

**THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI**

**Writ Petition No.17240 of 2009**

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**ORDER:**

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This writ petition under Article 226 of the Constitution of India is filed seeking the following relief/s:

*'....to issue a Writ of Mandamus or a Writ in the nature of Mandamus or any other appropriate Writ, Order or Direction, directing the Respondent No.1 herein, the duly constituted Registrar under the Trade Unions Act, 1926, to perform his statutory duty viz., to investigate into the complaint made against the Respondent No.2 and take appropriate steps under Section 10 of the Trade Unions Act, 1926 for the cancellation of the Registration of the said Union, as the certificate of Registration No.A-4406 dated 27.09.2008, having been obtained by fraud and also that it ceases to have adequate number of members to continue as a Registered Union under the Act and issue such further or other Writ.....'*

[Reproduced verbatim]

2. The respondents 1 and 2 had filed counters resisting the writ petition.
3. I have heard the submissions of the learned senior counsel for the writ petitioner, the learned Government Pleader for Labour appearing for the 1<sup>st</sup> respondent and the learned counsel appearing for the 2<sup>nd</sup> respondent.
4. The case of the petitioner company as set out in the writ petition and the submissions made on its behalf, in brief, are as follows:

The petitioner is a Company incorporated under the Indian Companies Act. Ramoji Film City is a township, in which, even according to the 1<sup>st</sup> respondent/Labour Department, as many as 15 establishments are housed and the said fact is also evident from the report dated 03.02.2009 submitted by the Deputy Commissioner of Labour to the Joint Commissioner of Labour. Even the report with observations submitted by the Assistant Commissioner of Labour by his letter dated 27.12.2008 to the Joint Commissioner of Labour under the Minimum Wages Act also evidences the said fact. The petitioner company was having 1716 employees as on 31.01.2009. The increase in the number of employees to 3014 at present had occasioned on account of the merger of nine (9) organizations into the petitioner company. The merged

organizations in the petitioner company are as under:

1. Maya
2. Universal Travels
3. Rainbow
4. Symphony
5. Parade
6. Eureka
7. Ushakiron Movies (Location)
8. Ushakiron Movies (Film Division)
9. Harmony

The organizations existing in Ramoji Film City after merger are as under:

1. Ushodaya Enterprises (P) Ltd (TV Division)
2. Newstoday (P) Ltd. (TV Division)
3. Dolphon Hotels Limited
4. R.R.G.E Media
5. Ushakiron Movies Ltd.
6. Margadarsi Chit Fund (P) Ltd (Art Division)

Thus, Ramoji Film City is the name of a place and it is not an establishment or an Industry covered by the provisions of the Industrial Disputes Act, 1947 ('the Act', for brevity). While so, on 29.07.2008, a worker of the petitioner company by name Saidulu had expired. The management had voluntarily made a payment of Rs.5,00,000/- as ex-gratia to the members of the family of the said deceased employee. At that time, signatures of the employees of various organizations located in the Ramoji Film City were obtained on blank papers by some persons viz., the so called office bearers of the 2<sup>nd</sup> respondent Union on the misrepresentation that they will try to get more amount of compensation to the family of the deceased worker. The 2<sup>nd</sup> respondent Union by a letter dated 30.09.2008 had informed the petitioner company rather the Chairman Ramoji Rao, "Ramoji Film City", as also A.

