

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPL No. 61 of 2018**

R.D. Chandra S/o S/o Shri Mayaram Chandra, Aged About 62 Years R/o
Bela Kachar, Balco Nagar, Thana Balco Nagar, District Korba Chhattisgarh.
---- **Petitioner**

Versus

1. S.N. Baanarjee S/o S/o Shri Sambijhunath Banarjee, General Secretary- Bharat Aluminum Employees Union, R/o Shailendra Shaili Bhawan, Gurudwara Road, Sector-6, Type-2, Balco Nagar, Police Station Balco Nagar, District Korba Chhattisgarh.
2. Sukhendu Ghosh S/o S/o Late Shri S. Ghosh, Ex-President, Bharat Aluminium Employees Union, R/o 124 Sector-1, Balco Nagar, Police Station District Korba Chhattisgarh.
3. Amit Gupta S/o S/o Late Shri Rajesh Gupta, Ex-Deputy General Secretary, Bharat Aluminium Employees Union, R/o 496-/a5 Balco Nagar, Police Station Balco Nagar, District Korba Chhattisgarh
4. Bharat Aluminum Employees Union, Through General Manager, Police Station Balco Nagar, Korba (Chhattisgarh)
5. Bharat Aluminium Employees Union, Registration No. 4124, Shailendra Shaili Bhawan, Gurudwara Road, Sector-6, Type-2, Balco Nagar, Police Station- Balco Nagar, District Korba (Chhattisgarh)
6. Registrar Of Trade Unions, Block No.3, Second Floor, Indrawati Bhawan, Naya Raipur, District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. R.D. Chandra, Petitioner in person
For State	:	Mr. Kapil Maini, Panel Lawyer
For Intervenor	:	Mr. Anup Majumdar, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

22/02/2021

1. The petitioner herein Mr. R.D. Chandra has entered appearance in person and prays that he wants to withdraw the writ petition and for which he has already moved an application i.e. I.A. No.3.
2. At this juncture, Mr. Anup Majumdar, Advocate entering appearance on behalf of an intervenor raises an objection that the petitioner

when he had filed a writ petition he had filed it on behalf of a Trade Union, in which he was an office bearer and now subsequent to his being removed from the membership of the said Trade Union, he has at the behest of the management moved his application for withdrawal of the writ petition. The intervenor also pointed out that there was already an application earlier moved by the petitioner himself for substituting the subsequent office bearer as necessary party petitioner to the writ petition in place of the petitioner and therefore the intervenor should be permitted to continue with the writ petition.

3. Perusal of the writ petition would show that the writ petition was filed in the individual capacity in the name of the petitioner himself namely R.D. Chandra. He had not filed the writ petition in a representative capacity representing any association or any trade union in particular.
4. Under the circumstances, if the petitioner at a subsequent date is not interested to pursue with the writ petition, the same cannot be held back under any circumstances and the petitioner would have the liberty of withdrawing the writ petition. However, in the event if the intervenor's grievance still survives or if the intervenor has any further grievance from the management or inter-se between the office bearers of the union, the intervenor would be at liberty to raise an issue afresh and in that circumstances, they would be at liberty to explain the delay part in not challenging the order of the Industrial Court whereby the order of the Registrar was under challenge.
5. With the aforesaid liberty to the intervenor, the writ petition stands

withdrawn. All pending applications also stands disposed of as not pressed and all the interim reliefs, if any passed by this Court, would also stand vacated.

Sd/-
(P. Sam Koshy)
Judge

Ved