

114 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-16356-CII-2022,
CM-16357-CII-2022 in/and
CACP-2-2022 (O&M)
Decided on 30.11.2022.

Anil Kumar Nayak

...Appellant

Versus

Naresh Kumar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Piyush Khanna, Advocate
for the applicant/appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM-16356-CII-2022

Prayer in this application is for condonation of delay of 47 days in filing the appeal.

For the reasons mentioned in the application which is duly supported by the affidavit of Mr. Ankit Dalar, Regional Labour Commissioner (Central), Chandigarh, the same is allowed and delay of 47 days in filing of the present appeal is condoned.

CACP-2-2022 (O&M)

Challenge in this appeal is to the order passed by the learned Single Judge dated 25.08.2022 passed in a Contempt Petition which was preferred by the respondents wherein although the appellants have been found to be not guilty, but costs have been imposed because of the delay in passing the orders without taking any steps for extension of time. Costs of Rs.22,000/- as awarded in favour of the respondents have been assailed in the present appeal.

Learned counsel for the appellant has with vehemence tried to explain

the inaction on the part of the appellant in not complying with the order passed by this Court in CWP No.20090 of 2014 vide order dated 25.09.2014. The direction as has been passed by the Court was for considering the representation and take a policy decision with regard to the question of abolition of the Contract Labour System in the establishment of M/s National Fertilizer Limited (NFL), Bathinda, Punjab. The said order since was passed in *limine* was probably not conveyed to the appellant. It is after the notice issued in the contempt petition that for the first time steps were taken by the appellant to constitute the Central Advisory Contract Labour (Board) to constitute a Committee to go into the question of abolition of Contract Labour System in the establishment of NFL, as directed by the High Court vide the order referred to above in the writ petition. The Committee was notified on 22.07.2019 and the report of the Committee submitted on 20.01.2020, which was accepted by the Central Advisory Contract Labour (Board) in its meeting on 10.07.2020. The period which was found to be a lapse on the part of the appellant was since the date the order had come to the knowledge till the implementation thereof. The said period having not been explained in detail especially there has been inaction on the part of the respondents for the period from 21.01.2020 till 10.07.2020 after the receipt of the report, no meeting of the Central Advisory Labour Board had taken place. Apart from giving effect and acceptance of the rejection of the claim, the Court has proceeded to point out that no steps were taken in the interregnum by the appellant for seeking extension of time to comply with the order. Nothing has come in the reply which was filed indicating that even such an aspect was taken into consideration or was ever thought of. This inaction on the part of the appellant has been found to be not acceptable by the Contempt Court awarding costs of Rs.22,000/- payable to the respondents.

In our considered view, the order does not only hold the appellant liable to pay the costs of Rs.22,000/- which has been imposed as the same has to be paid by the office of the Central Labour Commissioner and Secretary Central Advisory and Contract Labour Board. Liberty has also been granted to recover the cost from the Officer/Authority responsible for the delay and not implementing the orders dated 25.02.2014 within reasonable time on coming to know about the orders on receipt of notice in the contempt petition for compliance of the said order.

We do not find any ground for interfering with the order passed by the learned Single Judge as the same is well reasoned order for imposing such costs, rather the cost which has been imposed by the Contempt Court is on lower side. The approach of the appellant by filing the present appeal further shows that without any justification or reason, the appellant has approached this Court and therefore we find this case to be a fit case where further costs need to be imposed upon the appellant now in his personal capacity. Rs.50,000/- is therefore, imposed upon him as cost to be paid to the High Court Legal Services Authority, within a period of 15 days from today.

The present appeal stands disposed of in above terms.

List, if costs not paid within stipulated time, on 21.12.2022.

(AUGUSTINE GEORGE MASIH)
JUDGE

30.11.2022
rekha sharma

(VIKRAM AGGARWAL)
JUDGE