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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 6228/2017

FEDERATION OF CENTRAL WAREHOUSING  
CORPORATION EMPLOYEES UNION

..... Petitioner

Through: Mr Shanker Raju and Mr Nilansh  
Gaur, Advocates.

versus

CENTRAL WAREHOUSING CORPORATION  
& ORS.

..... Respondents

Through: Mr K. K. Tyagi, Mr I. Ahmad and Mr  
Anoop Kumar, Advocates for R-1.  
Mr Brajesh Kumar, Advocate for R-3.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

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**24.07.2017**

**CM No. 25857/2017**

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner, which is a trade union registered under the Trade Union Act, 1926 – has filed the present petition, *inter alia*, praying as under:-

- “a) Quash and set aside the impugned Notice dated 17.07.2017 (***Annexure P-1***) and to further direct respondents No.1 and 2 to allow the petitioner’s Federation to utilize the official accommodation provided to the petitioner till, the Secret Ballot Election to be held or finalized and also with

directions to the respondents No.1 and 2 to allow the Members of Federation other than office bearers to access to the official accommodation of the Federation and their entry should not be restricted by the above mentioned respondents;”

4. The petitioner impugns an order dated 17.07.2017 whereby the petitioner has been called upon to produce the allotment letter/extension letter permitting the petitioner to continue in occupation of a room in the office of respondent no. 1 (CWC) at, SCOPE Minar, Core-3, 1<sup>st</sup> Floor, Laxmi Nagar, District Centre, Delhi failing which the petitioner would not be allowed to occupy the said room.

5. It is stated by the petitioner that the petitioner union has been occupying the aforesaid room since past several years and such facility was provided by CWC on account of it being a registered trade union. The petitioner further claims that it is being evicted to favour another union.

6. The learned counsel for the petitioner has also drawn the attention of this Court to a policy adopted by CWC for providing an office room to recognised unions. The relevant part of the said policy reads as under:-

“3. The provision of office/room to recognized union is non obligatory and there is no statute in India to provide office room to union. However, the management may consider, if feasible to provide modes office accommodation to recognized Federation/Union.

4. The following parameters may be followed for allotment of office accommodation to the recognized Federation / Union:-

i) This policy shall be implemented from the date of

issue of circular and existing arrangement shall continue till the status of the Federation / Union is altered.

- ii) The facility of office room may be provided to the recognized Federation / Union, subject to availability of space at concerned Regional Office.
- iii) The recognized union operating in more than one Region / State may be provided the facility of one office room in each Region subject to the recommendation of the concerned Regional Manager and availability of the space.
- iv) No separate telephone will be provided. However extension of PABX line may be provided.
- v) The recognized Federation / Union shall have to submit an undertaking in the Performa (**Annexure-A**) before allotment of the union room.
- vi) The allotment of office room to the recognized Federation / Union shall only be made with the approval of competent authority which shall be as under:-

- |                              |                                                             |
|------------------------------|-------------------------------------------------------------|
| a) At Corporate Office level | Director (Personnel)                                        |
| b) At Regional Office level  | Director (Personnel) on the recommendation of concerned RM" |

7. The learned counsel appearing for CWC states, on instructions that CWC is seeking recovery of the said room particularly for the reason that it requires it for its own purpose. He has unequivocally stated that the petitioner union is not being evicted to provide the said room to another

union as is apprehended by the petitioner.

8. In the aforesaid circumstances, it is apparent that the controversy involved in the present petition does not relate to the recognition of rival unions or as to which union represents a majority of the workmen. The only question to be considered is whether the petitioner has any right or interest to occupy the room in question.

9. In the first place, no document is placed on record, which would support the petitioner's contention that it was allotted the said room. However, even if it is accepted that the petitioner was permitted by the concerned officers to occupy the room in question – as it appears was the case – the same would not give any right to the petitioner to insist on continuing to occupy the same. At best, the petitioner would be a gratuitous licensee and thus acquired no right or interest in the property and, therefore, can be evicted by CWC at will. The policy for providing space to registered union also clearly indicates that the facility and office room *may* be provided *subject to availability of space* at the concerned office. The opening paragraph of the policy also indicates that the provision of office room is non obligatory.

10. In the circumstances, the relief as sought for by the petitioner cannot be granted.

11. The petition is, accordingly, disposed of.

**VIBHU BAKHRU, J**

**JULY 24, 2017**

**MK**