Assistant Labour Commissioner, Hoshiarpur*

directed the Labour Enforcement Officer, Grade-II, Balachour and he visited M/s. Raj Bricks Industry, Village Bharowal personally. On the basis of the report of the Labour Enforcement Officer, Balachour, the Assistant Labour Commissioner, Hoshiarpur Vide his Letter No. 2342 Dated: 25.10.2018 submitted the report to the answering deponent that the owner has failed to produce the record and under the labour law action was initiated against him and further submitted that the case under the Payment of Wages Act, 1936 was pending before the Assistant Labour Commissioner, Hoshiarpur and the next date is fixed on 27.11.2018. The photocopy of the report is attached at Annexure R-2.

3. That the Sub Divisional Magistrate, Garhshankar sent the application to the Naib Tehsildar, Garhshankar and the matter was inquired by the Naib Tehsildar, Garhshanker and he submitted the report to the Sub Divisional Magistrate, Garhshanker. On the basis of the reports of the Naib Tehsildar, Garhshanker and Labour Enforcement Officer, Grade-II, Balachour, Sub Divisional Magistrate, Garhshankar vide his letter No.1459/MC Dated:29.10.2018 submitted the report and release certificate of the petitioners was issued on 08.08.2018 and as per the report of the Labour Enforcement Officer, Grade-II, Balachour, the articles as per the list were delivered to Dharminder Singh. The photocopy of the release certificate is attached at Annexure R-3 and the photocopy of the report of the Sub Divisional Magistrate, Garhshanker is attached at Annexure R-4.

4. That the proceeding regarding non maintenance of the record was initiated by Labour Enforcement Officer, Grade-II, Balachour against the owner of brick kiln.”

Learned counsel appearing on behalf of the petitioner submits that in view of the response filed by the respondent-authorities, the action in terms of the provisions of Industrial Disputes Act, 1947 as well as Bonded Labour System (Abolition) Act, 1976 have already been taken.

The present petition is accordingly dismissed as having been rendered infructuous.

The petitioner shall, however, be at liberty to initiate appropriate proceedings, in accordance with law in relation to the surviving cause of action, if any.

(Vinod S. Bhardwaj)
Judge

06.09.2022

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Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No