

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 531 of 2017**

*{Arising out of order dated 12.10.2017 passed by learned Single Judge in Writ Petition
(L) No. 211 of 2007}*

1. P.K. Rai, S/o Late Shri Rajmangal Rai, aged about 65 years, General Secretary – South Eastern Koyla Majdoor Congress (INTUC) Post North Jhagrakhand Colliery, Ward No. 15, Police Station – North Jhagrakhand, District Korea (C.G.)
2. Dr. G. Sanjeeva Reddy, S/o Late Shri Achi Reddy, aged about 86 years, President – South Eastern Koyla Majdoor Congress (INTUC), 04 Bhai Veer Singh Marg, Sharmik Kendra, New Delhi – 110001.

---- Appellants**Versus**

1. Registrar of Trade Unions, Block No.3, Second Floor, Indrawati Bhawan, New Raipur (C.G.)
2. Shri Gopal Narayan Singh, Expelled President of South Eastern Koyla Mazdoor Congress (INTUC), Qtr. No. 2B/34, J.P. Colony, South Eastern Coalfields Limited, Korba (C.G.)
3. Shri Sampat Kumar Shukla, Expelled Executive, Member of South Eastern Koyla Mazdoor, Congress (INTUC), R/o Qtr. No.16, Babu Line, Norojabad, District Umaria (M.P.)
4. Shri A.K. Sharma, Member Judge, Industrial Court, Bench Bilaspur (Chhattisgarh)

---- Respondents

For Appellants	:	Shri S.C. Verma, and Shri Harshwardhan Parganiha, Advocates.
For Respondent No.1/State:		Shri A.S. Kachhwaha, Additional Advocate General.
For Respondent Nos.2 and 3:		Dr. N.K. Shukla, Senior Advocate assisted by Smt. Ayetri Sengupta, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu
Judgment on Board

Per Ajay Kumar Tripathi, Chief Justice

13.12.2018

1. Heard counsel for the Appellants, learned Additional Advocate General for the State and learned Senior counsel for Respondent Nos. 2 and 3.

2. The view taken by the learned Single Judge is in the following words which formed the reason for dismissal of the writ application:

“Present is a petition under Article 227 of the Constitution of India arising out of an interim order. The claims and counter claims of the petitioners and respondents 2 and 3 are based on disputed questions of fact. However, considering that presently the Form-E of respondents 2 and 3 has been registered by the Registrar and that even without there being any order of the Industrial Court, respondents 2 and 3 were otherwise entitled to operate their bank accounts, I am not inclined to grant interim relief as prayed for by the petitioners. Therefore, I.A.No.1 is rejected. It is however, directed that respondents 2 and 3 shall submit monthly statement with regard to the purpose for which funds have been utilised along with statements of the amount withdrawn by them and where that amount was utilised.”

3. We find no merit to interfere with the order of the learned Single Judge. Appeal is dismissed. The parties are free to get the case decided before the Industrial Tribunal on merits.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge