

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2115 /2016

(Lal Zenda Coal Mines Mazdoor Union Nagpur vs. Western Coalfields Ltd.Nagpur and three others)

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

Court's or Judge's order

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Mr P. D.Meghe, Advocate for the petitioner-Union
Mr S.C.Mehadia, Advocate for the respondent nos.1 & 2

CORAM : **SMT. VASANTI A.NAIK &**
MRS.SWAPNA JOSHI, JJ.

DATED : **18th July, 2016**

Heard.

By this Writ Petition, the petitioner-Union challenges the part of the Circular dated 15.3.2016 that modifies the earlier Circulars and provides for deduction of membership fees.

It is the case of the petitioner-Union that there are five Unions in the respondent-Western Coalfields and as per the check-off system, if the names of certain employees find place in the list of more than one Unions, they are entitled to appear before the Verification Committee of the WCL, to state to which Union they actually belong. It is stated that if they fail to appear before the Verification Committee despite two notices, the membership fees of those employees would be deducted for all the Unions, in whose membership list,

their names are found. It is stated that the said action on the part of the Western Coalfields is bad in law.

It is stated on behalf of the respondents that the petitioner-Union should not be aggrieved by the impugned Circular, dated 15.03.2016, as though there are five Unions in the Respondent-WCL, only four Unions have participated in the check-off system. It is stated that the petitioner-Union is not a participant in the check-off system and hence the decision of the respondent-WCL would not adversely affect either the petitioner-Union or the members of the petitioner-Union. It is further stated that the Circular, dated 15.03.2016, is implemented and the membership fees of members, whose names appear in the membership list of more than one Union are deducted from their salary for the month of May. It is stated that none of the members whose fees have been deducted, have challenged the action and the petitioner-Union, which is not a participant in the check off system, has unduly filed the instant Writ Petition, challenging the impugned Circular.

We find much force in the submissions made on behalf of the respondent-WCL. If the petitioner-Union is not a participant in the check-off system, neither the petitioner-Union nor its members could be aggrieved by the impugned Circular, dated 15.03.2016. Since the petitioner-Union would not have a *locus standi* to challenge the Circular dated 15.03.2016, the Writ Petition is liable to be dismissed. Hence, we dismiss the same, with

no order as to costs.

JUDGE

JUDGE

sahare

C E R T I F I C A T E

“ I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order.”

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