

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 5320/2017

Rashtriya Koyla Khadan Mazdoor Sangha
affiliated to INTUC Registration Number NGP-
2598/1982 under the provisions of Trade Unions
Act, 1926, office at, 604, Giripeth, Opposite
Regional Transport Office (RTO), Amravati Road,
Nagpur Through its Working President R.K. Chib.

PETITIONER

-VERSUS-

1. Union of India, Ministry of Coal,
Shastri Bhawan, Dr.Rajendra Prasad Road,
New Delhi, Through its Secretary.
2. Ministry of Coal, Shastri Bhawan, Dr.Rajendra
Prasad Road, New Delhi, Through its Consultant.
3. Coal India Limited, A Government of India
Enterprise, Coal Bhawan, Plot No.LF-III, Action
Area 1A, New Town, Rajarhat, Kolkata-700156
Through its Chairman-cum-Managing Director.
4. Western Coal Fields Limited (A Government of
India Enterprise), Coal Estate, Civil Lines, Nagpur
through its Chairman-cum-Managing Director.
5. Rashtriya Colliery Mazdoor Sangh (INTUC),
Registration No.491, INTUC Affiliation No.1159,
through it's President Bechenram, Regional Camp
(W.C.L.), R/o Hotel Banjara Compound, Bagdona,
Post-Pathakheda, Dist.Betul(M.P) 460449.
6. Union of India, Through the Secretary,
Government of India, Ministry of Labour and
Employment, Shram Shakti Bhavan,
Parliament Street, Patel Marg, New Delhi.

RESPONDENTS

Shri S.P. Bhandarkar, counsel for the petitioner.
Smt. M.P. Munshi, counsel for the respondent nos.1, 2 and 6.
Shri A.M. Ghare, counsel for the respondent no.3.
Shri D.L. Dharmadhikari, counsel for the respondent no.4.
Shri M.M. Sudame and Shri R.N. Sen, counsel for the respondent no.5.

WITH
WRIT PETITION NO. 855/2017

Koyala Khadan Shramik Sangh (INTUC),
A/3, S/3, Govind Gorkhede Complex, Seminary

Hills, Nagpur-440006, through it's General Secretary Ghanshyamprasad Dubey s/o late Ramkumar Dubey, aged about 64 years.

PETITIONER

-VERSUS-

1. Chairman & Managing Director,
Western Coalfields Limited, Coal Estate,
Civil Lines, Nagpur – 440 001.
2. Director (Personnel), Coal India Limited, Action
Area 1A, New Town, Kolkata (West Bengal).
3. Union of India, Through its Under Secretary
to the Govt. of India, Ministry of Labour &
Employment, Shram Shakti Bhawan,
Rafi Marg, New Delhi – 110 119.
4. D.S. Rawat, Consultant, Govt. of India,
Ministry of Coal, 5th Floor, Loknayak Bhawan,
Khan Market, New Delhi.
5. Rashtriya Koyala Khadan Mazdoor Sangh,
Affiliated to (INTUC), Giripeth, Behind
Regional Transport Office, (R.T.O.), Amravati
Road, Nagpur, through Joint General Secretary.
6. Union of India, Through the Secretary,
Government of India, Ministry of Labour,
Shram Shakti Bhavan, Parliament Street,
Patel Marg, New Delhi.

RESPONDENTS

Shri M.M. Sudame, counsel for the petitioner.
Shri D.L. Dharmadhikari, counsel for the respondent no.1.
Shri A.M. Ghare, counsel for the respondent no.2.
Smt. M.P. Munshi, counsel for the respondent nos.3 and 6.
Ku.K.K. Pathak, counsel for the respondent no.4.
Shri S.P. Bhandarkar, counsel for the respondent no.5.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE ON WHICH ARGUMENTS WERE HEARD : 20TH SEPTEMBER, 2022.

DATE ON WHICH JUDGMENT IS PRONOUNCED : 06TH OCTOBER, 2022.

JUDGMENT (PER : A.S. CHANDURKAR, J.)

The petitioner in Writ Petition No.5320 of 2017 is a Union registered under the provisions of the Trade Unions Act, 1926 (for short, 'the Act of 1926') and claims to have the largest number of members working with the Western Coalfields Limited (for short, 'WCL') has approached this Court

seeking to challenge the communication dated 04.01.2017 issued by the Ministry of Labour and Employment, Government of India. The petitioner in Writ Petition No. 855 of 2017 has raised an identical challenge to the communication dated 04.01.2017. For sake of convenience, the facts in Writ Petition No.5230 of 2017 are being referred to.

