

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.14058 of 2019

ORDER::

This writ petition is filed seeking to issue an appropriate order or direction, more particularly one in the nature of writ of Mandamus declaring the impugned proceedings of the 3rd respondent vide Lr.No.A/914/2017, dated 29-04-2019 in rejecting the union registration of the petitioner-union on one pretext or other, even though the petitioner union has submitted all the necessary documents for registration and in spite of fact that after verifying the documents submitted by the petitioner, the Assistant Commissioner of Labour, Ranga Reddy has recommended for registration of the Union by proceeding dated 09-09-2017 as being illegal, arbitrary, unjust, discriminatory, contrary to the rules, violation of principles of natural justice and violative of Articles 14, 16, 21 of the Constitution of India and consequently set aside the rejection order passed by the 3rd respondent with a direction to register the petitioner's union basing on the application submitted on 18-08-2017 as per the provisions of the Trade Union Act, in the interest of justice.

02. Heard the learned counsel for the petitioner and the learned Government Pleader for labour.

03. Learned Government Pleader for Labour raised an objection stating that the petitioner has an efficacious alternative remedy of filing appeal against the impugned order under Section 11 (1) (aa) of the Trade Unions Act, 1926. Section 11(1) (aa) of the Trade Unions Act, 1926, reads as under:-

“Section 11 (1)-Any person aggrieved by any refusal of the Registrar to register a Trade Union or by the withdrawal or

cancellation of a certificate of registration may, within such period as may be prescribed, appeal—

(aa) where the head office is situated in an area falling within the jurisdiction of a Labour Court or an Industrial Tribunal, to that Court or Tribunal, as the case may be.”

04. In the light of the above provision of law and an appeal is provided against the impugned order, without expressing any opinion on the merits of the matter, the writ petition is disposed of reserving liberty to the petitioner to avail the alternative remedy available under the above provision of law. Consequently, the connected miscellaneous petitions, if any, pending are disposed of. There shall no order as to costs.

Dated: 10-07-2019
NRG

A.RAJASHEKER REDDY, J



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