Rammohan Rao, "Managing Director, Ramoji Film City" about the formation of the Union called 'Ramoji Film City (Ushakiron Movies Ltd) Staff & Workers Union, Office: Flat No.9-105/1, Venkateswara Nagar (South), Malkajgiri, Hyderabad – 500 047' by enclosing a copy of the purported certificate of registration of Trade Union issued by the 1<sup>st</sup> respondent-Additional Registrar of Trade Union and Joint Commissioner of Labour, Ranga Reddy Zone, Hyderabad. Thereafter, the 1<sup>st</sup> respondent who is also the Joint Commissioner of Labour under the Act, had issued a letter dated 13.10.2008 to the petitioner enclosing thereto a copy of an undated representation purportedly made by the 2<sup>nd</sup> respondent Union and had advised the petitioner company to attend a joint meeting. The petitioner company is only one of the organizations located in the place called Ramoji Film City at which as many as (6) six organizations/companies are housed/located. The petitioner company is infinitesimally a small set up compared to the entire area called 'Ramoji Film City'. The 2<sup>nd</sup> respondent Union as per the knowledge of the petitioner company does not have membership of the employees of the petitioner company but, is a general union, at best. In the circumstances, the petitioner company by a letter dated 25.10.2008 had requested the 1<sup>st</sup> respondent to arrange to furnish a copy of the bylaws of the Union and its current membership for the information of the company. A joint meeting was held by the 1<sup>st</sup> respondent in his capacity as Joint Commissioner of Labour; and he had also fixed the next meeting date as 04.02.2008. The petitioner's request for information had remained unaddressed. Therefore, the petitioner had addressed another letter dated 04.11.2008 for securing the said information. There is no industry or establishment by name 'Ramoji Film City' and it is only the name of a place or location. The establishments located in Ramoji Film City are separate and they are registered separately. The office bearers of the 2<sup>nd</sup> respondent Union cannot represent the employees of all the establishments. They cannot use the name of 'Ramoji Film City' as the name of their Union. 61 employees of the petitioner company had addressed a letter dated 06.01.2009 to the 1<sup>st</sup> respondent *inter alia* stating as under: 'They have been

working in various capacities in the petitioner company and in some other organizations located in Ramoji Film City. Recently there was an accident in the establishment and that in the said accident one P. Saidulu had died. At that time some of the employees submitted representations to the management and others asking payment of compensation and also seeking acceptance to contribute one day wage to the dependants of the said deceased employee. At that time the signatures of the employees were obtained on various papers and that some of the employees with the instigation of some outsiders inimical to the management made an application for registration of the union and had also submitted the signatures of the employees obtained earlier for some other purpose along with the said application as if the employees are supporting the formation of an union for their establishment. The employees who had signed the said representation dated 06.01.2009 never knew about the formation of any new union. If their signatures are used for registering any union relating to their establishment, they wish to categorically say that they have no connection whatsoever with the formation of the 2<sup>nd</sup> respondent union. Their signatures taken for some other purpose have been fraudulently used by some employees and outsiders to form the 2<sup>nd</sup> respondent Union. Therefore, registration of the 2<sup>nd</sup> respondent Union is obtained by fraud.’ Having stated so in the said letter the said employees had requested to take necessary steps for removing the names of the said employees from the purview of the said Union registration. Some more employees had also addressed a letter dated 15.01.2009 to the 1<sup>st</sup> respondent to the same effect. The petitioner company had addressed a letter dated 23.01.2009 to the 1<sup>st</sup> respondent; it is a reminder. The petitioner company had pointed out to the 1<sup>st</sup> respondent and drew his attention to the Form C, the certificate of registration issued to the 2<sup>nd</sup> respondent Union, and objected for the use of the words ‘Ramoji Film City’ in the name of the Union as there is no such industry/organization by the name Ramoji Film City and that the 2<sup>nd</sup> respondent Union office bearers have included all the other establishments like Ushakiron movies, Ushodaya Enterprises Private

Limited, Dolphin Hotels, Rainbow, Parade, Maya and Universal Travels in their letter pad as if they are representing those establishments also and that the Union on its part is going about as though they have a right to represent the employees of other establishments whereas the fact remains that the certificate of registration is given for Ushakiron Movies Limited and that the very formation of the Union and its representative capacity is in doubt. Further, as per the provisions of the Trade Unions Act ('the TU Act', for short) the minimum requirement of membership of a Trade Union at all times must be not less than 10% of the employees/workmen of the establishment or 100 employees whichever is less subject to a minimum of 7 and that in the case of the 2<sup>nd</sup> respondent Union it is evident that 100 workmen did not sign for registration of the 2<sup>nd</sup> respondent Union and that even if such number of employees had signed, the application of them does not belong to the petitioner company and that some of the employees are either working in other companies or organizations located in Ramoji Film City area or outsiders and not of the petitioner company and that those applicants have obviously signed the application for registration of the Union evidently due to the fraud played by the office bearers of the 2<sup>nd</sup> respondent Union. When a complaint is made by a large number of employees, a duty is enjoined upon the 1<sup>st</sup> respondent to initiate appropriate steps for cancellation of the registration of the Union, more particularly when a certificate has been obtained by fraud or mistake. However, there is total silence on the part of the 1<sup>st</sup> respondent. Even when specific complaints have been made there is a disregard on the part of the 1<sup>st</sup> respondent and he did not even look into the matter and it amounts to refusal to perform a statutory duty enjoined upon him. There was virtually refusal by the 1<sup>st</sup> respondent to perform his public statutory duty of initiating appropriate steps for cancellation of the registration of the 2<sup>nd</sup> respondent Union inspite of the fact that some of the employees concerned have given a complaint. Hence, the petitioner is constrained to file the writ petition to direct the 1<sup>st</sup> respondent/duly constituted Registrar under the Trade Unions Act to perform his statutory duty viz., investigate into

