

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-823-2018(O&M)
Decided on : 28.04.2023

Swaraj Mazda Isuzu Contract Driver Karamchari Union

. . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: None for the petitioner.

Mr. J. S. Arora, DAG, Punjab.

Mr. Rahul Sharma, Advocate for
Mr. M. S. Sachdev, Advocate for respondent No. 7.

Mr. Vivek Singla, Advocate for respondent No. 8 and 9.

SANJAY VASHISTH, J. (Oral)

1. Petitioner- Swaraj Mazda Isuzu Contract Driver Karamchari Union has filed the instant petition for seeking direction to protect the lives and liberty of the members of its union, which is stated to be at risk at the hands of respondent No. 10 i.e. Swaraj Mazda Contract Driver Worker Union.

2. Learned State counsel while referring to paragraphs No. 5, 6 and 7 of the status report dated 11.04.2018, which is available on record, submits that already cognizance was taken on the complaint moved by the petitioner and required action had also been taken way back in the year 2018 itself. Detailed explanation has been given in the said paragraphs No. 5 to 7, which say as under:-

“5. That mainly the petitioner averred in the petition that it has served representations dated 4.9.2015 (Annexure P-3), 8.9.2015 (Annexure P-4), 26.10.2015 (Annexure P-5), 12.9.2016 (Annexure P-6) and

14.9.2016 (Annexure P-7), apart from this the petitioner also served legal notice dated 5.12.2016. (Annexure P-8).

6. *That it is submitted that on the representation dated 4.9.2015 (Annexure P-3), the enquiry was conducted by SHO, P.S. Kathgarh Accordingly, on the basis of the investigation SHO submitted the report to DSP. Balachaur, who accepted the report and reported that the struggle started regarding their demands by Drivers Workers Union, in this regard, the case is under consideration before the Tribunal, Jalandhar where the vehicles at Swaraj Mazda are produced, the said vehicles are given to both the unions as per terms settled in their agreement. Whenever any need of security arises at Swaraj Mazda, the security force from police station and police post is being send from time to time. If anyone will make an effort to disturb the peace, then legal action will be taken against him as per law. There is no need to keep the application pending. Accordingly, the DSP, recommended to file the complaint, vide its report dated 17.12.2015, which has been seen and approved by the predecessor of the deponent. A true translated copy of the report dated 17.12.2015 containing the endorsement made by the predecessor of the deponent is annexed herewith as ANNEXURE R-3/1T and its true copy as ANNEXURE R-3/1.*

7. *That on the representation dated 12.9.2016 (Annexure P-6) submitted by the petitioner, investigation was*

conducted by Superintendent of Police (Investigation), Shaheed Bhagat Singh Nagar. Both the parties were heard and after completion of the enquiry, it is reported that during investigation, it is found that the Swaraj Mazda ISUZU Contract Driver Works, Union Asro, District Shaheed Bhagat Singh Nagar wants to implement the above issued orders by Labour Commissioner, Hoshiarpur, which do not fall within the jurisdiction of police department. The petitioner is to avail his remedy for implementation of order before the concerned department. There is no need of any action on this complaint by the police department. Accordingly, the Superintendent of Police (Investigation), Shaheed Bhagat Singh Nagar recommended to file the complaint, vide its report dated 14.11.2016, which has been seen and approved by the predecessor of the deponent. A true translated copy of the report dated 14.11.2016 containing the endorsement made by the predecessor of the deponent is annexed herewith as ANNEXURE R-3/2T and its true copy as ANNEXURE R-3/2.”

3. After going through the status report filed by State counsel, this Court finds that no further issue is left for consideration before this Court as all remedial steps have already been taken way back in the year 2018.

4. This Court has also noticed that present petition was filed way back in October 2017, and there was no representation on behalf of the petitioner on 04.11.2019. Today, again there is no representation on behalf of the petitioner to assist the Court.

5. In view of this situation, present petition stands dismissed for non prosecution.

(SANJAY VASHISTH)
JUDGE

28.04.2023
Riya

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

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