

101 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-1558-CII-2024 in/and
COCp-2855-2019 (O&M)
Date of Decision: 07.02.2024
.....Petitioner

SUMIT KUMAR

Versus

HITEN P. SHAH

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Man Mohan, Advocate for the petitioner.
Mr. Prateek Gupta, Advocate for the respondent.

RAJBIR SEHRAWAT, J. (ORAL)

CM-1558-CII-2024

This is an application for exemption from personal appearance of the Director of respondent-company.

Since, both sides are present, therefore, the main petition itself is taken up for hearing today and the present application has been rendered as infructuous and disposed of as such.

Main Case

This is a contempt petition filed under Article 215 of the Constitution of India and Sections 11 and 12 of the Contempt of Courts Act, 1971 for initiating contempt proceedings against the respondent for disobeying the order dated 06.08.2018 passed by this Court in CWP-14068-2015.

Learned counsel for the respondent has produced the amendment to the earlier reinstatement order and as per amended stipulations, the petitioner has been reinstated in the company w.e.f. 07.01.2007. Therefore, the order qua reinstatement has already been complied with.

Although, the respondent had submitted the demand draft No.176752 dated 02.02.2024, amounting to Rs.6,67,772/- in favour of the petitioner on the previous date of hearing, however, counsel for the petitioner, on instructions from the petitioner, who is present in the Court, has submitted that he does not want to accept the said demand draft. The original of the demand draft has been returned and handed over to the counsel for the respondent in the Court.

So far as the payment of back wages is concerned, that involves a lot of calculations; which might involve disputed question of facts. It would not be appropriate for this Court to continue with the present petition for the said purpose only. Hence, the same is dismissed.

However, the petitioner would be at liberty to get the execution of the payment portion of the order through the appropriate Forum.

07.02.2024
sandeep

(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No