By the communication dated 04.01.2017, the Ministry of Labour and Employment has informed the petitioners and other Office bearers of the Indian National Trade Union Congress (for short, 'INTUC') that no representation would be given to INTUC in the meetings convened by the Ministry of Labour and Employment and nomination to various tri-partite bodies till finalization of pending Court cases amongst the factions of INTUC. Based on the aforesaid communication, the Ministry of Coal on 11.01.2017 has issued a communication to Coal India Limited that the interim directions issued by the Delhi High Court on 16.09.2013 in Writ Petition (Civil) No. 8152 of 2016 shall be complied with. As per that interim order dated 16.09.2016, the Delhi High Court was pleased to stay the effect and operation of the resolution dated 31.08.2016 that was passed at the fifteenth meeting of the Standardization Committee that there would be four members of INTUC with four alternate members on the said Committee. The said resolution related to the inclusion of members of the Reddy Group in the JBCCI. This communication dated 11.01.2017 is under challenge. Thereafter on 28.01.2017 the Coal India Limited informed its various coal fields in the country that the communication dated 11.01.2017 in the

aforesaid matter shall be complied with. This communication dated 28.01.2017 is also under challenge.

2. As a result of the aforesaid communications having been issued, disputes have arisen in the matter of availing check off facility by the petitioner-Union. It is the case of the petitioner that it was permitted to avail the check off facility since the year 1988 especially in the backdrop of the fact that it commanded the largest membership of workmen at the WCL. The petitioner apprehended that as a result of the impugned communications the WCL would restrain it from continuing with the check off facility. When the writ petition was considered on 07.11.2017 a statement was made on behalf of the WCL that it would not object to the petitioner continuing the check off facility for the year 2017. Thereafter when the writ petition was considered on 30.01.2018 this Court had observed that the check off facility was made available to the petitioner since 1988. The Court did not find any justification on the part of the WCL in seeking to prohibit the use of check off facility after 01.01.2018. Reference was made to Writ Petition No.5836 of 2011 that had been filed by the Rashtriya Colliery Mazdoor Sangh seeking grant of such facility. In those proceedings the WCL had canvassed that such facility was being availed of by the petitioner and it opposed the grant of such facility to the petitioner in Writ Petition No.5836 of 2011. On that basis this Court by the order dated

30.01.2018 directed the WCL to continue to provide the check off facility to the petitioner until further orders.

3. On 08.03.2019 the writ petition was admitted. After referring to the earlier interim orders this Court permitted the petitioner to participate in negotiations and proceedings of various Statutory and non-Statutory Committees of WCL. The communications dated 11.01.2017 and 28.01.2017 came to be stayed till final disposal of the writ petition. The petitioner was permitted to avail the check-off facility and to also negotiate with WCL in its capacity as member of Statutory and non-Statutory Committees of WCL. Since WCL did not comply with the interim directions issued on 08.03.2019, Contempt Petition No.192 of 2019 came to be filed. The order dated 08.03.2019 passed in Writ Petition No. 5320 of 2017 was challenged by WCL before the Hon'ble Supreme Court. Initially the contempt proceedings filed against WCL were kept in abeyance and notice came to be issued in the Special Leave Petition. Ultimately on 10.01.2020 the Hon'ble Supreme Court noted that the disputes had arisen on account of three separate groups claiming to be the real INTUC. The *inter se* dispute between them was pending consideration in a civil suit before the Delhi High Court. While disposing of the Special Leave Petition the following order came to be passed.

“Delay condoned.

We may note at the threshold that the present order is an interim order.

Learned Solicitor General appearing for the petitioners submits that the problem is arising on account of three of the groups, all claiming to be the real INTUC. The inter-se disputes between the rival groups is pending consideration in a Civil Suit before the Delhi High Court being C.S. (O.S.) No.384/2019.

Learned Solicitor General submits that the only difficulty is that if the check off facility is offered to the workers and amount deducted as to which of the three should be the beneficiary of the amount so deducted.

In our view, it will be for the parties to move the High Court on the Original Side for claiming whatever directions from the High Court in this behalf. This liberty is equally available to the petitioners qua the amount so deducted since the submission made before us is that the amount should be deposited in Court and it is for the Court to take a call on the issue. This again would be an aspect to be considered by the concerned court for which the petitioners are at liberty to move the necessary application.

Whatever application has to be filed by the parties, needful be done within three weeks from today. A call will be taken on the Original Side by the High Court uninfluenced by any observation made in the impugned order.

The contempt proceedings would continue to be stayed till the High Court takes a call on it.

The special leave petitions are disposed of in the above terms.

Pending applications shall also stand disposed of."

It is in the aforesaid backdrop that the present writ petition has been heard.