the complaint made against the 2<sup>nd</sup> respondent Union and take appropriate steps under Section 10 of the TU Act for cancellation of the registration of the 2<sup>nd</sup> respondent Union as the certificate of registration dated 27.09.2008 has been obtained by fraud and as the said Union ceases to have adequate number of employees/members to continue as a registered Union under the TU Act and to issue such other orders.

5. The 1<sup>st</sup> respondent had filed a counter denying some of the material allegations in the writ petition and justifying his action in registering the 2<sup>nd</sup> respondent Union and issuing a certificate of registration to it. It is affirmed in the counter affidavit that the 2<sup>nd</sup> respondent Union was registered by the Registrar on being satisfied that the Trade Union had complied with all the requirements of the TU Act for its registration as per Section 8 of the TU Act.

6. The 2<sup>nd</sup> respondent Union had filed a detailed counter denying all the material allegations in the affidavit filed in support of the writ petition. The case that was set out *inter alia* in its defence and the submissions made on its behalf, in brief, are as follows:

The writ petitioner company and others had filed OS.No.696 of 2008 on the file of the Court of the learned II Additional District Judge, Ranga Reddy at NTR Nagar. In that suit an affidavit was also filed submitting that all the companies located at Ramoji Film City are group of companies called as Ramoji group of companies headed by Ch. Ramoji Rao as Chairman of companies. In the said pleadings, it is stated that the 1<sup>st</sup> and 2<sup>nd</sup> plaintiffs therein are incorporated companies under the provisions of the Companies Act and that the 3<sup>rd</sup> plaintiff therein is a HUF concern of Ramoji Rao and that the three plaintiffs are part of the Ramoji Group of Companies, which developed an integrated film city studio complex in Anajpur village and surrounding villages in Ranga Reddy District and that the State Government had declared Anajpur as 'Tourism Area' and that the Guinness Book of World Records recognized Ramoji Film City as the world's largest film studio complex and that the Ramoji Film City started functioning from 1997 and that the buildings at Ramoji Film City were constructed by various members of

Ramoji Group after obtaining necessary permissions and that buildings are being used for the purposes of businesses of Ramoji Film City which among others include Production of feature films and TV programmes including colour laboratory, sound laboratory, shooting floors, various sets for shooting purposes, gardens, hotels, entertainment area and various other facilities and that Ramoji Film City is serving as a major tourist attraction in the State and that the facilities in Ramoji Film City are so comprehensive that a film maker can walk in with a script and walk out with the print of the film made on the script and that the Ramoji Group of Companies also runs a chain of five hotels in the premises and also operates 12 private satellite channels in different Indian languages in the name and style of E-TV network and that in other words Ramoji Film City is a hub of commercial activity today. The above stated pleadings would show that the petitioner had suppressed material facts and had resorted to making false statements. Hence, the Writ court would keep that fact in mind while exercising extraordinary powers. The officials of the Labour Department inspected the petitioner establishment for implementation of labour laws like payment of Minimum Wages, over time wages and bonus etcetera. The allegation that Ramoji Film City is a vast expanse of land, which shelters many companies/outfits including the petitioner is not correct. All the companies located in Ramoji Film City are called Ramoji Group of Companies headed by its Chairman Ch. Ramoji Rao. Ramoji Film City is an industry. It is not the name of a place as stated by the writ petitioner. When Saidulu-an employee had died on account of the poor safety conditions in the petitioner company, ex-gratia was paid only on the demand of all the employees. The allegation in the writ petition that so called office bearers of the 2<sup>nd</sup> respondent Union had obtained the signatures of the employees of the various establishments located at Ramoji Film City on blank papers on a misrepresentation that they will try to get more amount of compensation to the family of the deceased worker and that those blank signed papers were utilized to show that the signatories are the members of the Union is not correct. The petitioner company is not implementing any of the labour laws; and, in view of the violations being indulged in by the

