



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
205

COC-1385-2021(O&M)
Date of decision: 07.04.2026

GBA Workers Union

...Petitioner(s)

Vs.

Mr. Harvinder Singh

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. K.L. Arora, Advocate
for the petitioner.

Ms. Jhumjhum Sarkar, Advocate with
Ms. Meenakshi Dogra, Advocate
for the respondent.

NIDHI GUPTA, J.

Present Contempt Petition has been filed alleging violation of the order dated 16.03.2021 (Annexure P1); order dated 24.03.2021 (Annexure P1/1) passed in CWP-5966-2021; **and** order dated 26.03.2021 (Annexure P1/2) passed in LPA No.335 of 2021.

2. Brief facts of the case in chronological order are as under:-

16.03.2021: Vide order dated 16.03.2021 (Annexure P1), passed by Hon'ble Punjab and Haryana High Court in CWP-5966-2021, whereby operation of order dated 01.03.2021 passed by the Secretary, Labour, Chandigarh Administration was directed to be kept in abeyance.



24.03.2021: Vide order dated 24.03.2021 passed by Hon'ble Punjab and Haryana High Court in CM-4865-CWP-2021 in CWP-5966-2021, M/s Groz-Beckert Asia Pvt. Ltd./respondent No.2 had been directed to file an affidavit stating as to why workmen who are members of the petitioner/Union are not being permitted to enter the factory despite this Court having kept the operation of the impugned order dated 01.03.2021 in abeyance.

26.03.2021: Vide order dated 26.03.2021 passed by Hon'ble Punjab and Haryana High Court in LPA-335-2021, the respondent Company was directed as follows: -

"We also feel it is necessary to make it clear that in terms of the statement made by Mr. Mittal, appellant-company shall register the presence of those workers, who report for duty at the entry gate itself. Those, whose presence is marked, shall be entitled for salary for the said day."

3. It is inter alia submitted by learned counsel for the petitioner that in blatant violation of the aforesaid directions of this Court, the respondents have refused to release the salary to the petitioner/the 37 workers from the month of March 2021 till date. It is submitted that the petitioners have been working in the respondent-Company, yet the petitioners have been ordered to be given paid leave for three months and have not been paid their salary from 01.03.2021. It is submitted that the petitioners have sent numerous representations to the respondent, but they have refused to comply with the



orders so much so respondent/Company/employer has refused to give salary slips from 01.03.2021.

4. It is further contended that the Provident Fund benefits under Provident Fund Act and ESI benefits under the ESI Act are part and parcel of the salary. However, no Provident Fund deductions of the employees are being made, nor the employer share of Provident Fund is being deposited since 01.03.2021. Similarly, ESI deductions have also not been made. Learned counsel argues that this is a major violation of the above-said two Acts on the part of the respondent herein and amounts to violation of the above-said clear-cut directions of this Court.

5. Learned counsel relies upon three-Judge Bench judgment of Hon'ble Supreme Court in **"Vinay Kumar Pandey Vs. Committee of Management Shri Gandhi Inter College & Another"** Civil Appeal No.4007-4008 of 2020 decided on 08.12.2020, wherein it is held as under:-

"In the circumstances, unless and until the submission raised in that application seeking vacation is adequately addressed and rejected, no case for initiation of contempt proceedings was made out.

We, therefore, allow these appeals, set-aside the orders under appeal, and request the High Court to take up the application seeking vacation of the ad-interim order dated 15.07.2019 at the earliest.

The appeals are allowed in the aforesaid terms. No Costs."



6. Per contra, learned counsel for the respondent opposes the submissions advanced on behalf of the petitioner and submits that vide the order dated 26.03.2021 passed by the Division Bench of this Court in the LPA-335-2021, the respondent had been directed only to *“register the presence of those workers, who report for duty at the entry gate itself. Those, whose presence is marked, shall be entitled for salary for the said day.”* It is submitted that in strict compliance of the said direction, the respondent had been maintaining stringent record and duly marking the presence of all the workers/petitioners who presented themselves for work; whereupon salary as due to them in terms of order dated 26.03.2021 was duly released to them. Ld. counsel further refers to the relevant submissions made in Affidavit dated 25.08.2025 filed by the respondent in response to CM-11496-CII-2021 filed by the petitioner, which are as follows: -

“14. Without prejudice to the foregoing submissions on the non-maintainability of the petition, it is vehemently denied that there was any wilful, deliberate, or contumacious disobedience of the interim order dated 26.03.2021 during the period of its subsistence. The said order directed that workers who reported for duty and had their presence marked at the entry gate would be entitled to "salary" for the said day. The Respondent, in strict adherence to this directive, ensured that attendance was recorded and payments were made to all such workers until the writ petition was finally dismissed. The Petitioner's grievances, which primarily revolve around the alleged non-inclusion of certain components within the ambit of "salary," essentially



pertain to an interpretive dispute over the scope and connotation of the term "salary" as employed in the order. Such disputes do not, and cannot, constitute wilful disobedience warranting contempt sanctions.

