

(2003) 05 JH CK 0024

In the Jharkhand High Court

Case No : Contempt Case (C) No. 967 of 2001

Their Workmen through the Secretary, Bihar Colliery Kamgar Union

APPELLANT

Vs

Employers in relation to the Management of Kuya Colliery of Bharat Coking Coal Ltd. and Others

RESPONDENT

Date of Decision : 13-05-2003

Acts Referred:

Constitution of India, 1950 — Article 215
Contempt of Courts Act, 1971 — Section 12
Industrial Disputes Act, 1947 — Section 17B

Citation : (2003) CriLJ 3221 : (2003) 3 JLJR 357 : (2003) 3 JCR 1

Hon'ble Judges : P.K. Balasubramanyan, C.J.; R.K. Merathia, J

Bench : Division Bench

Advocate : S.K. Laik, for the Appellant; M.M. Banerjee, Inderajeet Sinha and A. Kumar, for the Respondent

Judgement

P.K. Balasubramanyan, C.J.—In CWJC No. 212 of 94 this Court passed an order dated 5.10.94 directing the management of Kuya Colliery of M/s. Bharat Coking Coal Ltd. to pay the workers involved in that writ petition, their monthly wages in terms of Section 17B of the Industrial Disputes Act. In CWJC No. 212/94 filed by M/s. Bharat Coking Coal Ltd., the management challenges the award of the Industrial Tribunal in Reference No. 55/85 dated 8.4.93 whereby, the Tribunal directed the management to give employment to all the workmen involved in that reference within two months of the publication of the award. It was in that writ petition that the order u/s 17B of the Industrial Disputes Act was passed. The workmen moved this Court by this contempt application contending that the management has willfully disobeyed the direction of this Court and hence, the management was guilty of contempt of Court. In answer to the notice issued by the Court, the management submitted that it had complied with the order by calculating and paying the amount due as per the award and as per the order u/s 17B of the Act. It is submitted in defence that actually the workmen are

disputing the amount and claiming something more. That did not involve any contempt of Court. There was no willful disobedience of the order of this Court.

2. It is not disputed by the workmen that some amounts have been paid by the management pursuant to the order of this Court on the basis of Section 17B of the Act. But it is contended that the calculation of the amount was not correct and the correct amounts, according to the workmen, have not been paid. Thus, we find that this is not a case of, or which could be termed willful disobedience of the order of this Court. Only a willful disobedience would amount to a civil contempt as defined in the Contempt of Courts Act. There appears to be a real dispute between the parties regarding the amount payable u/s 17B of the Act. The existence of such a dispute cannot lead to an inference that the management has been guilty of willful disobedience of the order of this Court directing payment of the amounts u/s 17B of the Act. We are, therefore, satisfied that no action under the Contempt of Courts Act is warranted in the case on hand. We are also satisfied that no case has been made out for the exercise of jurisdiction of this Court under Article 215 of the Constitution of India. In that situation, we are satisfied that the contempt of Court proceedings should be dropped.

3. We, therefore, drop the proceedings. We make it clear that this is without prejudice to the rights of the workmen, if any, to claim, what according to them is the correct amount due to them, before the appropriate forum.

R.K. Merathia, J.

4. I agree.