petitioner company's management, the workers have decided to form a Union. A general body meeting was conducted on 10.09.2008; and, minutes were recorded and signed at that meeting. The 1<sup>st</sup> respondent had directed the Deputy Commissioner of Labour to inspect the petitioner's establishment and to verify as to whether all the applicants are the employees of the Ramoji Group of Companies. After thorough inspection, the concerned Officer had submitted a report to the 1<sup>st</sup> respondent. On receipt of such report, the 1<sup>st</sup> respondent had registered the 2<sup>nd</sup> respondent Trade Union. After the registration of the Trade Union, the Union had submitted a representation dated 30.09.2008 to Ch. Ramoji Rao, Chairman of Ramoji Film City and wanted him to conduct an introductory meeting with the office bearers and executive members. The Union had also addressed a letter to the Joint Commissioner of Labour on 13.10.2008 to conduct a joint meeting with regard to suspension of employees, harassment of employees and the issue of withdrawal of foisted cases against the members of the Union and the recognition of the Union. As per the rules and bylaws of the Union, it extends to whole of the Ramoji Group of Companies located at Ramoji Film City. The Union is having requisite membership. The petitioner had asked the 1<sup>st</sup> respondent alone to furnish the information behind the back of this respondent. The 1<sup>st</sup> respondent had conducted a joint meeting between the management of the petitioner company and the Union. In that meeting it is not at all stated that the Union was registered by means of fraud. The Union while submitting the application for registration of the Union gave an undertaking before the 1<sup>st</sup> respondent and also submitted an 'area of operation certificate'. The petitioner is a stranger and has no right to interfere with the internal affairs of the Union and any such interference would amount to unfair labour practice on the part of the petitioner company. Once the Union is registered, it is a legal entity under the TU Act. The copies of the letters addressed by the employees to the 1<sup>st</sup> respondent were not marked to the Union. They did not demonstrate before the 1<sup>st</sup> respondent and before this Court that their signatures were obtained by fraud. Those employees were not joined as parties to the writ petition. One M. Babji, is founder

General Secretary of the Union and G. Saidulu is the present General Secretary of the Union. The petitioner company had obtained signatures of its employees on blank papers and submitted the representations to the 1<sup>st</sup> respondent, as if the same were submitted by the employees. The writ petition may be dismissed.

**7.** Now that the pleadings are adverted to and the submissions made in line with the pleadings and other submissions made in support of the respective cases are stated, it is to be first noted that the 1<sup>st</sup> respondent on the application of the 2<sup>nd</sup> respondent Union had registered the 2<sup>nd</sup> respondent Union and had issued a registration certificate to it; and, the 2<sup>nd</sup> respondent Union is registered under the name and style 'Ramoji Film City (Ushakiron Movies Ltd) Staff & Workers Union, Office: Flat No.9-105/1, Venkateswara Nagar (South), Malkajgiri, Hyderabad – 500 047'. The petitioner M/s.Ushakiron Movies Limited is a company incorporated under the Companies Act, 1956 having its registered office at Ramoji Film City, Hayatnagar Mandal. Having obtained the registration, the 2<sup>nd</sup> respondent Union had addressed a letter dated 30.09.2008 to Ch, Ramoji Rao to hold a meeting with the office bearers of the Union for introduction of the members of the Union and also to recognize the Union and extend co-operation. Having come to know of the 2<sup>nd</sup> respondent Union with the aforementioned name, the petitioner company felt aggrieved and had sought information from the 1<sup>st</sup> respondent to supply copies of the bylaws of the said Union. There was no response from the 1<sup>st</sup> respondent.

**8.1** According to the petitioner company, 'Ramoji Film City' is a name of a place where several companies/establishments are housed and that the petitioner company was having 1716 employees as on 31.01.2009; but, as on the date of the writ petition, the employees on its rolls are 3014 and that the increase in the number had occasioned on account of the merger of nine organizations into the petitioner company on 01.02.2009 and that after merger the following six organizations are existing in Ramoji Film City:

