

(2006) 06 JH CK 0014

Jharkhand High Court

Case No: None

Koyala Ispat Mazdoor Panchayat

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision: June 28, 2006

Citation: (2006) 4 JCR 638

Hon'ble Judges: S.J. Mukhopadhyaya, Acting C.J.

Bench: Single Bench

Judgement

@JUDGMENTTAG-ORDER

S.J. Mukhopadhyaya, A.C.J.

1. It appears that an election of Koyala Ispat Mazdoor Panchayat (hereinafter to be referred as "Union") was held on 9th November. 2003. The intervener Unit Prasad Singh, claiming himself to be the Secretary of the Union, moved before the Court in W.P. (1) No. 687 of 2005 for implementation of the order dated 29th November. 2003. issued by the Deputy Registrar, Trade Union, Government of Jharkhand, Ranchi. After fresh election, one Sri Arjun Singh and Unit Prasad Singh both claimed to be the elected Member of the Union. One W.P. (1) No. 3324 of 2005 was preferred by the Union through Arjun Singh in this regard. However, the Court refused to give any finding in one or other way, as the parties should have moved before the appropriate forum for redressal of their grievances.

2. After the said order, it appears that the parties moved before the Labour Commissioner-cum-Registrar, Trade Union, Jharkhand, Ranchi, who by the impugned order No. 2008, dated 12th November, 2005 (Annexure 12) held that the election held on 9th November, 2003 is not in accordance with law and thereby ordered for holding fresh election.

3. Admittedly, the Labour Commissioner-cum-Registrar, Trade Union, Jharkhand, Ranchi, has no jurisdiction to decide the legality and propriety of any election nor

has any jurisdiction to direct the holding of fresh election. It can only enter the names of the office bearers of the Union in its Form-B Register.

4. Counsel appearing on behalf of the intervener Unit Prasad Singh while accepts that the Labour Commissioner-cum-Registrar, Trade Union, Jharkhand, Ranchi, has no jurisdiction to give any declaration regarding the legality or propriety of any election, submits that two persons have already moved before the civil Courts. Dhanbad in Title Suit No. 6 of 2006 against the election, in question.

5. Having regard to the facts and circumstances, as the labour Commissioner-cum-Registrar, Trade Union, Jharkhand, Ranchi, has no jurisdiction to decide the legality and propriety of any election or to say as to who will function in the meantime, the impugned order No. 2008 dated 17th November, 2005 is hereby setaside with a liberty to the aggrieved person to move before the civil Court of competent jurisdiction for appropriate relief.

6. So far as election is concerned, it is for the union to hold the same.

7. The writ petition thus, stands disposed of with the aforesaid observations and directions.