

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,**  
**APPELLATE SIDE**  
**NAGPUR BENCH, NAGPUR**

**WRIT PETITION NO. 1985 OF 2014**

Bhartiya Chemical Workers' Union Bamni Proteins Chandrapur Vs. Assistant Registrar BIR Act 1946  
 Addl. Commissioner of Labour Nagpur & Ors.

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 Office Notes, Office Memoranda of Coram,  
 appearances, Court orders or directions  
 and Registrar's orders

Court's or Judge's Order

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Shri Amol Mardikar Adv for petitioner.  
 Shri M. R. Pillai Adv for respondent no. 2.

**CORAM: A.S.CHANDURKAR J.**

**DATED: 13<sup>th</sup> JULY, 2015.**

Challenge in the present writ petition is to the order dated 12.11.2013 passed by the respondent no.3, whereby the order dated 27.01.1999 cancelling the registration of the respondent no. 2 Union has been modified and it has been directed that the registration of the respondent no.2 society shall continue.

The respondent no. 2 Union was initially registered under the Trade Unions Act, 1926 (for short the Act of 1926). This registration came to be cancelled on 27.01.1999. Being aggrieved, the respondent no.2 filed an appeal under Section 11 of the Act of 1926. On 01.11.2006 said appeal was allowed and it was directed that the registration of respondent no.2 under the Act of 1926 should be restored. The order

dated 01.11.2006 attained finality. Pursuant thereto on 12.11.2013 the respondent no. 3 restored the registration of the respondent no.2 Union. Being aggrieved, said order is challenged in the present writ petition.

Shri Amol Mardikar, learned counsel appearing for the petitioner submitted that against the order cancelling the registration under the Bombay Industrial Relations Act, 1946 (for short the Act of 1946) it was necessary for the respondent no.2 to have filed an appeal under Section 20 of the Act of 1946. According to him, the registration of the respondent no.2 Union had been cancelled under Section 15(c) of the Act of 1946. He, therefore, submitted that respondent no.3 had no jurisdiction in said matter. He also submitted that no opportunity of hearing was granted to the petitioner.

Shri M. R. Pillai, learned counsel appearing for respondent no.2 supported the impugned order. According to him the order dated 01.11.2006 having attained finality the respondent no.3 was bound to restore the registration. He also submitted that if the petitioner was aggrieved it could have taken steps as observed by this Court in the order passed in Writ Petition No. 2172 of 2012.

It is not in dispute that the order dated 27.01.1999 cancelling the registration of the respondent no.2 as representative Union stands set aside in view of judgment dated 01.11.2006 passed in appeal. Respondent no.3 has therefore merely restored the registration which is a consequence of setting aside the order dated 27.01.1999. No

rights have been adjudicated by the impugned order which is only a consequence of the order dated 01.11.2006. As regards the submission that respondent no.2 ought to have invoked jurisdiction under Section 20 of the Act of 1946, same is misconceived in view of the fact that registration of the respondent no.2 Union was cancelled under provisions of the Act of 1926. Said order having been set aside, consequential order was bound to be passed. For very same reason the aspect of grant of opportunity to the present petitioner does not arise in view of the order dated 01.11.2006. In fact the respondent no.3 was duty bound to comply with the directions issued in the order dated 01.11.2006.

More over as observed by this Court in Writ Petition no. 2172 of 2012, it is open for the present petitioner to take steps to oppose any move of the respondent no. 2 Union, if it wants to oust respondent no.2 as a representative Union. Hence, there is no reason to interfere in writ jurisdiction. The writ petition is therefore dismissed. No costs.

**JUDGE**

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