

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

**CWP-1338-2019 (O&M)
Date of Decision:18.01.2019**

Nangal Khad Factory Mazdoor Dal (Regd.) ... Petitioner

Versus

National Fertilizers Limited & others ... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Madan Lal Saini, Advocate for the petitioner.

Mr. Vipin Mahajan, Advocate for respondent No.1/caveator.

Mr. Naveen Batra, Advocate for respondent No.4/caveator.

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TEJINDER SINGH DHINDSA, J. (ORAL)

Counsel admits that there are five registered Trade Unions pertaining to National Fertilizers Limited Nangal Unit Naya Nangal, District Roopnagar.

Petitioner/the Nangal Khad Factory Mazdoor Dal (Regd.) is one amongst the five registered Unions.

Instant petition has been filed by the petitioner/Union through Harpreet Singh, who claims himself to be the President of such Union.

Challenge in the instant petition is to the minutes of meeting dated 27.12.2018 (Annexure P-7) as also 09.01.2019 (Annexure P-9) of the Returning Officer and the Deputy Chief Labour Commissioner, Chandigarh pertaining to holding of elections as regards recognition to be accorded to one of the Unions under the National Fertilizers Limited. Further prayer in the instant writ petition is for issuance of a mandamus to direct respondent No.2 to consider Harpreet Singh to be the President of Nangal Khad Factory

Mazdoor Dal.

I have heard counsel for the petitioner as also counsel representing respondent Nos.1 and 4/caveators.

Perusal of the impugned proceedings would reveal that there is a dispute within the Nangal Khad Mazdoor Dal Union. In the proceedings held on 27.12.2018 as also 09.01.2019 (Annexures P-7 and P-9 respectively) before respondent No.2, both the factions of Nangal Khad Mazdoor Dal were duly represented. Apparently, one faction is headed by Harpreet Singh who claims himself to be the President and who has filed the instant petition. The other faction is headed by Kuldeep Singh/respondent No.4 herein. The factum of there being two factions within the petitioner/Union is apparent from the proceedings recorded in the impugned orders at Annexures P-7 and P-9.

During the course of hearing today, Mr. Naveen Batra, learned counsel has adverted to the Constitution of the petitioner/Nangal Khad Factory Mazdoor Dal and the contents of which have not been disputed by counsel representing the petitioner.

Clause 14 of the Constitution governs Intra Union Rivalry Disputes. It is provided therein that in case of any dispute within the Union, the decision of the affiliated Regional/Central Organization will be final and acceptable and in the eventuality of no affiliation with any Regional/Central Organization, the decision of the Registrar of the Trade Union, Punjab will be final.

In the considered view of this Court, the prayer raised in the instant petition seeking directions to respondent No.2 to recognize the present petitioner, namely, Harpreet Singh as President of the Nangal Khad

Factory Mazdoor Dal, is wholly misconceived.

As per Constitution of the petitioner/Union, an Intra Union Rivalry has to be resolved in terms of reference of the dispute to any affiliated Regional/Central Organization. Court has been apprised that there is no affiliated Regional/Central Organization pertaining to the petitioner/Union. Under such circumstances, the Forum for raising of the dispute in the nature of like has to be before the Registrar of the Trade Union, Punjab as per Constitution of the petitioner/Union itself.

In view of the above, no basis for intervention is made out by this Court in exercise of its writ jurisdiction.

Petition is dismissed.

It would be open for the petitioner/Union to take resort to remedies as per provisions of the Constitution of the Union. It is clarified that this Court has not examined the Intra Union Dispute on merits.

18.01.2019

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |