

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

225

CWP-20555-2020 (O&M).
Date of Decision: 02.11.2023.

NARAYAN CHAUHAN AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

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

Present: Ms. Tejasvi Sheokand, Advocate, for
Ms. Amrita Garg, Advocate, for the petitioners.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ. J (ORAL)

Prayer in the present writ petition is for seeking directions to the respondents No.2 and 3 to declare the rescued bonded labourer as bonded labourer under the Bonded Labour System (Abolition) Act, 1976 with a further prayer to issue a release certificate as prescribed under law.

A status/compliance report by way of affidavit of Shweta Suhag, HCS, Sub Divisional Magistrate, Kharkhoda, District Sonipat dated 25.01.2021 had been filed as per which the Committee comprising of the officers had visited the site of M/s Kuldeep Bhatta Co. Village Silana, Tehsil Kharkhoda, District Sonipat, on 10.08.2020 and submitted its report about the presence of the persons mentioned in their petition

and during inspection, statements of the workers were recorded and the one of the such statements is to the following effect:-

"We, the following workers collectively stated that we had come in November 2019 at M/s Kuldeep Bhatta Co. (Marka Anttil) Vill. Silana for work of pathai on our free will. We have worked in this season on this kiln and now we wants to work in any other kiln. We wants to go for work at M/s Arya Bhatta Co. Vill. Gorad Tehsil Kharkhoda District Sonipat. Sh Narender S/o Sh. Dayanand, the owner of the M/s Arya Bhatta Co. Vill. Gorad Tehsil Kharkhoda District Sonipat, is taking all these to his kiln for work. We all workers have received our payments of the work we have done and no dues are left with the owner of the kiln. We have received all dues/wages according to the government rate.

*1. Ashok and wife Lalita Bai
(children, Girija, Indu, Jai kishan, Priyanka, Suraj,)*

*2.Ashish (Narayan) and wife Ram Bai
(Children Ashish, Gungun)*

3.Lakhan and wife Santoshi

*4.Rajkumar and Som Bai
(Children Sohan, Roshni*

*Sd/-
10.08.2020*

1.Ashok and lalita Bai

2.Ashish (Narayan) and Ram Bai

3.Lakhan and Santoshi

4.Rajkumar and Som Bai

*Sd/-
Asst. Food & Supply, Kharkhoda*

*Sd/-
Labour Inspector Circle Sonipat*

*Sd/-
Tehsildar Kharkhoda*

*Sd/-
SHO, Police Station Kharkhoda.”*

Learned counsel submits that the petitioners are entitled to be declared as bonded labourer in view of the provisions of Bonded Labour System (Abolition) Act, 1976 and the benefits provided under the Scheme ought to be extended to them.

I have perused the statements of the witnesses one of which has been extracted above.

In the statements recorded by the officials concerned, there is no mention that petitioners/workers had been kept as bonded labourer. In the absence of any such statement having been made by the petitioners during the course of the proceedings recorded by the officials and placed on record, it is not possible for this Court to presume that the petitioners were indeed kept as bonded labourer.

The present writ petition is accordingly disposed of.

The petitioners may, if so advised, take recourse to the appropriate remedies available to them in accordance with law.

November 02, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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