

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH

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**COCP-710-2011 &
CM-9097-CII-2011 &
CM-21971-CII-2014 &
CM-19831-CII-2016**

Date of decision:23.08.2018

SHRI GURBAX SINGH

...PETITIONER

V/S

SMT. VINOD KUMARI AND ANOTHER

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. H.S.Thiara, Advocate,
for the petitioner.

Mr. M.K.Tiwari, Advocate,
for respondent No. 1.

Mr. Prateek Pandit, Advocate,
for respondent No. 2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court alleging violation of the order dated 17.07.2009 (Annexure P-1) passed by this Court in CWP No. 9086 of 1997 titled as The Manak-Dehri Coop. Agricultural Service Society Ltd. vs. Presiding Officer and another.

When this case came up for hearing on 30.09.2014, an objection was taken by the respondents with regard to the maintainability of the present petition as the petitioner had earlier preferred COCP No. 1973 of 2010, which was dismissed as withdrawn, vide order dated 11.10.2010 (Annexure P-2), with liberty to the petitioner to avail of the alternative

remedy, as provided to the petitioner under the Industrial Disputes Act, 1947. It was so asserted by the counsel for the respondent that since the earlier contempt petition has been dismissed by this Court by giving liberty to the petitioner to avail of the alternative remedy, the present contempt petition would not be maintainable.

Reply to the objections raised by the counsel for the respondent, as has been asserted by the counsel for the petitioner, is that the petitioner was never given his full back wages on his reinstatement. He further states that the contempt petition, which has been preferred, is because of the non-compliance of the order passed by this Court and further he has been terminated on 18.10.2010 on the same grounds, which were the subject matter of the earlier Award, which has been upheld up to the Supreme Court. He, therefore, contends that this would amount to contempt on the part of the respondents.

Having considered the submissions made by the counsel for the petitioner, I do not find myself in agreement with the same.

The plea of the counsel for the petitioner qua the second termination order of the petitioner being on the same ground which have been set aside earlier cannot be accepted although that may be a good ground for challenging the subsequent termination order, which has been passed by the respondents. However, that would not give the petitioner a fresh cause of action to again approach the Court by filing a contempt petition when the earlier contempt petition, which was preferred by the petitioner i.e. COCP No. 1973 of 2010, stood dismissed as withdrawn with liberty to avail of the alternative remedy, as provided to the petitioner under the Industrial Disputes Act, 1947, as referred to above.

This contempt petition, therefore, stands dismissed as not maintainable.

CM-9097-CII-2011 & CM-21971-CII-2014 & CM-19831-CII-2016

In view of the dismissal of the main contempt petition, these applications have been rendered infructuous and the same are disposed of as such.

August 23, 2018
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No