

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 24065 of 2022

Indian Institute of Technology

Karmachari Sangha

.....

Petitioner

Mr. L.M. Nanda, Advocate

-versus-

Government of Odisha

.....

Opposite Parties

Mr. D. Nayak, AGA

CORAM:

JUSTICE S. TALAPATRA

JUSTICE M.S. SAHOO

ORDER

19.10.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard Mr. L.M. Nanda, learned counsel appearing for the Petitioner and Mr. D. Nayak, learned Additional Government Advocate appearing for the Opposite Parties.
3. The grievance of the Petitioner falls within a short compass. The Petitioner has claimed to be the registered Trade Union and it is represented by its designated office bearers. For purpose of recognition under *Rule 10 of the Verification of Membership and Recognition of Trade Union Rules, 1994*, the process for verification of the membership was undertaken. During that verification, it appeared to the Petitioner that *some outsiders are misleading the members of the Indian Institute of Technology Karmachari Sangha (the Petitioner) alluring, instigating and provoking and also by adopting unfair means and methods with false promises in order to break away from*

the Petitioner's Union. Not only that, those outsiders by help of some of the members of the Petitioner, which claimed to be the single Union, had claimed for registration of a new Union. According to the Petitioner, the list of members that has been submitted by the so called Trade Union for purpose of registration is unreliable being falsified. As such, in order to protect the interest of the employees, the said list was contested by the Petitioner. The Petitioner had also asked not to entertain any application for registration of a new Union without ascertaining the facts or without making a proper investigation in respect of the serious allegations that have been made by the Petitioner. The representation in this regard was filed on 10.06.2022, Annexure-3 to the petition. It is the grievance of the Petitioner, the Opposite Parties No.2 and 3 that the Opposite Parties are proceeding for registration of a new Union without deciding the merit of objection as raised by the Petitioner.

4. Mr. Nanda, learned counsel has submitted that such action is grossly unfair and the action of the Opposite Parties No.2 and 3 smacks of bias and manipulation to weaken the Petitioner. The Petitioner is entitled to get a fair consideration on the objection. Mr. Nanda, learned counsel has further submitted that till date, no new Trade Union has been registered.

5. We find sufficient force in the submission of Mr. Nanda, learned counsel appearing for the Petitioner. Even Mr.

Nayak, learned Additional Government Advocate has proposed that this Court may dispose of this writ petition by issuing direction on the Opposite Parties No.2 and 3 by setting a time-frame for consideration of the representation/objection of the Petitioner, as available under Annexure-3 to the petition on merit and subject to such decision the Opposite Parties may proceed or may drop the proceeding for registration of a new Union, whatever is warranted in the circumstances. We do agree with the proposition of Mr. Nayak, learned Additional Government Advocate and accordingly, we dispose this writ petition with the following direction:

The Opposite Parties No.2 and 3 are directed to take decision on the representation filed by the Petitioner on 10.06.2022, Annexure-3 to the writ petition on merit, after affording an opportunity of hearing to the Petitioner's authorised representative. The said representation shall be decided within a period of six weeks from the day when a copy of this order shall be made available to the Opposite Parties No.2 and 3 by the Petitioner. Till then, the proceeding for recognizing any new Trade Union shall not be persuaded to.

6. There shall be no order as to cost.

7. Urgent certified copy of this order be granted as per rules.

8. A free copy of this order be supplied to Mr. Nayak,
learned Additional Government Advocate forthwith.

(S. Talapatra)
Judge

(M.S. Sahoo)
Judge

Murmu

