
(2016) 02 JH CK 0114
In the Jharkhand High Court
Case No : W.P. (C) No. 3830 of 2014

Arvind Kumar Singh

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 29-02-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2016) 3 JBCJ 289 : (2016) 3 JCR 128 : (2016) 3 JLJR 480

Hon'ble Judges : Mr. Aparesh Kumar Singh, J.

Bench : Single Bench

Advocate : None for the Petitioner, for the Appellant;

Final Decision : Dismissed

Judgement

Mr. Aparesh Kumar Singh, J.—No one appears for the petitioner. Counsel for the respondents is present.

2. A prayer has been made to regularize the petitioner as General Secretary of Chaibasa Cement Mazdoor Union, Jhinkpani, a registered Union and permit him to hold election for the year 2013-15 in terms of the provisions of Bye-Laws of the Union.

3. Counsel for the respondents, on the basis of averments made in the counter affidavit, submits that there is a dispute between three different groups in the Union in respect of holding election for the year 2013. The matter was inquired into after giving opportunity to all the parties and after perusal of the documents and hearing the argument of respective parties an order was also passed on 13th January, 2014, directing the parties to hold election for the year 2013 in terms of provisions of By-laws of the Union (Annexures- C & D). Once again the matter was raked up and Deputy Labour Commissioner, Jamshedpur has been asked to investigate the matter in connection with internal dispute between different groups of the Union and to submit a detailed report. The report submitted thereafter by Deputy Labour Commissioner, Jamshedpur also gives an impression

of disputes raised by rival groups in respect of election held in August, 2014. The group represented by the petitioner had objected to the election by other group stating that the Executive Committee is illegal.

4. Learned counsel for the State, by referring to the statements made at para 18 of the counter affidavit, submits that the issue relating to election is in the realm of dispute. They are yet to take any decision on the report submitted by Deputy Labour Commissioner, Jamshedpur dated 27th October, 2014.

5. The relevant facts noticed here in above show that the question relating to election of Trade Union of which the petitioner claims to be a General Secretary is in the realm of serious dispute between the rival groups of Union. The parties to the dispute including the petitioner may have remedy before competent court of law where disputed question of fact may be determined after adducing evidence. However, such determination cannot be made in the present case in exercise of writ jurisdiction of the Court.

6. Accordingly, the writ petition is dismissed.