

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION No.10322 of 2016

ORDER :

Vide the present petition, petitioner seek direction thereby issuing Mandamus to declare the letter bearing Lr.No.A/2345/2010, dated 11th August 2010 of the 2nd respondent as arbitrary, illegal and violative of Articles 14, 19 and 21 of Constitution of India and Section 10 of Trade Unions Act and Regulations made thereunder. Consequently set aside the same and direct the respondents to restore the registration of petitioner-Union.

Section 11 (1) of the Trade Unions Act, 1926 prescribes as under :

“11. Appeal :- (1) Any person aggrieved by any refusal of the Registrar to register a Trade Union or by the withdrawal or cancellation of a certificate of registration may, within such period as may be prescribed, appeal—

(a) where the head office of the Trade Union is situated within the limits of a Presidency town to the High Court, or

(aa) where the head office is situated in an area, falling within the jurisdiction of a Labour Court or an Industrial Tribunal, to that Court or Tribunal, as the case may be;

(b) where the head office is situated in any area, to such Court, not inferior to the Court of an additional or assistant Judge of a principal Civil Court of original jurisdiction, as the appropriate Government may appoint in this behalf

for that area.”

It is admitted fact that the office of the petitioner-Trade Union is situated in Guntur, Andhra Pradesh. Therefore, the jurisdiction to adjudicate the present issue lies with the Labour Court or Industrial Tribunal there. Accordingly, liberty is granted to the petitioner to approach the appropriate forum.

The writ petition is accordingly disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

SURESH KUMAR KAIT, J

21st July 2016

ajr