

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 5220 of 2021**

Mahendra Kumar S/o Late Shr Sukhi Ram Aged About 54 Years R/o Quarter No. Type 2/72, Near Bus Stand Kirandul, District Dantewada Chhattisgarh.

---- Petitioner**Versus**

1. National Mineral Development Corporation Limited Through Its Director (Personnel), National Mineral Development Corporation Ltd. Khanij Bhawan, 10-3-311/a, Castle Hills, Masab Tank, Hyderabad, District Hyderabad Telangana.
2. The Registrar Trade Union Act And Deputy Commissioner, Labour, Department Of Labour, Indravati Bhawan, New Raipur, Raipur, District Raipur Chhattisgarh.
3. Metal Mines Workers Union (Intuc) Through The Special Committee Registration No. 1705, Address Quarter No. 356/d.S./type -3, Subhash Nagar, Bacheli, District Dantewada Chhattisgarh.
4. Shri Ashish Yadav General Secretary, Metal Mines Workers Union (Intuc) Registration No. 1705, Address Quarter No. 356/d.S./type -3, Subhash Nagar, Bacheli, District Dantewada Chhattisgarh.
5. Shri. L. Ramesh Election Officer Metal Mines Workers Union (Intuc), Registration No. 1705, Address Quarter No. 356/d.S. /type -3, Subhash Nagar, Bagheli, District Dantewada Chhattisgarh.
6. Union Of India Through The Secretary, Ministry Of Labour And Employment, Government Of India Shram Shakti Bhawan, Rafi Marg, New Delhi 110001 (India).
7. State Of Chhattisgarh Through The Secretary, Department Of Labour, Indravati Bhawan, New Raipur, Raipur District Raipur Chhattisgarh.

---- Respondents

For Petitioner/s	:	Mr. Ishan Verma, Advocate
For Res. no.1	:	Mr. Vaibhav Shukla, Advocate
For Res. no.2 & 7	:	Mr. Rahul Jha, GA
For Res. no.4	:	Mr. S. P. Kale, Advocate
For Res. no.6	:	Mr. Tushar Dhar Diwan, on behalf of Mr. Ramakant Mishra, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****16/12/2021**

1. The challenge in the present writ petition is to the alleged denial of the membership of the petitioner to the respondent no.3 trade union in operation under respondent no.1 Corporation.

2. The grievance of the petitioner is that by virtue of denial of membership the petitioner has been simultaneously debarred from participating in the election process for office bearers for the year 2021-24.
3. Counsel for the petitioner submits that against the alleged action of denial of membership the petitioner had already approached the Registrar, Trade Union in the State of Chhattisgarh and Registrar in turn vide Annexure P-6 dated 03.12.2021 had already directed the respondent no.3 Union to conduct an enquiry and to take appropriate decision.
4. Learned counsel for the respondent no.4 submits that subsequently an enquiry has already been conducted and a decision has been taken on 09.12.2021 and copy of which the petitioner submits has not been provided to him. Learned counsel for the respondent no.1 as also counsel for respondent no.4 submits that there is a system of making a contribution by checkoff system and that there is no mechanism for accepting the membership fees by cash and alleged receipt which is being relied by the petitioner is fake and fraudulent document, this aspect would also to be verified by the Registrar in the course of settling the grievance of the petitioner.
5. By efflux of time the Election process for the office bearers for the period of 2021-24 has already been concluded and election results have already been declared and intimation has also been forwarded to the respondent no.2 by the General Secretary of the respondent no.3 Trade Union.
6. Given the fact that Election has also been now concluded and declared the only recourse that petitioner now would have is to approach the respondent no.2 to ventilate his grievance in respect of alleged debar or

denial of membership, removal of his name from the voter list and also for denying him from participating in the election process. Subject to the petitioner approaching the Registrar, it is left open for the Registrar to look into the grievance of the petitioner to take an appropriate decision after due verification of the fact and necessary verification of the documents and records maintained in the office of respondent no.1 as also maintained by the respondent no.3 Union.

7. Let an appropriate decision in this regard be taken at the earliest preferably within a period of four months from the date of receipt of copy of this order.
8. With the above observations/direction, this writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit