

**(2003) 11 KAR CK 0044**

**In the Karnataka High Court**

**Case No :** Writ Petition No. 10716 of 2000 (GM-Res)

Secretary, K.S.S. (Technical)

APPELLANT

Vs

Chief Secretary, Sericulture Department, Bangalore and  
Others

RESPONDENT

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**Date of Decision :** 05-11-2003

**Acts Referred:**

Constitution of India, 1950 — Article 226

**Citation :** (2003) 7 KarLJ 361

**Hon'ble Judges :** D. V. Shylendra Kumar, J

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## **Judgement**

1. Petitioner is an association claiming to have been formed by the technical employees of the Sericulture Department, Government of Karnataka. It is the claim of the petitioner that this association had been granted recognition by the Government as per its proceedings dated 6-12-1999 (copy at Annexure-E) subject to imposing as many as 21 conditions. Petitioner claims that the association is functioning within

the parameters indicated by Government order dated 6-12-1999 and has memberships of more than 5500 employees of the Sericulture Department.

2. Petitioner is now aggrieved by the subsequent Government order dated 6-3-2000 (copy at Annexure-F) whereby the Government has cancelled the recognition that had been accorded in favour of the petitioner-association as per its earlier order dated 6-12-1999, with immediate effect. It is such cancellation of recognition to the petitioner-association which has given cause to the petitioner to approach this Court praying for quashing of this notification under Annexure-F and for such other direction to be issued to respondents 1 and 2 as deemed fit in the circumstances of the case.

3. Sri Gopi Prakash, learned Counsel for the petitioner has vehemently contended that the impugned order is one passed in utter violation of principle of natural justice, that the petitioner-association had not even given an opportunity before the recognition given to it was cancelled subsequently, that the petitioner

had not even given any clue that the Government is going to take such action that even when the petitioner-association has not violated any of the conditions imposed by the Government while granting recognition and in such circumstances there is no justification for the cancellation of the recognition that had been granted in favour of the petitioner-association.

4. Learned Counsel for the petitioner submits that it was after the concerted efforts on the part of the petitioner-association for more than two years Government had recognised the petitioner-association and it was highly improper and unjustified that the Government even within a period of three months from the date of passing the earlier order should not have unilaterally withdrawn the recognition. Learned Counsel submits that such withdrawal is detriment of as many as 5500 employees of the Department who are members of the petitioner-association and whose grievance are espoused by the petitioner-association.

5. It is also submitted by the learned Counsel for the petitioner that though the impugned order does recite that the Secretary of the petitioner-association had met the officers of the Government pursuant to a meeting that had been called for by the Government to explore the possibilities of reducing to only one association in the Department and depending all other associations factually the representation of the petitioner-association has neither been apprised of any such meeting nor had given their consent for forming certain association representing all sections of the employees of the Sericulture Department. Learned Counsel submits that this is not the correct version of the true state of affairs.

6. Statement of objections has been filed on behalf of respondents 1 and 2. It is asserted that the writ petition is not tenable, that as a consequence of granting recognition to the petitioner-association vide Government order dated 6-12-1999, there were many conflicts that had arisen amongst the members of different associations, that several associations had accused the petitioner-association of giving false and incorrect information to the Government for the purpose of securing recognition, that many of the employees and the other cadres of the Department of Sericulture had indicated that they are not members of the petitioner-association as indicated by them, but they are members of some other associations and had sought for derecognition of the petitioner-association which had led to friction amongst different classes of employees. It is asserted that the impugned order was passed to avoid conflicts in the working of the Department particularly with different associations making different claims and also claiming membership of such classes of employees who had represented that they belong to other association etc.

7. Such disputed facts are not one which can be investigated in the exercise of jurisdiction under Article 226 of the Constitution of India. The impugned order itself indicates that there was only one organisation which had been recognised during the year 1993 and later many associations had sprung up and granting recognition by the Government to different associations in the same department

has given cause to conflicts and as such a meeting of the representatives of the associations had been called for and in such meeting it was agreed that there should be only one association representing the interest of all classes of employees and the plurality of the associations should be discouraged. Respondents assert that derecognition of the petitioner-association was in such a background and prays for dismissal of the writ petition.

8. Sri Ramanjaneya Gowda, learned Government Advocate appearing for respondents 1 and 2 has also submitted that the petitioner-association has no right to claim recognition and that it is within the discretion of the Government to grant or refuse such recognition and when the Government found that granting recognition to several associations was not conducive to the smooth working of the department and for the purpose of maintaining cordiality and good relationship amongst all classes of employees in the department and it was found desirable that one association would meet this purpose and steps have been taken in this regard. Learned Government Advocate submits that in a matter of this nature where the petitioner has no right there was no occasion to give an opportunity proposing derecognition but nevertheless points out that the move for derecognition was consciously taken as agreed upon in the meeting held between the representatives of various associations on the one side and the Government on the other side.

9. Grant of recognition to any association by the Government purporting to represent Government employees is not regulated by any statutory provisions. No association has a right to claim recognition from the Government. It is for the Government, if it feels, satisfied and confident to grant recognition which only means that such association acts in the representative capacity on behalf of such Government employees who claim to be members of the association. Though learned Counsel for the petitioner seeks to draw support to the argument that the petitioner-association has such a right in the light of the Government orders issued by the Government itself for the purpose of granting recognition to associations representing employees, I am not inclined to accept that such Government orders also can have the effect of conferring rights akin to statutory rights to the petitioner. If the very Government which has issued a Government order earlier on informed and considered orders modifies the existing procedures, it cannot be said that it amounts to taking away any of the rights of the petitioner. So long as the action taken by the Government is not whimsical or arbitrary, there is no scope for interference in such matters on the ground that it affects the rights of the petitioner. Granting or withdrawing recognition in itself is not an act either conferring rights or withdrawing rights of any employee. It is essentially an administrative action on the part of the Government and it is always dependent on the exigencies of the situation. If there is no need a request for granting recognition to a new association may be turned down. If the situation so warrants even the recognition to an existing association may be withdrawn.

10. In a matter of this nature where no legal right is involved where the very recognition is in the discretion of the respondents depending on the exigencies of the situation writ as prayed for cannot be issued. I am of the view that the impugned order at Annexure-F is not one which is amenable to the certiorari jurisdiction of this Court for examining the correctness or legality of that order in the light of any rights the petitioner can claim. No occasion to issue writ as prayed for. Accordingly, writ petition is dismissed.