

(2014) 07 JH CK 0097
In the Jharkhand High Court
Case No : W.P. (L) No. 1069 of 2014

Dharmendra Kumar Upadhyay	Vs	APPELLANT
The State of Jharkhand		RESPONDENT

Date of Decision : 09-07-2014

Acts Referred:

Citation : (2014) 07 JH CK 0097

Hon'ble Judges : Rakesh Ranjan Prasad, J

Bench : Single Bench

Advocate : A.K. Mehta, R.C. Jha and Indrajit Sinha, Advocates, Anil Kumar Sinha, Sr. Advocate and S.K. Dwivedi, Advocate for the Appellant; Ananda Sen, Advocate for the Respondent

Judgement

Rakesh Ranjan Prasad, J.

I.A. Nos. 2766, 2770 & 3002 of 2014

1. All these interlocutory applications have been filed on behalf of the applicants, namely, Ramesh Chandra Jha, Sunil Kumar Singh, Sanjay Kumar Singh, Ramesh Kumar Singh and Mumtaz Ahmad for allowing them to be impleaded as respondent Nos. 6 to 10 in the instant case, as the interest of the applicants is very much involved in the subject matter of the instant case and therefore, they be allowed to be impleaded as respondent Nos. 6 to 10 in the instant case.

2. The prayer made on behalf of the applicants for impleading them as respondent Nos. 6 to 10 was objected to by the petitioner by taking a plea that after expiry of the period of election of the Union, they do not have any interest in the matter.

3. However, having heard, I do find that somehow or other, interest of the applicants does get involved. Accordingly, these applicants are allowed to be impleaded as respondent Nos. 6 to 10.

4. Hence, all these interlocutory application stands disposed of.

5. Learned senior counsel appearing for the petitioner submits that though in the writ petition, number of prayers have been made including the prayer for a direction upon the Union to hold election of Tata Workers Union as period of two years from the date of election has already lapsed but the petitioner would not be pressing any other reliefs, which have been sought for in this writ petition, other than the relief relating to election of the Union and, therefore, other dispute not related to the election, even if is pending between the petitioner and the Union, will have no adverse impact over the relief which is being sought to be granted.

6. At this stage, Mr. Sen, learned counsel appearing for the Union submits that such prayer, which would be pressed before this Court is also subject matter of adjudication before the Registrar, Trade Union-cum-Labour Commissioner, Jharkhand, Ranchi and, therefore, this writ petition cannot be said to be entertained as the petitioner has been pursuing his remedy before the aforesaid authority.

7. At this stage, learned senior counsel appearing for the petitioner submits that it is true that the petitioner has moved before the Registrar, Trade Union-cum-Labour Commissioner, Jharkhand, Ranchi, as Office Bearers of the Trade Union were doing some mischief and, therefore, the petitioner had moved for restraining the Office Bearers of the Union to do any kind of mischief. At the same time, prayer has also been made to direct the Union to hold election, as the period of two years has already lapsed, but the authority cannot grant any relief, so far prayer, which relates to direction for holding election is concerned, as Registrar, Trade Union-cum-Labour Commissioner, Jharkhand, Ranchi is not supposed to interfere with the internal affairs of the Union, rather his function would be only to record the result of the election of the Union, which proposition has been laid in a case of Bokaro Steel Workers Union and Another Vs. The State of Bihar and Others

8. Thus, it appears that the petitioner had moved before the Registrar, Trade Union-cum-Labour Commissioner, Jharkhand, Ranchi wherein prayer has been made to restrain the Office Bearers from doing any mischief relating to affairs of the Union and at the same time, prayer has been made to the effect that direction be issued for holding election but such prayer of holding election cannot be ordered by the Registrar, Trade Union-cum-Labour Commissioner, Jharkhand, Ranchi, in view of the decision referred to above.

9. Under the situation, when the prayer in this writ petition has been confined only with the matter relating to election, I do not find any legal impediment in entertaining this writ petition.

10. Let the matter be posted to be heard on its merit on 16.07.2014 by which time whatever pleadings, the parties intent to file, they may file but the copy of the same must be served by Monday i.e. on 14.07.2014.

I.A. No. 2328 of 2014

11. Since the date has been fixed, Interlocutory Application bearing I.A. No. 2328 of 2014, which has been filed for early hearing, is also disposed of.