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18. The Petitioner has attempted to impugn the Respondent's compliance by highlighting non-payment of specific "salary" component and scrutinizing the minutiae of payment calculations. Such an endeavour is patently impermissible within the narrow confines of contempt jurisdiction. As authoritatively held in Jhareswar Prasad Paul (Supra), the contempt court is precluded from venturing into questions that were not explicitly addressed or resolved in the original order and it cannot resolve ambiguities or fill perceived gaps through supplementary interpretations. This principle has been consistently reaffirmed in catena of cases which underscore that only crystal-clear, explicit, and self-evident directions or order are capable of unambiguous enforcement and can serve as the foundation for contempt allegations. Any deviation into interpretive realms would blur the lines between contempt adjudication and substantive litigation, undermining the sanctity of this special jurisdiction.

19. In conclusion, the Respondent respectfully submits that all payments were made strictly in line with the clear terms of the interim order dated 26.03. 2021 ,until the writ petition was dismissed and the order ceased to apply, hence the present contempt petition is not maintainable. As laid down in Indus Towers (supra)contempt can only be punished in cases of clear and serious violation or misconduct, which is not present here. The Respondent's actions were neither intentional nor defiant, and the



legal requirements of proof and intent for contempt have not been met. Therefore, it is humbly prayed that this Hon'ble Court dismiss the Contempt Petition with exemplary costs, in the interest of justice."

7. Learned counsel for the respondent further submits that in any event, the petitioners have availed their remedy before the Industrial Workers' Tribunal. It is further submitted that no wilful disobedience of any directions passed by the Court has been made out against the respondents. Accordingly, dismissal of the present contempt petition is prayed for.

8. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in great detail.

9. Admittedly, LPA No.335 of 2021 in which order dated 26.03.2021 was passed, has been subsequently dismissed by the Division Bench of this Court vide order dated 05.04.2022. The Civil Writ Petition has been dismissed on 15.03.2022. The petitioners had then moved CM-12997-CII-2021 in instant COCP on 19.11.2021 to which the respondent had filed reply dated 25.08.2025, in which the above-referred averments have been made. Furthermore, the question as to whether the petitioners went for work on a particular day or not, is a disputed question of fact, which cannot be ascertained by this Court. It is not disputed by the petitioners that they have approached the Labour Court inter alia on the ground that their services have been wrongly terminated; which matter is pending adjudication before the Labour Court. Needless to say, the petitioners are at liberty to raise all pleas as per law before



the Labour Court. If the petitioners have not been paid in accordance with law, they can agitate their claim before the Labour Court.

10. In case of **Prithawi Nath Ram v. State of Jharkhand, (SC) : Law Finder Doc Id # 76853**, the Hon'ble Supreme Court has held that: –

“B. Contempt of Courts Act, 1971, Sections 11 and 15 - Constitution of India, Article 215 - Order of Court - Order has to be obeyed whether right or wrong - If any party concerned is aggrieved by the order which in its opinion is wrong or against rules or its implementation is neither practicable nor feasible, it should always either approach to the Court that passed the order or invoke jurisdiction of the Appellate Court - Rightness or wrongness of the order cannot be urged in contempt proceedings.

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8. If any party concerned is aggrieved by the order which in its opinion is wrong or against rules or its implementation is neither practicable nor feasible, it should always either approach to the Court that passed the order or invoke jurisdiction of the Appellate Court. Rightness or wrongness of the order cannot be urged in contempt proceedings. Right or wrong the order has to be obeyed. Flouting an order of the Court would render the party liable for contempt. While dealing with an application for contempt the Court cannot traverse beyond the order, non-compliance of which is alleged. In other words, it cannot say what should not have been done or what should have been done. It cannot traverse beyond the order. It cannot test correctness or otherwise of the order or give additional direction or delete any direction. That would be exercising review jurisdiction while dealing with an application for initiation of contempt proceedings. The same would be impermissible and indefensible. In that view of the matter, the order of the High Court



is set aside and the matter is remitted for fresh consideration. It shall deal with the application in its proper perspective in accordance with law afresh. We make it clear that we have not expressed any opinion regarding acceptability or otherwise of the application for initiation of contempt proceedings.”

