

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPL No. 237 of 2017

1. T.K. Chatterjee S/o Late S. K. Chatterjee, Aged About 76 Years (Dropped President, South East Central Railway, Majdoor Congress), R/o 503, Amba Park, Lingiyadih, Bilaspur Tahsil & District Bilaspur Chhattisgarh (Presently Elected And Registered President)
2. T. Manibabu S/o Late T. Appal Swanay, Aged About 71 Years (Dropped Working President, South East Central Railway, Majdoor Congress), R/o B-47, Saidham, Torwa Bilaspur, Tahsil & District Bilaspur Chhattisgarh (Presently Elected And Registered Working President)
3. K. S. Murty, S/o Late K. D. L. Murty, Aged About 76 Years (Dropped General Secretary, South East Central Railway, Majdoor Congress), R/o T/ 11/2, Babu Kholi, Bilaspur Tahsil & District Bilaspur Chhattisgarh (Presently Elected And Registered General Secretary))
4. D. K. Swain S/o Late R. Swain, Aged About 50 Years (Dropped Treasurers, South East Central Railway, Majdoor Congress), R/o 100/1, Bungla Yard, Bilaspur Tahsil & District Bilaspur Chhattisgarh (Presently Elected And Registered Treasurar)

---- Petitioners

Versus

1. Vijay Agnihotri S/o Shri M. L. Agnihotri, Aged About 47 Years (President- South East Central Railway, Majdoor Congress), Sai Dham Phase-II, Torwa Bilaspur, Tahsil & District Bilaspur Chhattisgarh (Presently Elected And Registered Joint Secretary)
2. Sameer Pandey S/o Shri R. K. Pandey Aged About 48 Years (Working President, South East Central Railway, Majdoor Congress), R/o Kelkar Para, Bilaspur, Tahsil & District Bilaspur Chhattisgarh (Presently Elected And Registered Additional Joint Secretary)
3. Pitamber Laxmi Narayan, S/o Shri Laxmi Narayan, Aged About 56 Years (General Secretary- South East Central Railway, Majdoor Congress), R/o Moibag, Nagpur Maharastra (Presently Elected And Registered Joint Secretary)
4. Rabindra Kumar Dhal S/o R. C. Dhal, Aged About 45 Years (Central Treasurer, South East Central Railway, Majdoor Congress), R/o Ahmad Gali, Kasim Para, Bilaspur Tahsil & District Bilaspur Chhattisgarh (Presently Elected And

Registered Joint Secretary)

5. Registrar, Trade Union II Nd Floor, Indravati Bhawan, Naya Raipur District Raipur Chhattisgarh
6. S. E. C. Railway, Through Chief Personal Officer, Zone Office, Bilaspur Chhattisgarh

---- Respondents

For Petitioners	:	Shri N.K. Vyas, Advocate
For Respondent No.1 & 2	:	Shri S.C. Verma, Advocate
For Respondents No. 3 & 4:	:	Shri KPS Gandhi, Advocate
For Respondent No.5	:	Shri Satish Gupta, Govt. Advocate
For Respondent No.6	:	Shri H.S. Ahluwalia, Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/11/2017

1. Though the matter is listed for orders on application for grant of interim relief, with the consent of learned counsel appearing for the parties, the matter is heard finally.
2. Learned counsel for the petitioners would submit that the Industrial Tribunal has completely exceeded its jurisdiction in issuing certain direction without any adjudication in the matter. He would submit that the power under Section 28-J of the Trade Union Act, 1926 (in short "*the Act*") could be invoked only to decide the dispute in accordance with the provision contained in Section 28-J of the Act and not for any other purpose.
3. Learned counsel for the respondents would submit that initially when the Registrar, Trade Union found that the elected office bearers were not acting in accordance with the Bylaws and committing serious illegality, certain directions were issued on 4.7.2017 and aggrieved partly by that order, an application under Section 28-J of the Act was filed before the Tribunal. He submits that irrespective of the title, the Tribunal did have jurisdiction to issue directions because all these directions were only according to what was already directed by the Registrar vide its order dated 4.7.2017.

4. After hearing learned counsel for the parties, I find that the Industrial Tribunal without any adjudication whatsoever, having rejected stay application, has proceeded to issue certain direction and then closed the matter. Therefore, the order of the Tribunal appears to be in excess of jurisdiction. Therefore, the impugned order is set aside and the matter is remitted to the Industrial Court to frame proper issue, allow parties to lead oral and documentary evidence and then adjudicate the matter and pass appropriate order in accordance with law.
5. The petition is accordingly allowed.

Sd/-
(Manindra Mohan Shrivastava)
Judge