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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 19532 of 2022

Haldia Refinery Employees and Workers Union & Anr.
Vs.
Union of India & Ors.

Mr. Arka Maiti
.... For the petitioners.

Mr. Ajit Kumar Mishra,
Mr. Abhishek Dey,
... For respondent no.1, 2 & 3.
Mrs. S. Ghosh,
Mr. S. Bhattacharya,
Mr. V. Chatterjee
... For the respondent nos. 4 and 5.

Mr. D. R. Mukherjee,
Mr. Arijit Dey
... For the respondent no.6.

The present writ application has been filed *inter alia* praying for a direction upon the respondents authorities to undertake a fresh verification of membership of the trade unions by way of election.

Mr. Maiti, learned advocate representing the petitioners submits that the verification of membership is due and the same has not been conducted despite representations being made by the petitioners to the Deputy Chief Labour Commissioner (Central). He submits that the procedure for verification should be conducted by secret ballot.

Mr. Mishra, learned advocate representing the

respondent nos. 1, 2 and 3 submits that the verification of membership of trade unions for the purpose of recognition under the Code of Discipline in an industry is carried out in terms of a Government Notification dated 8th April, 2011. By placing reliance to the aforesaid Notification he submits that it is the usual practice to continue with the existing method, i.e., either check off or secret ballot system for verification of membership of trade unions. He further submits that in case there is a demand for change in the method of verification i.e., from check off to secret ballot system and vice versa, the same can only be done by consent of all the parties.

Mr. Dey, learned advocate representing the respondent no.6 submits that out of a total of 882 employees 801 employees are the members of the respondent no.6 and have already contributed their subscription. He submits that the procedure for verification should be conducted by check off method and not by secret ballot.

I have considered the submissions made by the learned advocates representing the respective parties and the materials on record. I find that representations have already been made by the petitioners for verification of membership by secret ballot. Such representations have, however, till date not been considered by the office of the respondent no.3. As such, I am of the view that the

present application can be disposed of by directing the respondent no.3 to consider and dispose of the petitioners' representations at the earliest on the basis of the guidelines as are applicable for verification of membership. It is expected that a decision shall be taken by the respondent no.3 with regard to the verification of membership within a period of three weeks from date and the entire process be completed within a month thereafter.

With the aforesaid observations, the writ application, being WPA 19532 of 2022 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Raja Basu Chowdhury, J.)