

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3 of 1998

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Shambhu Ojha, son of late Jamuna Ojha, General Secretary, Gopalganj Sugar Labour Union residing in the quarter of Vishnu Sugar Mills Ltd., Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Labour Commissioner-cum-Registrar of Trade Unions, Government of Bihar, Labour Department, New Secretariat, Bailey Road, Patna.
3. Works Manager, Vishnu Sugar Mills Ltd. Gopalganj, P.S.& District-Gopalganj.
4. Shri Lakshmi Prasad, son of not known, c/o Champaran Sugar Mills Ltd. Barachakia, P.S.-Barachakia, District-East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Sinha
For the Respondent nos.1&2 : Mr. Gyan Shankar, AC to GP-6
For the Respondent no.3 : Mr. K.N. Gupta
For the Respondent no.4 : Mr.Sourendra Pandey

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 23-07-2015

Heard the parties.

In view of intra-union dispute between the group led by the petitioner at one side and the group led by the respondent no.4 at the other side, and in view of the fact that by the order/communication dated 20.03.1994 issued by the respondent Labour Commissioner-cum-Registrar of Trade Unions the group led by the respondent no.4 was granted recognition, the matter had traveled to this Court in CWJC No.8385 of 1994, which was finally allowed by a Bench of this Court by an order dated 12.07.1995 (Annexure-2) quashing the aforesaid order/communication of the respondent Labour Commissioner-cum-Registrar of Trade Unions.

Being aggrieved by the aforesaid judgment and order dated 12.07.1995 passed in CWJC No.8385 of 1994, Civil Review No.180 of 1995 was filed before this Court by one Veer Bahadur

Singh and others in which notices were issued to the respondent nos.3 to 9 of that review petition by an order dated 09.01.1996.

The grievance of the petitioner is that though the Writ Court had earlier quashed the order/communication of the respondent Labour Commissioner-cum-Registrar of Trade Unions recognizing the union/group represented by the respondent no.4, yet by the impugned order/communication dated 28th July, 1997 (Annexure-1), the group represented by the respondent no.4 has been granted recognition for negotiation with the management for solution of the dispute of the workmen till final disposal of the aforesaid Civil Review No.180 of 1995. On the face of it, the impugned order/communication dated 28th July, 1997 (Annexure-1) issued by the respondent no.2 was by way of stopgap arrangement till final disposal of the Civil Review No.180 of 1995.

Learned counsel appearing on behalf of the petitioner submits that the impugned action of the respondent no.2 is in teeth of the earlier direction/order issued by this Court, as noticed above. Therefore, the impugned order/communication, though issued by way of stopgap arrangement, is wholly without jurisdiction.

Learned counsel appearing on behalf of the respondent nos.3 and 4 are unanimous in their submissions that the aforesaid Civil Review No.180 of 1995 was dismissed way back on 23.04.1999 for want of prosecution. Therefore, according to them, the impugned order/communication dated 28th July, 1997 (Annexure-1) has lost its force and is no longer in vogue after dismissal of the aforesaid Civil Review No.180 of 1995 on 23.04.1999. They have fairly conceded that, in view of the dismissal of the aforesaid Civil Review No.180 of 1995 and in the light of the judgment of this Court passed in CWJC No.8385 of 1994 (Annexure-2), the group/union represented by the

respondent no.4 cannot be recognized for negotiation with the management. It is contended by them that since the impugned order/communication dated 28th July, 1997 (Annexure-1) has now become infructuous, therefore, the cause of action does not survive for the petitioner any longer and the writ petition has also become infructuous.

In view of the fact that the impugned order/communication dated 28th July, 1997 (Annexure-1) has lost its force and cause of action does not survive, learned counsel appearing on behalf of the petitioner seeks permission to withdraw the present writ petition.

Permission is accorded.

The writ petition stands disposed of as withdrawn since it has become infructuous.

(Birendra Prasad Verma, J)

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