Ushodaya Enterprises (P) Ltd (TV Division); Newstoday (P) Ltd. (TV Division); Dolphon Hotels Limited; R.R.G.E Media; Ushakiron Movies Ltd; Margadarsi Chit Fund (P) Ltd (Art Division). Thus, the petitioner *inter alia* contends that Ramoji Film City is actually like a township. To buttress its contentions, the petitioner relies upon the letter dated 03.02.2009 of the Deputy Commissioner of Labour wherein he had also stated about the establishments and factories located in Ramoji Film City. It also relies upon the letter dated 27.12.2008 of the Assistant Commissioner of Labour in which he had also stated that on 20.12.2008 he had inspected different establishments situate in the premises of Ramoji Film City. Thus, placing reliance on the contents of these letters also the petitioner contends that it is evident from the said letters of the officers of the 1<sup>st</sup> respondent's Department that 'Ramoji Film City' is a place where several establishments are located and that it is the name of a place and not an industry or an establishment by itself. Therefore, the first contention of the writ petitioner is that since Ramoji Film City is only name of a place, there cannot be a registration of a Trade Union with the name 'Ramoji Film City (Ushakiron Movies Ltd) Staff & Workers Union'. *Per contra* the defence of the 2<sup>nd</sup> respondent is that the allegation that Ramoji Film City is a vast expanse of land, which shelters many companies/outfits including the petitioner is not correct and that all the companies located in Ramoji Film City are called Ramoji Group of Companies headed by its Chairman Ch. Ramoji Rao and that Ramoji Film City is an industry and that it is not the name of a place as stated by the writ petitioner.

**8.2** The further contention of the petitioner is that at the time the Union had submitted an application for registration, there were no required number of employees and that even thereafter the required number of employees are not continuing as the members of the 2<sup>nd</sup> respondent Union. It is also its contention that the employees, if any, who had voluntarily signed at the time of the submission of application for registration of the Union, are all not the employees exclusively of the petitioner company and that some of them are outsiders and some of them are employees of other establishments/industries

located in the Film City area.

**8.3** Yet another contention of the writ petitioner, which is being seriously resisted by the 2<sup>nd</sup> respondent Union, is that the signatures of the employees that were obtained by the so called office bearers of the Union for some other purpose were pressed into service at the time of submitting the application for registration of the 2<sup>nd</sup> respondent Trade Union and that subsequently 61 employees together at one time and some more employees later had submitted two representations dated 06.01.2009 and 15.01.2009 stating therein the purposes for which their signatures were actually obtained and further stating that such signatures obtained from them were wrongly utilized for registering the Union and that, therefore, they have no connection whatsoever with the formation of the Union.

**8.4** In reply, the contentions of the 2<sup>nd</sup> respondent are as under: “A general body meeting was conducted on 10.09.2008; and, minutes were recorded and signed at that meeting by all the employees present of the Group called Ramoji Group of Companies and that the 1<sup>st</sup> respondent had directed the Deputy Commissioner of Labour to inspect the petitioner’s establishment and to verify as to whether all the applicants are the employees of the Ramoji Group of Companies and that after thorough inspection, the Officer concerned had submitted a report to the 1<sup>st</sup> respondent and that on receipt of such report, the 1<sup>st</sup> respondent had registered the 2<sup>nd</sup> respondent Trade Union after being satisfied that the statutory requirements are complied with and are duly satisfied.” The learned counsel for the 2<sup>nd</sup> respondent union would submit that the management of the petitioner company cannot water down the fundamental rights of the validly registered Union and seek cancellation of its registration, with the help of some so called employees and by making untenable allegations and that the action and the intended further action of the petitioner are in violation of the principles of natural justice and that the acts of the petitioner company are not only contrary to the provisions of the TU Act but are also in violation of Article 19 of the Constitution of India.

**8.5** As already noted, the 1<sup>st</sup> respondent justifies the action of the department in registering the 2<sup>nd</sup> respondent Trade Union and affirms that the Trade Union is registered by the Registrar on being satisfied that all the requirements of the TU Act have been complied with.

**8.6** The fact of the matter is that the writ petitioner had requested the 1<sup>st</sup> respondent to decide the issues raised by the petitioner company and some of the employees in their representations and decide the principal issue of the cancellation or otherwise of the 2<sup>nd</sup> respondent Union. However, the representations that were received are not disposed of by the 1<sup>st</sup> respondent and he had remained silent. As no action as contemplated under law is taken, the present writ petition is filed.

**8.7** It is apt to now refer to the following Sections of the Trade Union Act.

**Section 4: Mode of registration:** - (1) Any seven or more members of a Trade Union may, by subscribing their names to the rules of the Trade Union and by otherwise complying with the provisions of this Act with respect to registration, apply for registration of the Trade Union under this Act:

Provided that no Trade Union of workmen shall be registered unless at least ten per cent or one hundred of the workmen, whichever is less, engaged or employed in the establishment or industry with which it is connected are the members of such Trade Union on the date of making of application for registration.