4. Shri S.P. Bhandarkar, learned counsel for the petitioner in Writ Petition No. 5320 of 2017 submitted that the petitioner-Union was availing the check off facility since the year 1988 without any break. It had the largest number of members than the other trade unions that were operating at the WCL. This aspect had been noted in various orders passed by this Court in the present proceedings. By virtue of the interim order passed by the Delhi High Court on 16.09.2016 there was no reason for the Union of India to have issued the communication dated 11.01.2017 and for the Coal India Limited to have issued the communication dated 28.01.2017. By those communications it was directed that the representatives of INTUC should not be included in any committee of Coal India Limited. On the basis of these communications the petitioner could not be restrained from availing the check off facility. It was submitted that the writ petition pending before the Delhi High Court came to be disposed of as having been rendered infructuous on 01.08.2018 in view of the fact that JBCCI-IX had come to an end. Inviting attention to the order passed by the Chhattisgarh High Court in WPL No.87 of 2018 on 13.11.2018 it was submitted that the Chhattisgarh High Court had noted that with the disposal of the writ petition the operation of the interim order ceased to have any effect. The position prior to 11.01.2017 was directed to operate. It was then submitted that it was not necessary for the petitioner to approach the Delhi High Court in the pending suit at its Original Side. Such steps were required to be undertaken by WCL. The petitioner was not concerned with the dispute pending before the Delhi

High Court. In the aforesaid backdrop it was submitted that the petitioner ought to be permitted to continue with the check off facility as was being permitted since the year 1988. Adjudication of the disputes at the Delhi High Court would result in its own consequences and the same would not affect the petitioner. Reference was made to the prayers made in C.A.W. No.1392 of 2020 that had been moved after the proceedings before the Hon'ble Supreme Court had been decided. It was thus submitted that the petitioner was entitled for appropriate relief in this backdrop.

5. Shri D.L. Dharmadhikari, learned counsel for WCL opposed the writ petition. According to him the petitioner-Union had no locus whatsoever to approach this Court seeking the aforesaid relief. INTUC was formed on 03.05.1947 and it comprised of five Central Trade Unions. Affiliation of the petitioner-Union in Writ Petition No. 5320 of 2017 with INTUC was on 28.11.1983. The petitioner-Union was one of the factions of INTUC and was known as the Reddy Group. Writ Petition No.8152 of 2016 had been filed by another faction being the Dubey Group before the Delhi High Court. The respondent no.6-Union was granted permission to intervene and that Union was known as the Tiwari Group of INTUC. The petitioner-Union in Writ Petition No. 855 of 2017 was the Dubey Group. There was a dispute amongst these trade unions that were operating in WCL. The petitioner-Union came to be duly registered under the Act of 1926 on 06.02.2007. The learned counsel submitted that the check off facility was relatable to the

provisions of Section 7(kkk) of the Payment of Wages Act, 1936 (for short, 'the Act of 1936'). Thereunder deductions could be made with the written authorization of an employee was towards payment of fees by such employee for the membership of any trade union registered under the Act of 1926. The right to avail check off facility was by way of concession being given to the trade union and the same could not be claimed as of right. The petitioner could not insist that it alone could be granted the check off facility. He disputed the fact that the petitioner had the largest membership of employees at WCL and on the contrary it was submitted that only 31% of employees were the members of the petitioner-Union. It was further submitted that while Writ Petition No.5836 of 2011 had been withdrawn by another Union on 13.07.2015, Writ Petition No.325 of 2010 filed by the respondent no.6 had been dismissed on 09.03.2010. Hence much weightage could not be given to the interim orders passed in those proceedings. Since the provision of check off facility was in the nature of a policy matter, there could be no insistence on the part of the petitioner for being entitled to it. It was open for the Union to collect the amount of subscription directly from its members.

The learned counsel submitted that the *inter se* dispute between various Unions were pending in Civil Suit No.384 of 2019 at the Delhi High Court. The parties ought to have their disputes resolved in those proceedings. Infact the present petitioner had been arrayed as defendant no.1 in the said Civil Suit. Since various disputed questions arise for

determination it was submitted that the parties could get their rights adjudicated in the Civil Suit. Only after the parties led evidence could it be resolved as to whether the petitioner could claim to have the largest membership so as to exercise its right to the check off facility. There was also delay in preferring the writ petition especially in view of the fact that the communications impugned were issued in January-2017 while the writ petition was filed on 07.08.2017. It was thus submitted that no relief could be granted to the petitioner in these facts.

