

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15602 of 2013

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1. Bihar State Hydro Electric Power Corporation Ltd., Sone Bhawan, 2nd Floor, Birchand Patel, Marg., Patna- 1, P.S- Sachivalay Patna, District- Patna through its Managing Director.
 2. Managing Director, Bihar State Hydro Electric Power, Sone Bhawan, 2nd Floor, Birchand Patel, Marg, Patna- 1, P.S- Sachivalay Patna District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Registrar-Cum-Labour, Commissioner, Labour Department, New Secretariat, Patna.
3. Bihar Rajya Ardha Sarkari Nikaya Padadhikari Sangh, a Registered Organization under Trade Union Act 1926, Shiv Colony, Raja Bazar, Patna- 800014 through its President namely Abhimanyu Prasad Verma S/O Late Bishnu Prasad Verma Resident Of Vivekanand Park, Police Station- Patliputra, District- Patna- 13

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shambhu Nath Choubey, Advocate

For the Respondent/s : Mr. Yogendra Pd. Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 16-03-2017

In the instant writ application, the petitioners seek a direction to be issued to respondent no. 2, the Registrar-cum-Labour Commissioner to cancel the registration granted to



respondent no. 3 in violation of the Trade Unions Act, 1926 (for short 'the Act').

2. It is submitted by the learned counsel for the petitioners that although Bihar Rajya Ardha Sarkari Nikaya Padadhikari Sangh has been registered under the Act and the registration number has also been allotted to it, the registration has been obtained by playing fraud.

3. On the other hand, learned counsel for respondent no. 3 submitted that the instant writ application is not maintainable as the petitioners have statutory remedy under Section 10 of the Act.

4. I have heard the parties and perused the record.

5. I find substance in the submission made by the learned counsel for respondent no. 3.

6. Section 10 of the Act reads as under :-

“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 —A certificate of registration of a Trade Union may be withdrawn or **cancelled** by the Registrar—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.”

(emphasis mine)

7. It would be evident from reading the aforesaid provision that the Registrar under the Act is empowered to withdraw or cancel certificate of registration of a Trade Union if the certificate has been obtained by fraud.

8. Admittedly, the petitioners have never approached the Registrar for cancellation of registration granted to the respondent no. 3 under the Act.

9. In view of the equally efficacious alternative statutory remedy being available to the petitioners, I am not



inclined to entertain the instant writ application.

10. It is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.03.2017
Transmission Date	NA