Provided further that no Trade Union of workmen shall be registered unless it has on the date of making application not less than seven persons as its members, who are workmen engaged or employed in the establishment or industry with which it is connected.

(2) Where an application has been made under sub-section (1) for the registration of a Trade Union, such application shall not be deemed to have become invalid merely by reason of the fact that, at any time after the date of the application, but before the registration of the Trade Union, some of the applicants, but not exceeding half of the total number of persons who made the application, have ceased to be members of the Trade Union or have given notice in writing to the Registrar dissociating themselves from the application.

**Section 9A. Minimum requirement about membership of a Trade Union.** – A registered Trade Union of workmen shall at all times continue to have not less than ten percent or one hundred of the workmen, whichever is less, subject to a minimum of seven, engaged or employed in an establishment or industry with which it is connected, as its members.

**Section 10:** Cancellation of registration: A certificate of registration of a Trade Union may be withdrawn or cancelled by the Registrar –

- (a) on the application of the Trade Union to be verified in such manner as may be prescribed;
- (b) if the Registrar is satisfied that the certificate has been obtained by fraud or mistake or that the Trade Union has ceased to exist or has willfully and after notice from the Registrar contravened any provision of this Act or allowed any rule to continue in force which is inconsistent with any such provision or has rescinded any rule providing for any matter, provision for which is required by section 6;
- (c) if the Registrar is satisfied that a registered Trade Union of workmen ceases to have the requisite number of members:

Provided that not less than two months' previous notice in writing specifying the ground on which it is proposed to withdraw or cancel the certificate shall be given by the Registrar to the Trade Union before the certificate is withdrawn or cancelled otherwise than on the application of the Trade Union.

**8.8** Before proceeding further, it is advantageous to refer to the decision of this Court in **MRF Mazdoor Sangh, Ankenpally/Maddikunta Village v. Commissioner of Labour, Government of Andhra Pradesh**<sup>[1]</sup> wherein the relevant provisions of law of the TU Act are adverted to and the legal position was succinctly summarized. Keeping in view the factual context of the case on hand, it is necessary to note from the said decision, the following legal aspects. 'Section 8, which relates to registration provides that the Registrar, on being satisfied that the Trade Union has complied with all the requirements of the Act in regard to registration, shall register the Trade Union by entering in a Register, to be maintained in such form as may be prescribed, the particulars relating to the Trade Union contained in the statement accompanying the application for registration. Section 9, which relates to Certificate of Registration, lays down that the Registrar, on registering a Trade Union under Section 8, shall issue a Certificate of Registration in the prescribed form, which shall be conclusive evidence that the Trade Union has been duly registered under the Act. Section 9A, which

speaks about the minimum requirement of membership of a Trade Union, stipulates that a registered Trade Union of workmen shall at all times continue to have not less than ten per cent or one hundred of the workmen, whichever is less, subject to a minimum of seven, engaged or employed in an establishment or industry with which it is connected, as its members. Section 10 of the Act relates to cancellation of registration. As per the provision of this Section, a Certificate of Registration of a Trade Union may be withdrawn or cancelled by the Registrar: (a) on the application of the Trade Union to be verified in such manner as may be prescribed; (b) if he is satisfied that the certificate has been obtained by fraud or mistake or that the Trade Union has ceased to exist or has wilfully, and after notice from him, contravened any provision of the Act or allowed any rule to continue in force which is inconsistent with any such provision or has rescinded any rule providing for any matter, provision for which is required by Section 6 of the Act; and (c) if he is satisfied that a registered Trade Union of workmen ceases to have the requisite number of members. Under the proviso thereto not less than two months previous notice in writing, specifying the ground on which it is proposed to withdraw or cancel the certificate, shall be given by the Registrar to the Trade Union before the certificate is withdrawn or cancelled otherwise than on the application of the Trade Union. Upon a complaint being made, the Registrar has the power to cancel registration under Section 10 of the Act after making due inquiry. However, two months previous notice, specifying the ground of proposed cancellation, must have been issued for him to exercise jurisdiction to cancel the registration of a Trade Union. (See: **Tamil Nadu Government Press Workers Sangam, Madras v. First Trade Union Addl., Registrar (Deputy Commissioner of Labour (I), Madras** [2004 ILLJ 274 Mad]; **Mysore Iron and Steel Workers, Labourers' Association v. Commissioner of Labour and Registrar of Trade Unions, Bangalore** [1972 LIC 799]; **Tata Electric Companies Officers Guild v. Registrar of Trade Unions** [1994 ILLJ 225]; **(Association of Engineering Workers v. Dockyard Labour Union. [1995 Suppl.(4) SCC 544])**. In cases where the Registrar finds that fraud was played or an illegality was committed in the registration of a Union, he has also the power to recall his order. (**Ferolite**

