

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

CONTEMPT PETITION NO.41 of 2008  
IN  
WRIT PETITION NO. 2070 of 2007

The Transport & Dock Workers Union. ..Petitioner  
V/s.  
Bharat Lalwani ..Respondent

Mr.Neel Helekar for the petitioner.  
Mr.Yusuf Iqbal Yusuf with Ms. Arnee Mehta i/b.Yusuf & Assoc. for the respondent.

**CORAM : A.M.KHANWILKAR,J.  
DATED : 24th October, 2008**

**P.C.**

. After hearing the Counsel for the parties, I find force in the arguments of the respondents that the show-cause notice issued in terms of order dated September 4, 2008 in this petition has been limited to the non-compliance of order dated 1st October, 2007 passed by this Court. In so far as that order is concerned, the same is self operative order and cannot be the basis for initiating contempt action. Nevertheless, the petitioner has approached this Court for initiating contempt action also with regard to non-compliance of Award/order passed by the Industrial Court dated 26th June, 2006 which directs the respondents to reinstate the petitioners and give 50% backwages from the date of their termination till they

are reinstated. As aforesaid show-cause notice does not refer to that aspect even though in the amended prayer clause (a), reference is made to non-compliance of Award dated 26th June, 2006 as well. In the circumstances, issue fresh show-cause notice to respondents calling upon them to show-cause why appropriate action should not be taken against them for non-compliance of Award/order passed by the Industrial Court dated 26th June, 2006. That show-cause notice is made returnable on 24th November, 2008. Advocate for the respondents waive notice. Reply be filed on or before 10th November, 2008. Rejoinder be filed on or before 19th November, 2008. Pleadings be filed in the Registry well in advance.

**[A.M.KHANWILKAR,J.]**