

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 702 of 2017

Shailesh Kumar Sahu S/o Shri S. B. Sahu, Aged About 37 Years Ex.
Gage Reader, R/o Behind I. B. Road, Ward No. 18, P. S. And Tahsil
Janjgir, District Janjgir Champa Chhattisgarh. , Chhattisgarh

---- Petitioner

Versus

1. Amitabh Jain Secretary, Department Of Water Resources,
Mahanadi Bhawan, Mantralaya, Naya Raipur District Raipur
Chhattisgarh, Chhattisgarh
2. S. L. Yadav, Executive Engineer, Hasdeo Canal Water Management
Division, Janjgir, District Janjgir Champa Chhattisgarh. , District :
Janjgir-Champa, Chhattisgarh
3. Shashank Singh Sub Divisional Officer, Hasdeo Canal Water
Management Sub Division III, Birra, Janjgir, District Janjgir Champa
Chhattisgarh. , District : Janjgir-Champa, Chhattisgarh

---- Respondents

CONT No. 3 of 2018

Viriksha Ram S/o Shri Ram Prasad Kashyap, Aged About 45 Years
Ex. Helper, R/o Avarid, Post Semara, Police Station Navagarh And
Tahsil Nawagarh, District Janjgir-Champa, Chhattisgarh,
Chhattisgarh

---- Petitioner

Versus

1. Sonmadi Bora Water Resources Department Mahanadi Bhawan,
Naya Raipur, District Raipur, Chhattisgarh, Chhattisgarh
2. S.L.Yadav Executive Engineer, Hasdeo Canal, Water Management
Division, Janjgir, District Janjgir-Champa, Chhattisgarh, District :
Janjgir-Champa, Chhattisgarh
3. Shashank Singh, Sub Divisional Officer, Hasdeo Canal, Water
Management Sub Division-I I I, Birra, Janjgir, District Janjgir-
Champa, ChhattisgarhContemnors, District : Janjgir-
Champa, Chhattisgarh

---- Respondents

CONT No. 26 of 2018

Ramcharan S/o Late Paras Ram Shrivastava, Aged About 49 Years R/o
Village Kapan, Tahsil Akaltara, Police Station Naila, District Janjgir-
Champa, Chhattisgarh, Chhattisgarh

----- Petitioner

Versus

1. Sonmadi Bora Secretary, Water Resources Department Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh, Chhattisgarh
2. S.L.Yadav, Executive Engineer, Hasdeo Canal, Water Management Division, Janjgir, District Janjgir-Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
3. Hitendra Rathore, Sub Divisional Officer, Hasdeo Canal, Water Management Sub Division-I I I, Birra, Janjgir, District Janjgir-Champa, ChhattisgarhContemnors, District : Janjgir-Champa, Chhattisgarh

----- Respondents

CONT No. 27 of 2018

Maniram S/o Moti Lal Sahu, Aged About 42 Years Ex.Side Helper, R/o Village Semara, P.S. And Tahsil Nawagarh, District Janjgir-Champa, Chhattisgarh, Chhattisgarh

----- Petitioner

Versus

1. Sonmadi Bora Secretary, Water Resources Department Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh, Chhattisgarh
2. S.L.Yadav, Executive Engineer, Hasdeo Canal, Water Management Division, Janjgir, District Janjgir-Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
3. Shashank Singh, Sub Divisional Officer, Hasdeo Canal, Water Management Sub Division-I I I, Birra, Janjgir, District Janjgir-Champa, ChhattisgarhContemnors, District : Janjgir-Champa, Chhattisgarh

----- Respondents

CONT No. 55 of 2018

Dayaram S/o Shri Sudarshan Aged About 40 Years Ex. Helper, R/o Avarid, Post Semara, Police Station Navagarh And Tahsil Nawagarh, District Janjgir-Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

----- Petitioner

Versus

1. Sonmadi Bora Secretary, Water Resources Department Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
2. S.L.Yadav Executive Engineer, Hasdeo Canal, Water Management Division, Janjgir, District Janjgir-Champa, Chhattisgarh, District :

Janjgir-Champa, Chhattisgarh

- 3. Hitendra Rathore Sub Divisional Officer, Hasdeo Canal, Water Management Sub Division-iii, Birra, Janjgir, District Janjgir-Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Respondents

