

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT. No. 599 of 2021**

Rastriya Koyla Kamgar Sangh (INTUC) Through General Secretary P. K. Rai S/o Late Shri Rajmangal Rai, Age About 68 Years, Post North Jhagrakhand Collery, Ward No. 15, Police Station North Jhagrakhand, District Korea, Chhattisgarh

---- Applicant**Versus**

- Shri A. K. Saxena, General Manager, P-M.P. And Industrial Relation SECL, Seepat Road, Bilaspur, District Bilaspur, Chhattisgarh

---- Respondents

For Applicant : Mr. S. P. Kale, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****19.08.2021**

1. The present contempt petition has been filed alleging the willful disobedience of the order passed by this Court on 13.11.2018 in WPL No. 87 of 2018.
2. According to the applicant, the Management of SECL have issued an order dated 15.07.2021 recognizing some alien persons as members of the Union wherein the respondent SECL has accepted new nominated members as the office bearer of South Eastern Koyla Mazdoor Congress.
3. The contention of applicant is that vide the said letter dated 15.07.2021 as also letter dated 25.06.2021 the Management of SECL have called upon Sampat Kumar Shukla for negotiation and bilateral talks accepting him to be the representative of South Eastern Koyla Mazdoor

Congress. The further contention is that the respondent authorities have not properly understood the order dated 13.11.2018 passed by this Court in WPL No.87 of 2018 and therefore, the respondent should be initiated for contempt proceedings.

4. What needs to be considered is that the writ petition i.e. WPL No. 87/18 decided on 13.11.2018 was revolving around an order passed by the Ministry of Coal, Govt. of India dated 11.01.2017 whereby there was some instructions issued by the Central Government in respect of the two fractions of INTUC Union where there was an interim order passed by the Delhi High Court in one of the petitions filed by one of the fractions of the Union. Subsequently, the petitions before Delhi High Court got finally disposed of and the interim order granted by the Delhi High Court at the first instance also stood vacated based upon which this Court was of the opinion that since there is no interim order further pending, the very issuance of the order by the Ministry of Coal, Government of India dated 11.01.2017 becomes inconsequential. Accordingly, the writ petition was disposed of holding that since the order dated 11.01.2017 by the Government of India has become inconsequential, the position in respect of the Union would stand restored what it stood prior to 11.01.2017. Subsequent to the disposal of the aforesaid writ petition, the respondent now seems to have taken some stand and have issued letter dated 25.06.2021 and 15.07.2021 which deals with certain list of newly elected office bearers of a particular Union.
5. The dispute in respect of who is the lawful office bearer of a Union is not one which has been considered or decided by this Court in the said writ petition i.e. WPL 87/2018. All that this Court had ordered was that

the order passed by the Central Govt. of India dated 11.01.2017 has lost its efficacy, therefore, whatever was the prevailing system or prevailing position prior to 11.01.2017 would stand restored.

6. Down the line if there is any subsequent development or subsequent change of events, those are fresh cause of action which need to challenge afresh before the concerned competent Court of law in accordance with the provisions of law governing the field. Only because there is a correspondence made notifying a set of persons as the office bearers nominated for discussion with SECL by itself would not bring it within the ambit of contempt. The right of the applicant stands reserved for questioning the two orders separately before the appropriate forum as per law.
7. Accordingly, the contempt petition stands disposed of as not sustainable with the aforesaid liberty.

**Sd/-
P. Sam Koshy
Judge**