

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1546 of 2018

IN

Civil Writ Jurisdiction Case No. 15957 of 2015

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Pushpa Kumari, wife of Rasmjee Singh, resident of Mohall- Hasse Chapra, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar through Dipak Kumar Singh, Principal Secretary, Labour Resources Department, Government of Bihar, Patna.
2. Kuldip Narayan, the Director, Panchayat Raj, Bihar, Patna.
3. Raushan Kushwaha, the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Chapra, District- Saran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nirmal Kumar, Advocate.

For the Respondent/s : Mr. AJAY (GA 5)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 05-09-2018

The defects pointed out by the Registry are ignored.

2. This application under Section 11 & 12 of the Contempt of Courts Act read with Article 215 of the Constitution of India has been filed by the petitioner for initiation of a contempt proceeding against the opposite parties for their willful and deliberate disobedience of the order dated 31.07.2017 passed in CWJC No. 15957 of 2015 by this Court.

3. I have heard learned counsel for the petitioner and perused the order dated 31.07.2017 passed in CWJC No. 15957 of 2015, as contained in Annexure-1 to the present application. The operative part of the order reads as under:-



“In view of the discussions made above, I see no reason why the petitioner cannot complain of the alleged violation of the Award by the respondents in a proceeding under Section 29 and 33- C of ‘the Act’. Learned counsel for the State has rightly submitted that the writ proceeding ought not to be made a substitute to an execution process.

I, accordingly, hold that the present writ petition is not maintainable. The writ petition stands dismissed.

However, the dismissal of this writ petition would not come in the way of the petitioner in seeking relief under the provisions of ‘the Act’ before the Labour Court.”

4. The term ‘the Act’ used in the operative part of the above said order denotes Industrial Disputes Act, 1947. On query made by the Court as to which direction has been deliberately and willfully disobeyed by the opposite parties, learned counsel for the petitioner failed to point out any such direction. He stated that the award made against the respondents by the Labour Court has not been executed till date. Thus, a clear case for initiation of contempt against the opposite parties is made out.

5. The submission made by the learned counsel for the petitioner is totally misconceived. There is no direction of this Court for execution of the award passed by the Labour Court. While dealing



with the application of contempt, the court cannot traverse beyond the order, non compliance of which has been alleged. It cannot pass a fresh order or issue additional directions or modify any direction. There is no direction to the opposite parties to execute the award passed by the Labour Court. In absence of any direction having been issued against the opposite parties, there is no question of any non-compliance of such direction.

6. In that view of the matter, since no case for initiation of any contempt proceeding against the opposite parties is made out, the application is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/Sneha

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07-09-2018
Transmission Date	

