
(1993) 08 SC CK 0065

In the Supreme Court Of India

Case No : Civil Appeal No. 2255 Of 1977

Tirumala Tirupati Devasthanam

APPELLANT

Vs

Commissioner of Labour and Others

RESPONDENT

Date of Decision : 19-08-1993

Acts Referred:

Trade Unions Act, 1926 — Section 10, 2

Citation : (1996) 3 LLJ 362 : (1995) 3 SCC 653 Supp

Hon'ble Judges : Yogeshwar Dayal, J; P. B. Sawant, J

Bench : Division Bench

Final Decision : dismissed

Judgement

P.B. Sawant, J.—The facts in this appeal are that the employees working in Power and Water Works Wings of the appellant-Devasthanam had applied for registration of their association under the Trade Unions Act, 1926 (hereinafter referred to as the 'Act') which application was allowed. However, the appellant-Devasthanam thereafter made an application u/s 10 of the Act for cancellation of the registration of the said Union. The Registrar rejected the application. In appeal, the High Court went into the question as to whether the two wings, viz., the Water and Power Wings of the appellant-Devasthanam were an 'industry' and came to the conclusion that they were an 'industry', and therefore, held that the certificate granted to the Union was not 'liable to be cancelled. Aggrieved by the decision of the High Court, the appellant has come in appeal before us.

2. We are unable to understand the ground on which the appellant applied to the Registrar of the Trade Unions for cancellation of its certificate of registration. No ground mentioned in Section 10 of the Act was available to the appellant for making such application. As far as the ground mentioned in Sub-Section (a) of the said Section is concerned, it is only the Trade Union which can approach the Registrar on the said ground for the cancellation of its certificate. As regards Sub-section (b) of the Section, there is nothing in the application which would show that any of the grounds mentioned therein exists.

3. Mr. Subba Rao, learned Counsel appearing for the appellant contended that since according to the appellant the Water and Power Wings of the appellant were not an 'industry', no union of the employees working in them could have been registered as a Trade Union under the Act. We do not find that the Act imposes any such condition for registration of a trade union. Section 2(h) of the Act defines "Trade union" as follows:

'Trade Union' means any combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workmen and employers or between workmen and workmen, or between employers and employers. or for imposing restrictive conditions on the conduct of any trade or business, and includes any federation of two or more Trade Unions.

4. It would be apparent from this definition that any group of employees which comes together primarily for the purpose of regulating the relations between them and their employer or between them and other workmen may be registered as a Trade Union under the Act. It cannot be disputed that the relationship between the appellant and the workmen in question is that of employer and employee. The registration of the association of the said workmen as a Trade Union under the Act has nothing to do with whether the said wings of the appellant are an 'industry' or not. We are, therefore, of the view that the High Court went into the said issue, although the same had not arisen before it. Since the findings recorded by the High Court on the said issue, are not germane to the question that falls for consideration before us, we express no opinion on the same and leave the question open.

5. In the view we have taken, the workmen concerned are entitled to get their Association registered under the Act. We dismiss the appeal subject, of course, to the observation that we express no opinion on the findings recorded by the High Court that the wings in question are an industry and keep the question open. In the circumstances of the case, the appeal is dismissed with no order as to costs.