

CWP-3559-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-3559-2017.

Decided on: February 23, 2017.

Paledar Union, Mal Bros. International Pvt. Ltd.

.. Petitioner(s)

VERSUS

State of Punjab and others

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Ms.Anupam, Advocate,
for the petitioner.**

M.M.S. BEDI, J. (ORAL)

Petitioner-Union seeks registration under the Trade Unions Act, 1926, but vide order Annexure P1, dated 3.9.2015, passed by the Labour Commissioner, Punjab, the registration has been refused.

The petitioner-Union had earlier approached this Court and it was relegated to avail the alternative remedy.

This petition has been filed, inter alia, on the ground that the appeal against order dated 3.9.2015, has been filed before the Principal Secretary, Department of Labour, Government of Punjab, vide Annexure P13 dated 4.8.2013 and subsequent reminders Annexure P14 dated 10.10.2016 and Annexure P15 dated 21.11.2016, have also been sent.

Notice to the Advocate General, Punjab.

On asking of the Court, notice has been accepted by

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Ms.Anu Pal, Asst. A.G., Punjab, present in the Court. Copy given.

The petitioner-Union has a statutory right under Section 11 of the Trade Unions Act, 1926, to have the matter adjudicated upon by the Appellate Authority. It is only against the order of the Appellate Authority that High Court can intervene as per the provisions of Section 11 (4) of the Trade Unions Act, 1926. The writ petition appears to be premature and not maintainable.

This petition, in the interest of justice, is disposed of with a direction that in case the petitioner-union moves an application before the competent authority as provided under Section 11 of the Trade Unions Act, for final decision of the appeal Annexure P13 dated 4.8.2013, the same would be decided within a period of two months after the receipt of a certified copy of this order.

It will be the duty of the petitioner-Union to communicate the order to the competent authority which in the present case appears to be the Principal Secretary, Department of Labour, State of Punjab.

(M.M.S. BEDI)
JUDGE

February 23, 2017.

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Whether speaking / reasoned
Whether reportable:

Yes / No
Yes / No