

(1974) 06 CAL CK 0017
In the Calcutta High Court

Ramakrishna Mission and Another

APPELLANT

Vs

State of West Bengal and Others

RESPONDENT

Date of Decision : 11-06-1974

Acts Referred:

Citation : (1975) 1 LLJ 291

Hon'ble Judges : Pradyot Kumar Banerjee, J

Bench : Single Bench

Judgement

Pradyot Kumar Banerjee, J.—In this Rule, the petitioner has challenged the order of the Registrar of Trade Unions registering the opposite party No. 4 as a Trade Union under the Trade Union's Act, 1926. The petitioner's case is that the petitioner Ramakrishna Mission is a society registered under the Societies Registration Act, the object being to carry on religious, social and educational activities for the welfare of the public as part of the spiritual discipline. The memorandum of association of the society provides rules and regulations for the said purpose. The Ramakrishna Mission at Narendrapur is a religious institution being a branch of Ramakrishna Mission and has under its overall control the following educational institutions:

- (1) A Degree College
- (2) A Multipurpose Higher Secondary School.
- (3) A Junior Technical School.
- (4) An Institute of Social Education and Recreation.
- (5) A Senior Basic School.
- (6) A Students Home.
- (7) A Gram Sevak Training Centre.
- (8) A School of Shorthand and Typewriting.

(9) A Central Library for the benefit of the resident students, teachers and workers.

(10) A Blind Boys' Academy.

2. It is alleged that all these institutions are run by benevolent contributions of general public and with official and semi-official grants. It is also said in the petition that the Ashram has also a dairy farm, a poultry farm and an agricultural farm for the training of the students of the Multipurpose Higher Secondary School studying Agriculture as their main subject and for the trainees at the Gramsevak Training Centre. It is alleged that the produce of the aforesaid farms are used for the consumption of the students, teachers and employees numbering about 2000 and it is specifically asserted that the produce is never used for any, commercial purpose.

3. It appears, however, that the workers of the said institution made a charter of demand dated 24th November, 1969, and they also applied to the authorities concerned for recognising the respondent No. 4 as a trade union. It appears that the said union was constituted as a trade union and was registered as such by the respondent No. 2. Being aggrieved by that registration, the petitioner moved this Court and obtained the present Rule.

4. Affidavit has been filed by the respondent stating, inter alia, that the sole objective and main purpose of the dairy farm, poultry farm is trading and business and the produce of the poultry farm are sold for commercial purpose.

5. Mr. Dutta on behalf of the petitioner contended that the registration of the respondent No. 4 under the Trade Unions Act is without jurisdiction inasmuch as the petitioner is not an industry and not carries on any business or produce any material goods or products available for material service. There cannot be a denying of the fact and it has not been denied in the affidavit filed by the respondents that the petitioner Ramakrishna Mission is a religious institution having educational institutions and residential home for the benefit of students and teachers and the workers. If the Mission is a residential home for the students, teachers and workers, there is no doubt that the produce of the dairy farm and poultry farm of the institution can be utilised for the maintenance of the said farm or the institution and apart from the bald statement that those are being used for commercial purpose nothing has been stated in the affidavit to support those statements. It is stated in the petition that there are some annexures to the affidavit-in-opposition but no such annexures are to be found in the affidavit. The fact remains, therefore, that the particulars stated in paragraphs 2, 3 and 4 have not been specifically denied by the respondents in their affidavit or at the hearing. I have also not the opportunity of looking into the records of the trade unions department. In that view of the matter, I am to discard the affidavit filed by the respondents and to accept the affidavit filed by the petitioner before me. I have no hesitation in holding on the basis of the affidavit that the petitioner does not carry on an industry when they run the

Ramakrishna Mission institution at Narendrapur for purpose of imparting education at various levels and does not produce any material goods or products available for material service.

6. In the circumstances, therefore, the recognition of the respondents No. 4 and the registration of respondent No. 4 as a trade union cannot be upheld to be correct and I hereby set aside the same.

7. The Rule is made absolute. There will be no order as to costs.