

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

COPC No. 1549 of 2025
Reserved on: 15.09.2026
Decided on: 17.09.2026

Rajender Kumar

....Petitioner

Versus

Onkar Chand Sharma & Anr.

...Respondents

Coram

The Hon'ble Mr. Justice Sushil Kukreja, Judge.

Whether approved for reporting?¹

For the petitioner : Mr. Suneet Goel, Senior
Advocate with Mr. Vivek Negi,
Advocate.

For the respondents : Mr. B.N. Sharma, Additional
Advocate General.

Sushil Kukreja, Judge (oral)

The present contempt petition under Sections 10 and 12 of the Contempt of Courts Act has been filed with the prayer that the respondents be punished under the Contempt of Courts Act for having willfully violated order dated 16.05.2025, passed by Coordinate Bench of this Court in CMP No. 3058 of 2023 in CWP No. 1524 of 2023.

2. It may be pertinent to mention here that the State has filed CWP No. 1524 of 2023 against the award dated 24.09.2021, passed by learned Labour Court-cum-Industrial Tribunal, Kangra at Dharamshala, H.P. (camp at Mandi), wherein, time to time termination of services of the petitioner/fictional breaks from August, 2000 till August, 2016 were held to be illegal and unjustified and break period was ordered to be counted for the purpose of continuous service as well as seniority of the petitioner except back wages.

3. On 16.05.2025, the Coordinate Bench of this Court has passed the following order in CMP No. 3058 of 2023 in CWP No. 1524 of 2023:-

"This application is disposed of with the observation that in case the respondent stands re-engaged pursuant to the award passed by the Court, his re-engagement shall not be disturbed, however, remaining part of the award shall not be executed till the decision of this petition."

4. The perusal of the aforesaid order shows that the respondents were directed not to disturb the re-engagement of the petitioner in case the present petitioner stands re-engaged pursuant to the award passed by the learned Labour Court, vide award dated 24.09.2021.

5. When put to notice, reply has been filed by the respondents, wherein, it has been stated that the present petitioner has been assigned work on bill basis, in Jaidevi Forest Range of Suket Forest Division subject to final outcome of writ petition No. 1524 of 2023 and in no manner he has been disengaged or is proposed to be disengaged, however, his engagement is made as per availability and quantum of work in the beats/blocks of Jaidevi Range as per availability of work and funds.

6. Thus, the perusal of the reply reveals that engagement of the present petitioner is made as per availability and quantum of work and in no manner he has been disengaged or is proposed to be disengaged. The main writ petition is still pending adjudication before this Court and in the opinion of this Court, it cannot be said that the respondents have committed any contempt, as the petitioner has never been re-engaged pursuant to the award passed by the learned Labour Court and his engagement is made as per availability and quantum of work.

7. Hence, for the reasons recorded hereinabove, no case for contempt is made out. Accordingly, the contempt petition is dismissed.

Pending application(s), if any, stands disposed of.

17th September, 2026
(raman)

(Sushil Kukreja)
Judge