
(2004) 04 JH CK 0075
In the Jharkhand High Court
Case No : Writ Petition (L) No. 1501 of 2004

Ram Das Tigga

APPELLANT

Vs

State of Jharkhand and Another

RESPONDENT

Date of Decision : 02-04-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 102 FLR 114 : (2004) 2 JCR 427

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : Satish Bakshi, M.A. Khan and Sameer Saurabh, for the Appellant;
B.S. Lall, AAG, for the Respondent

Final Decision : Allowed

Judgement

M.Y. Eqbal, J.—In this, writ application the petitioner has prayed for quashing the notice issued by respondent No. 2. The Registrar Trade Unions-cum Labour Commissioner, Government of Jharkhand, Ranchi calling, upon the petitioner to submit papers in connection with election of the office bearer and restraining him from adjudicating upon dispute relating to office bearers of trade unions.

2. The petitioners case is that he is a member of registered trade union namely Research and Development Center and Steel Authority of India Ltd. employees union. According to bye laws a general election for the office bearers of the union was held after following the procedures and the result of the election was announced by the Returning Officer on 20.10.2003 by issuance of a circular. In the said election altogether 21 persons were elected and petitioner is one of them. There was no objection dissent from any quarter nor from the management or Labour Department. However two faction started claiming to be the real office bearers and approach the Registrar trade unions for deciding the dispute as to who is the real office bearers. The Registrar, therefore, issued the impugned notice directing the two factions to produce documents.

3. Mr. Satish Bakshi, learned counsel appearing for the petitioner assailed the impugned notice and the action of the Registrar as absolutely illegal and wholly without jurisdiction. Learned counsel submitted that in the event of intra-union dispute relating the office bearers of any union the jurisdiction lies with the civil Court and the Registrar has got no jurisdiction to adjudicate the dispute between the two rival unions. Learned counsel put reliance to the decision of the Supreme Court in the case of ONGC Workmen's Association v. State of West Bengal and Ors. 1998 (II) LLJ 335, and a Bench decision of this Court in the case of Ram Chandra Singh and Anr. v. State of Bihar and Ors.. 2001 (3) JCR 183 (Jhr).

4. It is well settled that the dispute between the two faction group of the union as to who are the elected office bearers of the unions can be decided only by a suit in the Court of competent jurisdiction and such dispute cannot be adjudicated by the Registrar of trade unions. In the instant case from perusal of the impugned notice issued by the Registrar trade unions it appears that she called upon the General Secretary of the union to participate in the meeting fixed by her for deciding the dispute with respect to the election of the trade union. In my opinion therefore, the impugned notice issued by the Registrar for the purpose of deciding the validity of the election of the union is wholly without jurisdiction.

5. For the aforesaid reason this writ application is allowed and the impugned notice is quashed. It goes without saying that the aggrieved party who disputes the validity of the election may approach the civil Court of competent Jurisdiction.