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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CONT.CAS(C) 97/2018**

PARMINDER SINGH

..... Petitioner

Through

Mr. Siddharth Agarwal, Advocate for
Mr. Naveen R. Nath, Advocate,
DHCLSC with petitioner in person.

versus

**JAGMIT SINGH MANAGING DIRECTOR FREEZEKING
INDUSTRIES PVT LTD**

..... Respondent

Through

Mr. Mandeep Singh Vinaik,
Ms.Vandini Dagar and Mr.Shaurya
Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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21.01.2020

The instant petition has come to be filed alleging violation of the orders dated 24.05.2013 passed by the ld. Single Judge. The short and the precise order disposing of the writ petition filed by the petitioner with the directions contained thereunder, is as follows:

“C.M. No.18148-49/2012

Since there is no contest, and after considering the averments made in the applications, the same are allowed. Accordingly, the delay is condoned and the writ petition is restored to its original number.

W.P.(C) 637/1997

Though the respondent workman stands served through publication, there is no appearance on his behalf.

Learned counsel for the petitioner submits that the

present writ petition has virtually become infructuous. The respondent workman has already recovered an amount of Rs.1,37,459/-. The dispute is regarding the amount claimed under section 33C(1) of the Industrial Disputes Act, 1947 of Rs.32,844/-. He submits that the petition may be disposed of on the petitioners undertaking that in case the respondent approaches the petitioner for claiming the said amount, the same shall be paid to him along with accrued interest thereon till date.

Subject to the petitioner filing an undertaking to this Court in the aforesaid terms through its Managing Director, the petitioner may be released the amount of Rs.32,844/- along with accrued interest thereon which was deposited in terms of the order dated 23.03.1998.

Petition stands disposed of in the aforesaid terms.”

The instant contempt petition came to be filed alleging violation of the foregoing order of May, 2013 in February, 2018 i.e. 05 years later. Section 20 of the Contempt of Courts Act, 1971 prescribes the period of limitation for actions or contempt. It reads as under:

“20. Limitation for actions for contempt.—No court shall initiate any proceedings of contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed.”

Mr. Vinaik, ld. counsel for respondent submits that the undertaking as directed by the ld. Single Judge was furnished and numerous communications were made by the petitioner for his collecting the amount directed to be paid by the ld. Single Judge but the petitioner on his part, delayed it for one reason or the other. Ld. counsel appearing for the petitioner on his part submits that the petitioner had left the address on which the repeated communications are said to have been made by the

respondent. Be that as it may, the petitioner cannot be said to have remained oblivious of the orders passed by the Id. Single Judge. He is seen to be litigating his rights throughout.

Today, Mr. Vinaik, Id. counsel appearing for the respondent offers a banker's cheque favouring the petitioner drawn on HDFC Bank dated 17.01.2020 for Rs.40,000/- to discharge the liability of M/s Freezeking Industries of which the respondent is the Managing Director in full and final satisfaction of the claims of the petitioner. Petitioner appearing in person refuses to accept the amount so offered.

Taking into account the totality of facts and circumstances, the contempt proceedings are dropped inasmuch as the Court finds that the instant case is not only barred by limitation, the conduct of the respondent does not reflect wilful disobedience of the directions given by the Id. Single Judge can be observed.

A. K. CHAWLA, J

JANUARY 21, 2020

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