

**IN THE HIGH COURT OF KARNATAKA
CIRCUIT BENCH AT DHARWAD
DATED THIS THE 31ST DAY OF OCTOBER 2011**

PRESENT

THE HON'BLE MR. JUSTICE SUBHASH B. ADI

AND

THE HON'BLE MR. JUSTICE K. N. KESHAVANARAYANA

C.C.C. NO.2358/2011 (CIVIL)

BETWEEN:

Shri. Madiwalappa
S/o. Mallappa Kullur
Age: Major, Occ: Ex-Employee
R/o. Horebelallavadi
Taluk & Dist. Dharwad

... COMPLAINANT

[By Sri. Ravi N. Chikkaradder, Adv.)

AND:

Common Cadre Authority
Karnataka Central Co-operative
Bank Ltd., Dharwad
By its Member Convenor
CCA & Managing Director
Shri. B. Manjunath Naik

... ACCUSED

This CCC is filed u/s. 10 and 12 of the Contempt of Court Act, 1971 praying to take cognizance of the contempt of Court committed by the accused in the matter of violating the order passed by this Hon'ble Court in Writ Petition No.14781/2002 dated 10.11.2005 as per Annexure-B and etc.

This CCC coming on for orders this day, Subhash B. Adi J. made the following:

ORDER

The petitioner has alleged that the respondent has committed contempt of Court by not obeying the order dated 10.11.2005 produced at Annexure-B.

2. This Court by order dated 10.11.2005 has dismissed the writ petition No.14781/2002, wherein the petitioner has sought for quashing of the award dated 25.05.2000 passed by the Labour Court, Hubli, recovery certificate dated 31.10.2001 issued by the Deputy Labour Commissioner, Belgaum and notice dated 19.03.2002 issued by the Tahsildar, Revenue Department, Dharwad. This

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Court while dismissing the writ petition has observed as under:

"No grounds. Petition stands rejected. Liberty is reserved to the petitioner to recover the amount from the 2nd respondent in accordance with law. No costs."

3. There is no direction issued to the respondent to pay the amount in pursuance of the award and in turn liberty is reserved to the petitioner to recover the same in accordance with law.

4. It appears that the petitioner referred to in the writ petition may be the applicant in whose favour the award might have been passed. Even if there is an award passed by the Labour Court in favour of this petitioner, the said award is executable, hence there is no cause for initiating the contempt proceedings.

5. Further, there is no direction issued in favour of the petitioner. Hence there is no contempt of Court committed by the respondent.

Sgt

As such, the petition is liable to be dismissed and accordingly dismissed.

Sd/-
JUDGE

gab/-

Sd/-
JUDGE