

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.26731 of 2017
Date of Decision: 07.12.2017

Hindustan Dowiat (Everest) Majdoor-Union

. . . . Petitioner

Vs.

State of Haryana and others

. . . . Respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.Amit Aggarwal, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner has challenged the order dated 26.10.2017 by which the registration of the petitioner has been cancelled by the Registrar/respondent No.2.

In brief, the petitioner is a registered Union called the Hindustan Dowiat (Everest) Majdoor-Union of the employees, who were working in M/s Hindustan Everest Tools Limited, Sonapat. The Labour Commissioner-cum-Registrar, Trade Union, Haryana informed the petitioner vide the impugned order dated 26.10.2017 that since the industry M/s Hindustan Everest Tools Limited has been permanently closed w.e.f. 15.12.2016, therefore, the Union cannot be allowed to continue.

Learned counsel for the petitioner has submitted that the demand notices under the Industrial Disputes Act, 1947 [for short 'the Act'] and the claims/appeals under the Payment of Wages Act, 1936 are pending before the various authorities, therefore, the registration of the Union may not be cancelled but the impugned order was passed in terms of Section 4 (1)

of the Trade Unions Act, 1926 on the ground that no member of the Union is employed or engaged in the industrial establishment in question.

Learned counsel for the petitioner has reiterated the stand taken before the Labour Commissioner-cum-Registrar, Trade Unions. In view of the fact that none of its members were engaged in the industrial establishment, therefore, the registration of the petitioner has rightly been cancelled. Consequently, I do not find any reason to interfere in this petition and the same is hereby dismissed though without any order as to cost.

07.12.2017

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No