

11

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CONT.CAS(C) 1186/2016

DAMODAR BHAGAT

..... Petitioner

Through: Ms. Amita Gupta, Advocate with
Mr. Zahid Dar, Advocate.

versus

YOGENDER TRIPATHI

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

%

08.11.2016

CM Appl. 41614/2016 (exemption) in Cont.Cas(C) 1186/2016

Allowed, subject to just exceptions.

Cont.Cas(C) 1186/2016

Present contempt petition has been filed alleging breach of Undertaking given by the respondent before the Division Bench of this Court in LPA 682/2004 on 15th September, 2005. By the said Undertaking, respondent had agreed to maintain a seniority list of surplus labour at Gill Road Depot, Ludhiana and as and when there was requirement of additional labour, the petitioner was to be given work at the said depot.

In the petition, it has been averred that despite the aforesaid Undertaking, the respondent brought fourteen handling labourers from outside Ludhiana to work at the Gill Road Depot on 01st October, 2015.

This Court is of the view that petitioner is reading an Undertaking given before the Division on 15th September, 2005 as a Statute. In the opinion of this Court, the Undertaking before the Division Bench is not an Undertaking in perpetuity. Also, after eleven years how can one say that petitioner is fit enough to be deployed as a handling labourer.

In any event, the period of limitation for filing the contempt petition is one year. The contempt petition filed after a lapse of eleven years is not maintainable. Accordingly, the present contempt petition is dismissed.

MANMOHAN, J

NOVEMBER 08, 2016

js