

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.20498 OF 2015

Thriveni Mazdoor Sabha, ***Petitioner***
Keonjhar

Mr. Kshirod K. Rout, Advocate

-versus-

State of Odisha & others ***Opp.parties***

Mr. P. Muduli, AGA

Mr.S.K.Padhi, Sr. Advocate

along with Mr. B.P. Panda, Advocate
(For intervenor)

CORAM:
JUSTICE S. TALAPATRA
JUSTICE M.S.SAHOO

Order No.

ORDER
07.09.2022

5. 1. This matter is taken up through hybrid mode.
2. Heard Mr. Kshirod K. Rout, learned counsel appearing for the petitioner and Mr. S.K.Padhi, learned Senior Counsel assisted by Mr. B.P. Panda, learned counsel for the intervenor [vide Misc. Case No.20306 of 2015].
3. Mr. P. Muduli, learned Additional Government Advocate appears for the opposite parties. It is evident that the opposite parties did not file any counter affidavit.
4. A very small question falls for our consideration in this writ petition. The writ petitioner applied for

registration as the Trade Union under Section 8 of the Trade Unions Act, 1926 and according to the petitioner, they have conformed to all requirements of such registration.

5. Mr. Rout, learned counsel appearing for the petitioner has referred to the communication dated 22.05.2015 (Annexure-4 to the writ petition) as issued by the Additional Registrar/Deputy Labour Commissioner, Rourkela. Mr. Rout, learned counsel refers the contents therein. By the said communication, it has been stated that the verification has been made for registration and from such verification, carried out by the opposite party no.4 (District Labour Officer, Keonjhar) it has surfaced that the petitioner has fulfilled the criteria for registration under the Trade Unions Act, 1926. The said Officer has transmitted all the relevant files and records of inquiry. But, despite repeated persuasions by the petitioner, the competent authority (the Registrar of Trade Unions) has not issued the certificate of registration as yet. Hence, it has been urged to direct the opposite party

no.3, to whom the power to register the Trade Unions or to issue certificate of registration has been delegated, to register the petitioner as a Trade Union.

6. Mr. Padhi, learned Senior Counsel appearing for the intervenor has candidly admitted that the intervenors are not the members of the said proposed Trade Union, but they have raised some relevant questions as to whether someone having no interest in the interest of the workmen or whether some entity does not represent the workmen can be registered as a Trade Union. Thus about, it has been stated by the intervenor that those who formed the Trade Union [the petitioner] have already withdrawn from the said Trade Union. These facts are relevant.

7. At the outset, we should observe that the intervenors do not have any *locus standie* to raise such objection which falls within the exclusive domain of the Registrar of Trade Unions. He may, for his satisfaction may enquire where the persons, who have formed the proposed Trade Union are the workers or members of any Trade Union or not. It may also be inquired

whether the petitioner does confirm to the requirements of the law for the purpose of getting registration under Section 8 of the Trade Unions Act, 1926. However, it goes without saying that any person may place any information to the competent authority, if they noticed anything illegal or any manipulation occurred in the process.

8. Mr. P. Muduli, learned Additional Government Advocate appearing for the opposite parties has stated that the Annexure-4 [the inter-office communication] was issued seven years ago and as such the Opposite Party no.3 may require further verification as regards the status of the petitioner. Be that as it may, whether the Registrar of Trade Unions shall make an inquiry regarding the status of the petitioner or not, call may be taken by the Registrar of Trade Unions. For that no observation from this Court is at all required.

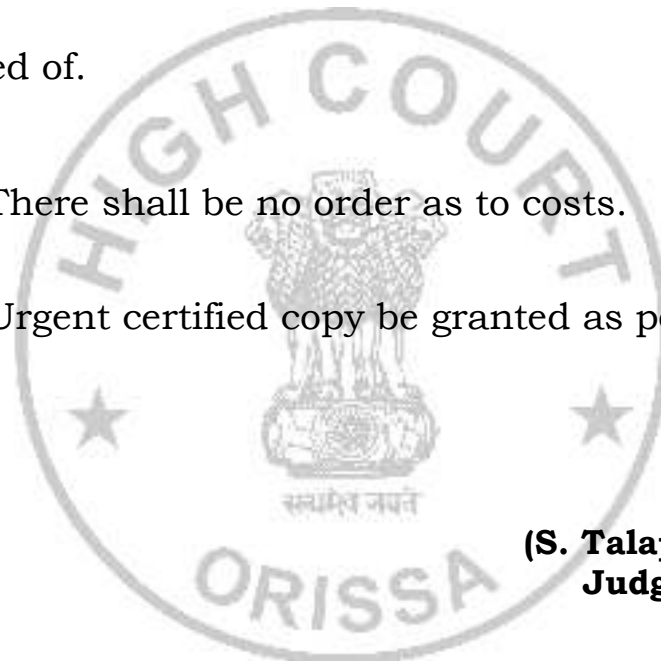
9. Having appreciated the rival contentions as raised by the learned counsel for the parties and the intervenors, we are of the view that this delay is not only inordinate but is totally unacceptable for deciding

whether the petitioner is eligible to be registered as the Trade Union. Therefore, the competent authority, who is enjoying the authority of the Registrar of Trade Unions, is directed to complete the process by passing the appropriate order within a period of six weeks from the date of receipt of the certified copy of this order.

10. In terms of the above, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent certified copy be granted as per Rules.



(S. Talapatra)
Judge

(M.S. Sahoo)
Judge