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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 505/2022**

TANNU ARORA Petitioner
Through: Ms. Kawalpreet Kaur, Adv.

versus

**DR BL SHERWAL MEDICAL SUPERINTENDENT OF
RAM MANOHAR LOHIA HOSPITAL** Respondent
Through: Mr. Vikrant N. Goyal, Adv. for
Respondent 1

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

% **23.05.2022**

1. This contempt petition alleges contumacious disobedience of the order dated 31st March, 2022, passed by the learned Central Government Industrial Tribunal (“the learned CGIT”) in ID No. 127 of 2022 (*Tannu Arora v. Ram Manohar Lohia Hospital*). The operative portion of the said order reads thus:

“At this juncture the Ld. A/R for the claimant insisted that an order need to be passed today since, the sword of termination is hanging on the head of the claimant and as per the office order dated 28.02.2022 the service of the claimant shall come to an end today. If the same is allowed to happen the dispute raised by the claimant shall become infructuous. Considering the circumstances and for the interest of justice and to prevent the litigation from becoming infructuous it is felt proper to issue some interim direction to respondent/management. Accordingly the respondent is directed to maintain status quo as on today in respect of the service condition of the claimant petitioner of this proceeding till the next date of hearing i.e. on 12/4/22 when



the order will be passed on the application filed by the claimant under 33(1) of the ID Act. A copy of this order be made available to the claimant for Dasti Service on the respondent/management.”

2. On the last date of hearing, this Court was informed that, though the respondent was paying the petitioner’s salary, she was not permitted to joint duty after 12th April, 2022. This Court expressed the view that mere payment of salary would not suffice as compliance with the afore-extracted direction contained in the order dated 31st March, 2022 of the learned CGIT and that the petitioner had also to be permitted to join duty.

3. Thereafter, it appears that the petitioner was permitted to join duty but that the respondent has informed the petitioner that she would be permitted to work only till today.

4. A reading of the order dated 31st March, 2022 reveals that *status quo*, as granted by the learned CGIT, was only till 12th April, 2022, when the learned CGIT intended to pass orders on the petitioner’s application under Section 33(1) of the Industrial Disputes Act, 1947 (“the ID Act”).

5. Ms. Kawalpreet Kaur, learned Counsel for the petitioner, submits that, however, on 12th April, 2022 no order was pronounced by the learned CGIT and that the date of pronouncement now stands adjourned to 18th May, 2022 on which date, as the learned Presiding Officer of the learned CGIT was on leave, the matter now stands adjourned to 12th October, 2022.



6. She, therefore, prays that the direction for permitting the petitioner to continue on duty with respondent be extended till 12th October, 2022.

7. In exercise of contempt jurisdiction, it is not possible for this Court to take such a view or pass such an order. The Court is concerned only with whether the respondent has contumaciously or wilfully disobeyed the order of which contempt is alleged.

8. The respondent has not only disbursed the salary of the petitioner, Mr. Goyal submits, but has also permitted her to join duty. The order of the learned CGIT operated only till 12th April, 2022. The petitioner has been permitted to nonetheless, continue on duty till today.

9. It would be for the petitioner, in such circumstances, to move the learned CGIT and seek extension of the *status quo* granted by the learned CGIT, for any further period of time. Needless to say, it would be for the learned CGIT to take a call as to whether to continue the order of *status quo* or not. This Court does not express any view in the matter, as that would amount to interference with the discretion vested in the learned CGIT in that regard.

10. In case the learned CGIT deems it appropriate to continue the interim order granted on 31st March, 2022, then till the date upto which the interim order is continued, the arrangement as it exists today would have to be followed.



11. As no case for continuing for the contempt proceedings against the respondent survive, this petition stands disposed of.

C. HARI SHANKAR, J

MAY 23, 2022

r.bararia

