

COCOP No.2097 of 2020 (O&M)

Date of Decision : 27.10.2020

The Tribune Trust Employees Union Chandigarh

...Petitioner

Versus

Mandeep Brar

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Sanjiv Gupta, Advocate for the petitioner.

Mr. Anil Mehta, A.P.P., UT, Chandigarh.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

2. Learned counsel contends that CWP No.7374 of 2020 was disposed of vide order dated 28.05.2020 by directing the Deputy Commissioner Chandigarh cum-Labour Commissioner, Department of Labour, Chandigarh to objectively consider the complaints / e-mails of the petitioner by keeping in view the averments contained in the writ petition and pass an appropriate order in accordance with law as deemed fit by him, while the Secretary, Ministry of Home Affairs, Government of India was directed to treat the writ petition as a representation and send his comments / opinion to the Deputy Commissioner Chandigarh cum-Labour Commissioner, Department of Labour, Chandigarh to enable him to arrive at a judicious decision but the Secretary, Ministry of Home Affairs,

Government of India deliberately and willfully did not send his comments /

opinion to the Deputy Commissioner Chandigarh cum-Labour Commissioner, Department of Labour, Chandigarh, leading to the Deputy Commissioner Chandigarh cum-Labour Commissioner, Department of Labour, Chandigarh passing order (Annexure P-9) without the comments / opinion of the Secretary, Ministry of Home Affairs, Government of India, therefore it is apparent that the Secretary, Ministry of Home Affairs, Government of India is liable to be proceeded against for willfully and intentionally failing to comply with the order of this Court dated 28.05.2020 in CWP No.7374 of 2020.

3. A perusal of the contempt petition reveals that the Secretary, Ministry of Home Affairs, Government of India has not been impleaded as a party to the instant contempt petition.

4. Faced with the aforementioned position, learned counsel for the petitioner prays for permission to withdraw the contempt petition at this stage, with liberty to take up the matter with the Secretary, Ministry of Home Affairs, Government of India, as well as Deputy Commissioner Chandigarh cum-Labour Commissioner, UT, Chandigarh for compliance of order dated 28.05.2020 in CWP No.7374 of 2020 and if the circumstances of the case so warrant to invoke the jurisdiction of this Court under the Contempt of Courts Act, 1971 subsequently.

5. In view of the statement of learned counsel for the petitioner, the contempt petition is ***disposed of*** with the liberty, as prayed for.

(B.S. Walia)
Judge

October 27, 2020

'Rajneesh-Amit'