

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO.136 OF 2008
IN
WRIT PETITION NO.2724 OF 2006

Shirur Taluka Sakhar Kamgar Sangh .. Appellant
-Versus-
The Assistant Registrar of Trade Unions
and Ors. .. Respondents

Mr. Anand Pai with Divya Ladoya, A.K.Gopalan i/b. Haresh Mehta &
Co. for appellant
Mr. P.M.Patel for respondent No.3.

CORAM : V.M.KANADE &
N.M.JAMDAR, JJ.

DATE : 12th June 2017.

P.C.

1] Heard learned Counsel for appellants and learned Counsel for respondent No.3. The appellant is Shirur Taluka Sakhar Kamgar Sangh and the respondent No.3 is Shirur Taluka Sakhar Kamgar Sabha.

2] The dispute between these two unions is whether the appellant has the majority of members or the respondent No.3 has

the majority. An application was filed before the Assistant Registrar of Trade Unions under Trade Unions Act, 1926 and Bombay Industrial Relations Act, 1946. The said authority directed the respondent No.1 to lead evidence. Accordingly, the evidence was led. There was some dispute whether some Badli or temporary workers could be treated as members for the purpose of calculating the strength of the Union. The Assistant Registrar passed an order partly in favour of respondent No.3 and held that respondent No.3 had majority of members and they are entitled to be registered under section 16 of the Act as recognised union. The appellant preferred an appeal before the Industrial Court. The Industrial Court also, after going through the entire record, confirmed the order of the Assistant Registrar and dismissed the appeal of the appellant. The appellant filed a petition against the said concurrent findings of fact recorded by both the authorities.

3] The learned Single Judge of this Court, however, confirmed the order of the lower authorities by judgement and order dated 25th June 2007.

4] By the time this appeal has come up for hearing, almost more than eight years have passed. Learned Counsel for appellant has raised several contentions challenging the order passed by the learned Single Judge and the lower authorities on various grounds.

5] In our view, since much time has lapsed after initial order was passed by the Assistant Registrar, if the appellant still contends that they have the majority of members in the Union, we feel that in the interest of justice, it will be appropriate if leave is granted to the appellant to file fresh application before the Assistant Registrar. If such an application is filed, it will be considered on merits. Needless to state that all the contentions raised by appellant and respondent are kept open and the matter will be decided on its own merits and in accordance with law. With these directions the petition is disposed of.

(N.M.JAMDAR, J)

(V.M.KANADE, J.)