

HIGH COURT OF CHHATTISGARH, BILASPUR

Reserved on 30-7-2019

Passed on 30-8-2019

CONT No. 105 of 2008

- Chhattisgarh Rajya Vidyut Karmachari Janta Union Acting Through Its General Secretary, C.K. Khande, S/o Shri K.R. Khande, R/o 11/373, Civil Lines, Near Deshbandhu Press, District - Bilaspur C.G.

---- Petitioner

Versus

- Shri S.R. Dugga, Labour Commissioner-cum-Registrar Trade Union, State of Chhattisgarh, Shankar Nagar, Raipur (CG).

---- Respondent

For petitioner : Mr. K.A. Ansari, Sr. Advocate with Mrs. Meera Ansari, Advocate.

SB: Hon'ble Shri Justice Ram Prasanna Sharma

CAV ORDER

1. The instant petition has been filed under Section 12 read with Article 215 of the Constitution of India for initiation of contempt proceedings against the respondent.

2. As per petitioner, petitioner is an organisation of the employees of Chhattisgarh State Electricity Board. The petitioner union launched an agitation against the policy of de-investment of Chhattisgarh Electricity Board with a view to enforce the provisions

of new Electricity Act in the State. Certain members of office bearers of the petitioner Union submitted application for registration of new Union and thereafter a notice was issued to the petitioner union under Section 10(b) of the Trade Union Act, 1926. Two notices were issued to the petitioner union to submit reply as to why registration of union should not be cancelled for the alleged violation of provisions of the Act and Regulations. Despite the fact that mandatory period of two months was given to reply in the notices, respondent passed order on 20-2-2007 i.e., within less than a month cancelling the registration of the petitioner union. An appeal was preferred before the State Industrial Court, Raipur which was dismissed on 26-4-2007. The petitioner filed a writ petition (I) No.2948 of 2007 before this court challenging both the orders. One Shri R.D. Singh, Industrial Relation Officer of Chhattisgarh Electricity Board, Raipur sent a letter dated 4-1-2008 in which he made a query as to status of the petitioner union in view of the order dated 19-12-2007 to respondent (Annexure C/9). The respondent sent incorrect reply to Shri R.D. Singh by letter dated 8-1-2008. In the said reply, respondent made a contemptuous comments about the order of this court dated 19-12-2007 (Annexure C/7), therefore, contemnors should be punished for the same.

3. Section 2 of the Contempt of Courts Act 1971 defines civil and criminal contempt which may be read as under:

'2. Definitions – In this Act, unless the context otherwise requires:-

(a) “Contempt of Court” means civil contempt or criminal contempt;

(b) “Civil Contempt” means wilful disobedience to any judgement, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to Court.

(c) “criminal contempt” means the publication (whether by words, spoken or written, or by signs, or by visible representations, or otherwise) of any matter or the doing of any other act whatsoever which-

(I) scandalises or tends to scandalise, or lowers or tends to lower the authority of any Court; or

(II) prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or

(III) interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner”.

4. As per definition clause, the act should be wilful disobedience of an order of any court or to tends to interfere with judicial proceeding. The instant application is filed on the basis of letter (Annexure C/10) which is written by the Registrar to Mr. R.D. Singh, regarding legal status of the petitioner union. It is mentioned in the said letter that the petition filed by the union was dismissed by the Industrial Court, Raipur against which a writ petition was preferred and in that writ petition stay has been granted to the effect and operation of the order dated 20-2-2007 and 26-4-2007 passed by the Registrar and Industrial Court, Raipur respectively. It is mentioned that merits of the case shall be decided by this court and union has not conducted elections after 2003, therefore, they have no right to go for strike.

5. Now the point is whether the letter is contemptuous. The first paragraph of the letter is related to dismissal of the petition and stay granted by this court. In second paragraph it is mentioned that case shall be decided on merit by this court and the petitioner union has no right to go for strike. In the entire letter only the proceedings of the court are fairly mentioned and there is nothing to say that the respondent had disobeyed the order passed by this

court or made any comment which comes within definition of contempt either civil or criminal. There is nothing to proceed with the application for alleged contempt

6. Accordingly, proceeding is dropped and application for initiating contempt proceeding is dismissed.

Sd/-

(Ram Prasanna Sharma)
JUDGE

Raju