**Highlight Kamgar Union v. Registrar, Trade Union, Evam Labour Commissioner, U.P. Kanpur** [2013 LLR 823 (All. HC)]. Regulation 6 of the Central Trade Union Regulations, 1938, and Regulation 8 of the A.P. Trade Union Regulations, 1927, require the Registrar, on receipt of an application for the cancellation of registration under Section [10\(a\)](#) of the TU Act, to satisfy himself that the cancellation of registration was approved by a general meeting of the Trade Union or, if it was not so approved, that it has the approval of the majority of the members of the Trade Union. The said Regulations enable him to call for such further particulars as he may deem necessary and to examine any officer of the Union.' Thus, under Section 10 of the TU Act, upon a complaint made, the Registrar has the power to withdraw or cancel a certificate of registration of a Trade Union after making due inquiry. And it is trite to observe that upon such an application being made, the Registrar is required to discharge his statutory duty as envisioned and ordained under law.

**8.9** After giving earnest consideration to the facts, the submissions and the legal position obtaining, it is apt to state that it would not be appropriate for this Court to examine whether 'Ramoji Film City' is a name of a place or a location or not and whether the contentions stated in the writ petition and the rival contentions stated in the counter affidavit of the 2<sup>nd</sup> respondent are correct or not as these are all matters for the Registrar concerned under the TU Act to enquire into and record his satisfaction thereafter. Similarly, the genuineness or otherwise of the statements of the workmen in the two representations made to the 1<sup>st</sup> respondent and the question whether or not they had participated in the general body meeting before the application seeking registration was submitted by the 2<sup>nd</sup> respondent Union are also matters for the said Registrar to consider and record his satisfaction on the said aspects after due enquiry. Be it noted that the issue in this writ petition is only the inaction of the 1<sup>st</sup> respondent in not acting upon the representations of the writ petitioner and the employees of the various organizations and, therefore, the contention that the employees, who made such representations, are necessary parties to this writ petition and the contention

of the 2<sup>nd</sup> respondent Union that the failure to array the said employees as respondents would necessitate the writ petition being dismissed for non joinder of necessary parties is devoid of merit. Since the said Registrar is empowered under the provisions of the TU Act to take an appropriate decision on the issues involved in the matter after due enquiry, there is no need to further dilate on the issues raised in the writ petition.

**8.10** For the aforesaid reasons, this court is satisfied that the writ petition can be disposed of with the following directions. The Writ Petitioner, if it so desires and if so advised, may, within a period of three (03) weeks from the date of the receipt of a copy of this order, submit an application afresh with all its submissions to the Registrar concerned under the Trade Unions Act with a request to withdraw or cancel the registration of the 2<sup>nd</sup> respondent Trade Union. On receipt of such application, the Registrar concerned shall take up that application and also the representations of the employees dated 06.01.2009 and 15.01.2009 already submitted and proceed to make a due enquiry in strict accordance with the procedure established by law and make a decision in regard to either withdrawal or cancellation of the registration of the 2<sup>nd</sup> respondent Trade Union as contemplated under law. It is made clear that even in the absence of any representation submitted by the writ petitioner afresh, the 1<sup>st</sup> respondent shall dispose of the aforesaid representations of the employees in accordance with the procedure established by law. It is made clear that the Registrar shall proceed in the matter in accordance with law uninfluenced by the observations, if any, in this order as this Court has not gone into the merits of the matter and has not expressed any views on any of the contentions of the parties.

**9.** The Writ Petition is, accordingly, disposed of, however, in the facts and circumstances of the case, without costs.

Miscellaneous petitions, pending if any, in the writ petition shall also stand dismissed.

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**M. SEETHARAMA MURTI, J**

23.12.2015

Note: LR Copy to be marked.  
(B/o)  
Vjl

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[\[1\]](#) 2014(2) ALD 573