

(2005) 08 JH CK 0036
In the Jharkhand High Court
Case No : Writ Petition (L) No. 821 of 2005

Tata Workers' Union and Others	Vs	APPELLANT
State of Jharkhand and Others		RESPONDENT

Date of Decision : 11-08-2005

Acts Referred:

Trade Unions Act, 1926 — Section 10

Citation : (2005) 3 BLJRR 1862 : (2006) 1 LLJ 813 : (2005) 4 JCR 153

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : P.K. Sinha and P.N. Rai, Rajiv Ranjan, for the Appellant; Bimal Kumar, for the Respondent

Final Decision : Dismissed

Judgement

S.J. Mukhopadhaya, J.—This writ petition was preferred by petitioner, Tata Workers' union and others against an order No. 192, dated 4th February, 2005 issued by the 2nd respondent-Registrar, Trade Union-cum-Commissioner on a complaint of one S.N. Singh 4th respondent. By impugned order, the 2nd respondent-Registrar while held the election of other bearers not in accordance with law, refused to register the newly elected members of the Executive Committee. Direction was also given to take steps for fresh election of the members of Executive Committee and to make interim arrangement.

2. After the order aforesaid, the 2nd respondent-Registrar, Trade Union issued another order dated 6th May, 2005 u/s 10(b) of Trade Union Act, 1926 and the registration of the Trade Union, in question, was cancelled. The order of cancellation was challenged by the petitioner before this Court in a writ petition being WP (L) No. 3869 of 2005. A Bench of this Court vide its order dated 9th August, 2005 while did not choose to decide the issues on merit, gave liberty to the Trade Union to prefer appeal before the competent Court/ Tribunal.

3. Learned counsel for 4th respondent submitted that the writ petition has

become infructuous as the registration of the Trade Union has subsequently been cancelled. He relied on an order of the Supreme Court dated 12th July, 2005 passed in SLP (Civil) No. 11904 of 2005.

4. In the present case, certain interim order was passed against which the 4th respondent moved before the Supreme Court by preferring the aforesaid SLP. In the meantime, the registration of the Trade Union having been cancelled, the Supreme Court held that the said SLP has become infructuous, which was dismissed, having become infructuous.

5. Counsel for the petitioner submitted that the issue, as raised in the present case, still subsists, as persons are acting on the basis of impugned order No. 192, dated 4th February, 2005. But such submission, cannot be accepted in view of the fact that the registration of the Trade Union has been cancelled.

6. Once the registration of the Trade Union has been cancelled and it has been de-recognized, the Registrar of Trade Union has no jurisdiction to give any direction in respect to such (de-recognized) Trade Union. After the de-recognizing of Trade Union, the Order No. 192, dated 4th February, 2005 cannot be acted upon either for the purpose of election or for the purpose of interim arrangement. The said Order No. 192, dated 4th February, 2005 having lost its force, this writ petition has become infructuous. The interim order passed on 23rd February, 2005 is, accordingly, vacated. This writ petition is dismissed being infructuous.