

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CWP No. 5572 of 2005  
Date of decision : 02.11.2023

Mohmad Riaz Khan and others

...Petitioners

Vs.

The State of Haryana and others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE HARSH BUNGER**

Present: Ms. Shruti Rathour, Advocate for  
Mr. Sumeet Jain, Advocate  
for the petitioners.

Mr. Satish Singla, D.A.G., Haryana.

Mr. Pawan Kumar Mutneja, Sr. Advocate with  
Mr. Akshay Goel, Advocate;  
Mr. V.S. Mahal, Advocate and  
Mr. Suverna Mutneja, Advocate  
for respondent No.5.

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**HARSH BUNGER, J.**

1. Petitioners have filed the present petition under Articles 226 /227 of the Constitution of India for the issuance of a writ of mandamus directing respondent No.5 to employ the petitioners amongst others as contract labour on work and further directing the respondents to issue the requisite notification under Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 prohibiting the employment of contract labour by respondent No.5 on work.

2. On 17.08.2023, the following order was passed:-

*“Learned counsel appearing on behalf of the petitioners pleads no instructions by submitting that the earlier counsel stands elevated to the Bench and she has not been able to contact the petitioners in this case.*

3. As per the office report, notices issued to petitioners No. 1 to 6 have been received back unserved with a report “incomplete address”.

“xxx                      xxx                      xxx

(iv) *a Writ of Mandamus be issued directing respondent No. 1 and 2 to ensure the implementation of settlement dated 16.06.2004.”*

*“The petitioners have invoked the writ jurisdiction of this Court primarily seeking implementation of the settlement dated 16.6.2004 (Annexure P.12) and for initiating appropriate action against the officials of respondent No.5 for breach of the said settlement.*

*This Court on 3.4.2007 directed the Labour Court to give a finding as to whether contract of respondent No.6 with respondent No.5 is intact or not. The said direction was necessitated in view of the dispute between the parties regarding implementation of the settlement. As per the*

*respondents, it was the petitioners, who have violated the settlement.*

*In pursuance of such directions, the learned Labour Court has given its report dated 27.09.2007 holding that it is the petitioners, who have violated the settlement.*

*In view of the said fact, learned counsel for the petitioners wishes to withdraw the present writ petition with liberty to take recourse to his alternative remedy. Ordered accordingly.”*

6. While referring to the aforesaid order passed in CWP 14586 of 2004, learned Senior counsel has submitted that since report had come in the said writ petition that it is the petitioner, who had violated the settlement accordingly, nothing survives in this writ petition.
7. In view of the aforesaid stand taken by the learned senior counsel for respondent No.5, the present petition is dismissed. However, the petitioner would be at liberty to seek revival of this petition, if any of the grievance raised in this petition still survives.
8. All pending applications (if any) shall stand closed.

02.11.2023  
neeraj

(HARSH BUNGER)  
JUDGE

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|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |