

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (L) No. 29 of 2017**

Sanjay Kumar Singh S/o Shri R.P. Singh Aged About 46 Years
Executive Chairman, Bharat Alluminium Majdoor Sangh (INTUC),
Korba, R/o Champa, District- Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

1. J.P.Dhritlahre S/o Bhurawa General Secretary, Bharat Aluminium Majdoor Sangh Quarter No. 799/5/a, Balco, Korba, District Korba, Chhattisgarh
2. M.R. Nayak General Secretary (Now Resigned) Bharat Aluminium Majdoor Sangh Quarter No.159, Type-B, Sector-1, Balco, Korba, District Korba, Chhattisgarh.
3. Gvn Raju Treasurar, Bharat Aluminium Majdoor Sangh, Sector-1, Type-B, Balco, Korba, District Korba, Chhattisgarh.

---- Respondents

For Petitioner : Shri SP Kale, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

07/02/2017

1. The present petition has been filed seeking for a direction that the matter pending before the Industrial Court i.e. Misc. Case No.2/CGIR/III/2016 be closed as become infructuous.
2. At the very initial stage of argument, learned counsel for the petitioner fairly submits that subsequent to the filing of this petition, the Industrial Court has rejected the application which has been filed by the petitioner vide order dated 27.01.2017 and therefore, the matter stands closed. The petitioner's only apprehension is that while rejecting the application, the court has not mentioned the fact that the application, by efflux of time, had become infructuous.
3. According to counsel for the petitioner, the case revolves around the original order dated 25.02.2016 passed in Trade Union case

No.1/ITU/I/2015 wherein suit under Section 28J of the Trade Union Act was disposed of with a direction to the respondents therein to conduct an election within a period of three months. However, since the election could not be conducted within the time granted, he had filed a Misc. application seeking extension of time before the Industrial Court which was registered as Misc. Case No. 2/CGIR/III/2016. After filing of Misc. application before the Industrial Court, the election were also duly conducted on 18.07.2016 and necessary intimation have also been sent to the Registrar, Trade Union, and such, the order of the Industrial Court dated 25.02.2016 stands fully complied with though there is delay of two months time but it stands honoured. As such, the application before the Industrial Court seeking extension of time thus, had become infructuous and the court should have dismissed the Misc. application accordingly.

4. In the facts and circumstances of the case for the reason that the order dated 27.01.2017 is not under challenge before this court or assailed during the course of argument, we do not intend to interfere with the order dated 27.01.2017 for the said reason also. However, taking into consideration the fact that elections have subsequently been held, this court only makes an observation that even if the application would not have been rejected by the Industrial Court, the same is rendered infructuous in the light of subsequent elections which have been conducted on 18.07.2016.
5. Accordingly, the petition stands disposed of.

Sd/-
(P.Sam Koshy)
Judge