CONT No. 56 of 2018

Jagatram S/o Shri Jugulram Sahu Aged About 50 Years Ex. Helper, R/o Semara, Post Semara, Police Station And Tahsil Nawagarh, District Janjgir-Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

- 1. Sonmadi Bora Secretary, Water Resources Department Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
- 2. S.L.Yadav Executive Engineer, Hasdeo Canal, Water Management Division, Janjgir, District Janjgir-Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
- 3. Shashank Singh Sub Divisional Officer, Hasdeo Canal, Water Management Sub Division-iii, Birra, Janjgir, District Janjgir-Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Respondents

CONT No. 67 of 2018

Nammu Prasad Dhiwar S/o Shri Jethuram Aged About 48 Years Ex. Labour , R/o Avarid, Po-Semara, Ps And Tahsil Nawagarh, District Janjgir Champa (Chhattisgarh), District : Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

- 1. Sonmadi Bora Secretary, Water Resources Department , Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
- 2. S.L. Yadav Executive Engineer, Hasdeo Canal, Water Management Division, Janjgir, District Janjgir Champa (Chhattisgarh), District : Janjgir-Champa, Chhattisgarh
- 3. Hitendra Rathore, Sub Divisional Officer, Hasdeo Canal, Water Management Sub Division - Iii, Birra, Janjgir, District - Janjgir Champa (Chhattisgarh), District : Janjgir-Champa, Chhattisgarh

---- Respondents

For petitioner : Mr. Vinod Deshmukh & Mr. KPS Gandhi,
Advocates.

For State : Mr. Satish Gupta

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

05/03/2018

1. These contempt petitions have been filed by individual workman against the officers of the State alleging willful disobedience of orders passed in their respective cases whereby the order of stay of reinstatement, passed earlier in the petitions filed by the State was vacated.

2. Learned counsel for the applicant would submit that against the award of reinstatement passed in favour of individual applicants in their respective petitions, the State had preferred separate petitions challenging the awards. Initially, an interim order of stay of reinstatement was passed by this Court. However, later on it was brought to the notice of the Court by the workmen that on the date when the writ petitioner filed petition and made prayer for interim relief, workmen were already reinstated. Upon this disclosure, the interim orders passed earlier in all the cases were vacated. Further submission of the learned counsel for the petitioners is that in view of the observations that reinstatement would be subject to final outcome of the petition, upon vacating interim order, the representation was under an obligation to immediately reinstate each of the workmen without insisting on filing any kind of affidavit which has been done in the present case. He would submit that the last drawn wages ought to be immediately paid without insisting on filing the affidavit.

Learned counsel for the applicant would further submit that letters which has been issued to individual applicants and which are identical in its contents, are against the spirit of order passed by this Court in each of the petitions vacating earlier stay order which was passed in favour of the State.

3. Learned counsel for the State, on the other hand, appearing for officers who is also present in the Court would submit that there was no

intention to flout any order of the Court. He would submit that officers on his own understanding of the provision contained in Section 17(B) Industrial Dispute Act, issued letters only to facilitate payment of wages. In any case, it is argued, unless there is specific direction by the Court, it cannot be said that vacating of stay would oblige Respondent authority to reinstate the employee where the award is executable.

4. After hearing learned counsel for the parties, I find that in all the cases that award of reinstatement was challenged by the state by filing separate petitions, an interim orders were passed staying execution of award and reinstatement of individual workman subject to compliance of Section 17(B) of the ID Act. However, the workmen moved applications for vacating stay and this Court having found that the workmen were initially reinstated in service and later on , petition was filed and stay was granted, only on that ground interim orders were vacated.

However, there was no positive direction by this Court to respondents to reinstate the workmen or pay monetary benefits. A claim under the law may be enforceable in the Court and even assuming that the workmen are entitled to payment of last wages drawn subject to fulfillment of statutory requirement incorporated under Section 17(B) of the Industrial Dispute Act, in the absence of there being any such direction in the order vacating interim order, in my considered opinion, no case of contempt is made out. The contempt petitioners are left to workout their remedy to seek either reinstatement in service or for payment of last wages drawn under Section 17(B) of the Industrial dispute Act either in the pending writ petitions or before the executing Court. All contempt petitions are accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)

Judge