

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 2406 of 2016

Along with
Interlocutory Application No. 9196 of 2016

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Sappers Welfare Association through its General Secretary namely Thakur Pramod Kumar S/o Late Rupnarayan Kumar its office situated at Mohalla Sudhi Tola, Mahendru, P.S. - Sultanganj, Town and District - Patna - 6.

.... Petitioner/s

Versus

1. The State of Bihar through Labour Commissioner, Labour Resources Department, Government of Bihar, Vikas Bhawan, Patna.
2. The Deputy Labour Commissioner, Bailey Road, Patna.
3. The Labour Superintendent, Bailey Road, Patna.
4. The Registrar, Trade Union, Bihar, Bailey Road, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shevendra Kishore, Sr. Advocate
For the State	:	Mr. M. N. H. Khan, S.C. 1
		Mr. Babita Kumari, A.C. to S.C. 1

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 14-09-2017

Heard learned counsel for the petitioner and State.

2. Though initially the writ petition has been filed for the
following relief:

“1. That this is an application for issuance of an appropriate writ and/or order direction the Respondents to issue Registration certificate of the Petitioner’s Association which was duly applied on 08.02.2013 and/or be pleased to declare its deemed registration as per the provision of Labour Law, 1926 after lapse of more than 240 days since the date of apply for it registration and/or pass such other order or orders as may be deemed fit and proper in the facts and circumstances of this case.”



but during the pendency of the writ petition an order has been passed by the competent authority as contained in Letter No. 756 dated 29.02.2016, rejecting the prayer to register the petitioner on the ground that it does not come within the definition of Section 2(h) of the Trade Union Act, 1926 (hereinafter referred to as the 'Act').

3. Having regard to the fact that a substantive order refusing registration has been passed and there is a provision in the Act itself for appeal against such refusal to register, the petitioner has to first avail of the same at this stage. Thus, Interlocutory Application No. 9196 of 2016, filed by the petitioner to assail the order dated 29.02.2016, in the present proceeding itself is not fit to be allowed and accordingly, the same stands dismissed.

4. Considering the issue in totality, the writ petition stands disposed off with liberty to the petitioner to avail the statutory forum under Section 11(1)(aa) of the Act, in accordance with law.

5. In view of the writ petition having been finally disposed off, the pending Interlocutory Application No.7687 of 2016 also stands disposed off.

6. Since, during the pendency of the writ petition, the order refusing registration has been passed i.e., 29.02.2016 and the writ petition is disposed off today, in all fairness, if the petitioner



invokes the statutory appellate forum within one month from today, the appeal shall be considered and disposed off on merits, without unsuiting the petitioner on the ground of the same not having been filed within the period prescribed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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