

**BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT-II, ROUSE AVENUE,
DISTRICT COURT COMPLEX, DELHI.**

Present:

Smt. Pranita Mohanty,
Presiding Officer, C.G.I.T.-Cum-Labour
Court-II, New Delhi.

ATA No:- D-1/06/2017

M/s. Profacilities Services Pvt. Ltd.

Appellant

VS.

APFC, Delhi East

Respondent

ORDER DATED:-26/4/2022

Present:- Shri Ravi Ranjan, Ld. Counsel for the Appellant.
Shri Rajesh Kumar, Ld. Counsel for the Respondent

The matter stands posted today for filing of rejoinder to the reply of the respondent to the petition requesting initiation of a contempt proceeding. Copy of the rejoinder supplied to the counsel for the respondent. Heard.

Perusal of the record shows that by order dated 16.03.2022 this tribunal while hearing the argument on admission of the appeal allowed time to the Ld. Counsel for the respondent to go through the LCR and replied the query of the tribunal. While treating the matter as heard in part on admission of the appeal a direction was given to the respondent as an interim measure not to take any coercive measure or any recovery action against the appellant establishment till the next date. Since, during argument it was pointed out that the respondent is taking recovery action qua the order under challenge and other interim orders, a specific direction was given not to take recovery action in respect of any order passed against the appellant.

While the matter stood thus, the appellant filed an application stating that the respondent has freeze the bank account of the appellant despite the interim order passed. A separate petition was filed requesting initiation of a contempt action against the respondent. The respondent filed reply and the appellant filed rejoinder.

Today during course of argument it came to light that the respondent has passed one final order u/s 7A and other interim orders against the appellant. The Hon'ble High Court by order dated 14.11.2017 had directed that the appellant shall deposit 50% of the assessed amount towards compliance of the provisions of section 70 out of which 25% shall be deposited by the petitioner in cash and the remaining 25% shall be furnished as the bank guarantee. In compliance thereto the appellant deposit 25% and one of its

stakeholder having name M/s Twenty Four Secure Pvt. Ltd. had given the bank guarantee for the appellant. Now the respondent has freezed the bank account of M/s Twenty Four Secure Pvt. Ltd.

The LD. Counsel for the respondent submitted that the bank account of M/s Twenty Four Secure Pvt. Ltd. was freezed due to inadvertent mistake and the same has been defreezed soon after the order of this tribunal was received. He also submitted that the interim protection granted was with regard to recovery action against the appellant. When none of the account of the appellant was freezed the contempt petition by the appellant is not maintainable.

On hearing the argument advanced by the Ld. Counsel for both the parties it is concluded that the contempt petition filed by the appellant is not maintainable as no recovery action has been taken against the appellant after passing of the interim protection order dated 16.03.2022. The petition for contempt is held devoid of merit and rejected. Call the matter on 20.07.2022 for hearing on the 7L2 application filed by the appellant.

Presiding Officer