

(2010) 11 UK CK 0030
In the Uttarakhand High Court
Case No : Writ Petition No. 1996 of 2010

Sajid

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 24-11-2010

Acts Referred:

Citation : (2010) 11 UK CK 0030

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Final Decision : Allowed

Judgement

B.S. Verma, J.—Heard Mr. Mohd. Matloob, Advocate for the Petitioner and Mr. N.P. Shah, Standing Counsel appearing on behalf of Respondents 1 to 4.

2. By means of this petition the Petitioner has sought the following relief-

(i) to issue a writ, order or direction in the nature of mandamus directing the Respondents 2 to 4 to take immediate action on the complaints/representations dated 7-10-2010 and 8-11-2010 contained in Annexure Nos. 1 and 2 to the writ petition, in view of the provisions of the "Bonded Labor System (Abolition) Act, 1976" and other provisions of law and to enforce the mandatory provisions of the Act.

(ii) to issue a writ, order or direction in the nature of mandamus directing the Respondents to provide the protection and liberty to the laborers concerned forthwith.

(iii) to issue a writ order or direction in the nature of mandamus directing the Respondent to ensure release of the earned wages of the laborers as narrated in Annexure No. 1 as part of the economic backup to the laborers concerned in view of the above Act.

3. The grievance of the Petitioner is that the Petitioner as well as co-laborers including relatives, wife and children of the Petitioner mentioned at serial Nos. 2

to 56 in the list attached with the representation (Annexure No. 1 to the writ petition), are being kept as bonded laborer by Respondent No. 5/brick owner. The Respondent No. 5 hired the muscle man who has forcibly engaged molding the kaccha bricks and they are forced and compelled to work through out day and night, even they are not being paid efficient wages earned by them and their liberty stand curtailed. Further assertion of the Petitioner is that he as well as other co-laborers were given assurance to either provide Rs. 250/- per day per thousand bricks per laborer for eight hours of working or Rs. 250/- as wages for molding one thousand kaccha bricks and also that the wages shall be paid as over time of additional working hours. The total amount of earned wages to all 56 laborers comes to more than Rs. 2,50,000/- out of which only Rs. 1,40,000/- has been paid and rest Rs. 1,10,000/- has illegally been deducted and withheld by Respondent No. 5 and the laborers are being forced to work against their will. The Petitioner any how succeeded in making his escape and then he filed representation dated 5.10.2010 before District Magistrate and S.S.P. Haridwar.

4. Learned Counsel for the Petitioner has submitted that the representation dated 5-10-2010(Annexure No. 1 to the writ petition) is pending before the District Magistrate, Haridwar. Therefore, direction be issued to Respondent No. 2 to take decision on the representation of the Petitioner as early as possible. Prayer made is innocuous.

5. The Respondent No. 2/District Magistrate, Haridwar is directed to take decision on the representation of the Petitioner (Annexure No. 1 to the writ petition), as expeditiously as possible, preferably, within a period six weeks, from the date of production of certified copy of this order.

6. With the above direction the writ petition is disposed of finally.