

HIGH COURT OF CHHATTISGARH AT BILASPUR**Second Appeal No. 20 of 2009**

Bhartiya Khadan Mazdoor Sangh, Bishrampur, Distt. Surguja, Chhattisgarh Through Shri Mathura Prasad Gupta (General Minister) S/o Shri Santosh Ram Gupta, Aged about 54 years, R/o Bishrampur, Qrt.No. 1B/84, Tahsil Surajpur, Distt. Surguja, Chhattisgarh.

---Appellant/Plaintiff

Versus

South Eastern Coalfields Ltd. Bilaspur, Chhattisgarh Through Director (Personnel) S.E.C.L. Sipat Road, Bilaspur, Chhattisgarh.

--- Respondent/Defendant

For Appellant :- Mr. Keshav Gupta, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

19/08/2020

1. Proceedings of this matter have been taken up through video conferencing.
2. Heard on admission and formulation of substantial question of law in this second appeal preferred by the appellant/plaintiff under Section 100 of the CPC against the impugned judgment and decree passed by the first appellate Court affirming the

judgment and decree by which the trial Court dismissed the suit.

3. Mr. Keshav Gupta, learned counsel for the appellant/plaintiff, would submit that both the Courts below have concurrently erred in holding that plaintiff is not entitled to maintain industrial relations with the defendant SECL by recording a finding which is perverse and contrary to the record, as such, the appeal deserves to be admitted by formulating substantial question of law for determination.

4. Plaintiff is a union of employees registered under the provisions of the Trade Union Act, 1926 who filed the suit that he used to correspond with the defendant SECL and presented the disputes and grievances of the workers working under SECL in concerned areas and the defendant SECL was also maintaining their industrial relations and considering the grievances of the workers presented before them by the plaintiff union, but since the year 1998, without assigning any reason, the defendant SECL has stopped maintaining any industrial relation with the plaintiff union.

5. Defendant SECL filed its written statement and stated that Akhil Bhartiya Khadan Mazdoor Sangh by its letter dated 06/06/1998 (Ex. D/5) had informed the defendant that from now onwards the representation of Bishrampur, Baikunthpur and other areas will be done by Bhartiya Koyla Khadan Mazdoor Sangh and not by the plaintiff union, so the defendant SECL had stopped any industrial correspondence with the plaintiff.

6. Learned trial Court relying upon the letter dated 06/06/1998 (Ex. D/5) dismissed the suit which has been affirmed by the first appellate Court in the appeal preferred by the plaintiff.

7. Both the Courts below have clearly and categorically held that since the Central Union i.e. Akhil Bhartiya Mazdoor Sangh vide Ex. D/5 informed the defendant that the concerned areas will no more be represented by the plaintiff, they could not be allow the plaintiff to continue correspondence with them and so they the defendant stopped maintaining industrial relations with the plaintiff.

8. The finding recorded by the trial Court affirmed by the first appellate Court, that only on the basis of the representation made by the Central

Union (Ex. D/5) stating that the grievances of the workers of the concerned areas will no more be represented by the plaintiff, the defendant has stopped all sorts of correspondence with the plaintiff and has also stopped maintaining the industrial relations with the plaintiff, is a finding of fact based on evidence available on record which is neither perverse nor contrary to the record.

9. The second appeal, being devoid of merits, deserves to be and is accordingly dismissed *in limine* without notice to the other side. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet