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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 635/2016

ANAND KUMAR GAUTAM & ANR

..... Petitioners

Through Ms.Sija Nair Pal, Advocate.

versus

KANHAIYA SHAH

..... Respondent

Through Mr.Vivek Goyal, CGSC with
Mr.Prabhakar Srivastav and
Ms.Aneeta Goyal, Advocates for R-1.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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01.09.2016

Present contempt petition has been filed alleging wilful disobedience of order dated 3rd December, 2015 passed in W.P.(C) No.6799/2007 whereby the writ petition was dismissed in default as well as for non-prosecution.

It has been averred in the petition that Labour Court passed an award dated 21st February, 2007 wherein the respondent was directed to regularise the petitioners for the post of Lift Operators.

It has further been averred that the aforesaid Labour Court award was challenged by the respondent in the aforesaid writ petition wherein the Court initially granted stay of operation of the award dated 21st February, 2007 till the pendency of the case.

Learned counsel for petitioners states that since the writ petition has been dismissed in default and the stay granted by the Court has

been vacated, the petitioners can enforce the award passed by the Labour Court by way of contempt proceedings.

However, since this Court is of the opinion that the writ petition has been dismissed in default, no contempt petition is maintainable. Also the petitioners have an alternative effective remedy under the statute.

Consequently, the present contempt petition is dismissed with liberty to the petitioners to seek enforcement/implementation of the Labour Court award in accordance with the law.

MANMOHAN, J

SEPTEMBER 01, 2016

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