11. Furthermore, from the facts noted above, it is clear that no wilful disobedience of the directions of this Court has been made out on part of the respondents. In this situation, reference may be made to cautionary judgment of the Hon’ble Supreme Court in **“Sudhir Vasudeva, Chairman and Managing Director, Oil and Natural Gas Corporation Limited & Others Vs. M. George Ravishekaran & Others” (2014) 3 SCC 373**, wherein it is held as under: -

“19. The power vested in the High Courts as well as this Court to punish for contempt is a special and rare power available both under the Constitution as well as the Contempt of Courts Act, 1971. It is a drastic power which, if misdirected, could even curb the liberty of the individual charged with commission of contempt. The very nature of the power casts a sacred duty in the Courts to exercise the same with the greatest of care and caution. This is also necessary as, more often than not, adjudication of a contempt plea involves a process of self-determination of the sweep, meaning and effect of the order in respect of which disobedience is alleged. The Courts must not, therefore, travel beyond the four corners of the order which is alleged to have been flouted or enter into questions that have not been dealt with or decided in the judgment or the order violation of which is alleged. Only such directions which are explicit in a judgment or order or are plainly self-evident ought to be taken into account for the



*purpose of consideration as to whether there has been any disobedience or wilful violation of the same. Decided issues cannot be reopened; nor can the plea of equities be considered. The Courts must also ensure that while considering a contempt plea the power available to the Court in other corrective jurisdictions like review or appeal is not trenched upon. No order or direction supplemental to what has been already expressed should be issued by the Court while exercising jurisdiction in the domain of the contempt law: such an exercise is more appropriate in other jurisdictions vested in the Court, as noticed above. The above principles would appear to be the cumulative outcome of the precedents cited at the Bar, namely, **Jhareswar Prasad Paul v. Tarak Nath Ganguly, V.M. Manohar Prasad v. N. Ratnam Rajulo, Bihar Finance Service House Construction Coop. Society Ltd. v. Gautam Goswami and Union of India v. Subedar Devassy PV.***

20. Applying the above settled principles to the case before us, it is clear that the direction of the High Court for creation of supernumerary posts of Marine Assistant Radio Operator cannot be countenanced. Not only the courts must act with utmost restraint before compelling the executive to create additional posts, the impugned direction virtually amounts to supplementing the directions contained in the order of the High Court dated 2-8-2006. The alternative direction, i.e. to grant parity of pay could very well have been occasioned by the stand taken by the Corporation with regard to the necessity of keeping in existence the cadre itself in view of the operational needs of the Corporation. If despite the specific stand taken by the Corporation in this regard the High Court was of the view that the respondents should be absorbed as Marine Assistant Radio Operator nothing prevented



*the High Court from issuing a specific direction to create supernumerary posts of Marine Assistant Radio Operator. The same was not done. If that be so, the direction to create supernumerary posts at the stage of exercise of the contempt jurisdiction has to be understood to be an addition to the initial order passed in the writ petition. The argument that such a direction is implicit in the order dated 2-8-2006 is self-defeating. Neither is such a course of action open to balance the equities i.e. not to foreclose the promotional avenues of the petitioners, as vehemently urged by Shri Rao. The issue is one of jurisdiction and not of justification. Whether the direction issued would be justified by way of review or in exercise of any other jurisdiction is an aspect that does not concern us in the present case. Of relevance is the fact that an alternative direction had been issued by the High Court by its order dated 2-8-2006 and the appellants, as officers of the Corporation, have complied with the same. They cannot be, therefore, understood to have acted in wilful disobedience of the said order of the Court. All that was required in terms of the second direction having been complied with by the appellants, we are of the view that the order dated 2-8-2006 passed in *M. George Ravishekeran v. ONGC Ltd.* stands duly implemented. Consequently, we set aside the order dated 19-1-2012 passed in Contempt Petition No. 161 of 2010, as well as the impugned order dated 11-7-2012 passed in *Sudhir Vasudeva v. M. George Ravi Shekeran* and allow the present appeal."*

12. In view of the above noted factual and legal position, present Contempt Petition is **dismissed**.



- 13. Rules stand discharged.
- 14. Pending application(s) if any also stand(s) disposed of.

07.04.2026
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No