

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 8158 of 2018

Date of decision : 23.10.2018

Sucha Singh & ors.

....Petitioner

V/s

Registrar Trade Union Punjab & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. M.S. Longia, Advocate for the petitioners.

Mr. Shires Gupta, Sr. DAG Punjab.

Ms. Kuljit Kaur, Advocate for respondent no. 5.

RAJAN GUPTA J.

Petitioner has posed a challenge to order dated 19.03.2018 passed by Labour Commissioner, Punjab. Operative part thereof reads as under:-

“Keeping in view of above mentioned facts it is the remark of this office that election of the Union should have been held each year as per clause 10 of the Constitution of the Union, which has not been conducted since August 2013 till date i.e. till 08.10.2017. Sh. Harwinder Singh and Jagmohan Singh Group when conducted the election and in this regard sent information to this office then the other party in the month of November 2017 informed this office regarding election of the Union. Which clearly goes to show that the election which was held on dated 08.10.17 by the first party Sh. Harwinder Singh and Sh. Jagmohan Singh Group, is correct and valid. In case any party has any doubt then he can approach civil court as per clause 21 as reproduced herein above.”

At the outset learned State counsel submits that aforesaid order is not executable in nature. Thus, it can only be construed to be an opinion expressed by the Labour court. In view of Clause 21, parties are at liberty to invoke jurisdiction of the civil court in case any cause of action arises.

In view of above, counsel for the petitioner submits that he may be allowed to withdraw this petition with liberty to avail appropriate remedy.

Dismissed as withdrawn with aforesaid liberty.

October 23, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No