

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (L) NO. 229 OF 2016

1. Mohit Ram Nayak, S/o Late Shaym Kumar Nayak, aged about 58 years, R/o Quarter No. 159/B-1, Balconagar, Tahsil and District Korba (C.G.) (Ex. General Secretary with 'Bharat Aluminum Labour Association).
2. G.V.N. Raju, Balconagar, Tahsil and District Korba (C.G.) (Treasurer with 'Bharat Aluminum Labour Association).

... Petitioners

Versus

1. State of Chhattisgarh, Department of Labour, through Registrar, Commercial Association, Phase-3, Second Floor, Indrivati Bhawan, New Raipur, District- Raipur (C.G.)
2. Sanjeev Reddy, (President with 'Bharat Aluminum Labour Association), A/Bhai Veer Singh Lane, New Delhi.
3. Sanjay Kumar Singh, (Executive President with 'Bharat Aluminum Labour Association) Quarter No. 373/B, Sector 3, Balco Nagar, District Korba (C.G.)
4. J.P. Dhritlahre, S/o Bhurva, (Maha Sachiv with 'Bharat Aluminum Labour Association), Quarter No. 799/5/A, Balco, District Korba (C.G.)
5. Election Officer, Ashish Yadav, INTUC Chhattisgarh, R/o House No. 356/D.S./Type-3, Post Bachel, District Dantewada (C.G.)

... Respondents

For Petitioners	:	Mr. Ashutosh Shukla, Advocate.
For Respondent No.1-State	:	Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/12/2016

1. The present petition under Article 226 of the Constitution of India has been preferred by the Petitioners assailing the order dated 21.10.2016 passed by the State Industrial Court, Bench Bilaspur, in Case No. 02/CGIR.R/2016, whereby the application for initiating contempt proceeding against the Respondents has been rejected by the Court below.
2. Without entering into the merits of the case, this Court does not find any specific order/direction which has been issued by any Court of law to the Respondents for doing particular act or restraining themselves from doing a particular act. In the absence of either of the two,

any illegal act if at all committed by the Respondents would not come within the purview of the definition of the Contempt of Court and, therefore, this Court is of the opinion that there is no illegality as such committed by the Court below in refusing to entertain the contempt petition.

3. The present petition is dismissed. However, the rejection of present writ petition would not in any manner come in the way of the Petitioners for initiating appropriate proceeding assailing the illegal act on the part of the Respondents, if any.

4. With the aforesaid observation, the present writ petition stands dismissed.

Sd/-
(P. Sam Koshy)
Judge