6. Shri A.M. Ghare, learned counsel appearing for the Coal India Limited also opposed the prayers made in the writ petition. He invited attention to the prayers as made in the present writ petition and especially Prayer Clause (B) by which WCL and Coal India Limited had not permitted the petitioner-Union to participate, negotiate and represent the workmen in any of the Committees constituted by WCL. Grant of such relief would require recording of evidence and in that context it was submitted that in the Civil Suit a declaration had been sought by INTUC that the present petitioner be restrained from posing as an Office bearer of INTUC. Reference was also made to Schedule V of the Industrial Disputes Act, 1947 and Item Numbers 9 and 15 thereof to urge that the petitioner could also raise an industrial dispute. In the context of the provisions of Section 7(kkk) of the Act of 1936 it was submitted that since the employees of WCL were drawing salary more than Rupees Twenty Four Thousand per month the said provision would not

be applicable. It was thus submitted that no relief could be granted to the petitioner in the present proceedings and the *inter se* rights ought to be adjudicated in the Civil Suit that was pending before the Delhi High Court.

In reply to the aforesaid submissions, the learned counsel for the petitioner submitted that it had sufficient locus to represent its members especially in view of the fact that it had the largest number of members who were employed with WCL. Since the check off facility was prevailing in favour of the petitioner from 23.06.1988 pursuant to the agreement entered into, it could not be said that the petitioner did not have any locus to seek the reliefs sought in the present writ petition. Pendency of the Civil Suit before the Delhi High Court would not affect the prayers made in the present writ petition.

7. We have heard the learned counsel for the parties at length and with their assistance we have perused the documentary material placed on record including the various orders passed in the proceedings that have material bearing on the facts of the present case. The fact that the petitioner is a registered Central Trade Union and the fact that it was granted check off facility pursuant to the agreement with WCL from 23.06.1988 is not in dispute. It appears that on account of resolution dated 31.08.2016 at the fifteenth meeting of the Standardization Committee of JBCCI-IX, the composition of JBCC-X was worked out. It was to include four members from five Central Trade Unions alongwith similar number of alternate

members. This resolution came to be challenged in Writ Petition No.8152 of 2016 before the Delhi High Court at the instance of one faction of INTUC known as the Dubey Group. By virtue of the resolution dated 31.08.2016 two members from the faction known as Reddy Group were shown to be representing INTUC and this had caused prejudice to other groups especially since before passing of the said resolution there was no representation granted to any of the factions of INTUC in the JBCCI. Thus by an interim order dated 16.09.2016 the resolution dated 31.08.2016 to the extent it related to inclusion of the members of the Reddy Group in JBCCI was stayed. It is in that context that on 04.01.2017 the Ministry of Labour and Employment, Government of India decided not to give representation to INTUC in the meetings convened by it till the finalization of the pending cases amongst the factions of INTUC. The communication dated 11.01.2017 by the Ministry of Coal and thereafter the communication dated 28.01.2017 issued by Coal India Limited to its subsidiaries seek to implement the aforesaid interim order passed by the Delhi High Court.

8. It would be material to note that Writ Petition No.8152 of 2016 came to be decided on 01.08.2018 in view of the fact that the Court was informed that the duration of JBCCI-IX had come to an end. It was noted that pursuant to the interim order passed on 16.09.2016 none of the representatives of INTUC had participated in the relevant meetings. In that backdrop since JBCCI-IX had come to an end it was observed that the

prayers made in the writ petition did not survive and had become infructuous. The writ petition was accordingly disposed of.

In the light of disposal of Writ Petition (Civil) No. 8152 of 2016 before the Delhi High Court it is obvious that the communications dated 11.01.2017 and 28.01.2017 that had been issued with a view to comply with the interim order passed in that writ petition on 16.09.2016 would now cease to operate. Those communications had been issued only in view of the aforesaid interim order passed by the Delhi High Court and the existence of those communications dated 11.01.2017 and 28.01.2017 would cease to have any legal effect after disposal of the said writ petition. We may note that the communication dated 11.01.2017 issued by the Ministry of Coal to the Coal India Limited was also the subject matter of challenge before the Chhattisgarh High Court in **WPL No.87 of 2018** [*South Eastern Koyala Mazdoor Congress (INTUC) Versus Union of India & Others*]. On 13.11.2018 the Chhattisgarh High Court noted that since Writ Petition No.8152 of 2016 was disposed of without confirming any interim order, the effect and operation of the communication dated 11.01.2017 became inconsequential. As a consequence the position as it stood prior to 11.01.2017 would stand restored.

9. It thus becomes clear from the aforesaid events that the communications dated 11.01.2017 and 28.01.2017 were required to be issued only to seek compliance of the interim order passed by the Delhi High

Court on 16.09.2016. With the disposal of the writ petition at the Delhi High Court the aforesaid communications would not have any further legal effect and hence the prayers made in the present writ petition insofar as the challenge to those communications is concerned has become infructuous.

10. The challenge that now remains to be considered is to the communication dated 04.01.2017 that has been issued by the Ministry of Labour and Employment, Government of India to the three factions of INTUC wherein it has been stated that till finalization of the pending Court cases amongst the factions of INTUC, the said Unions would not be entitled to representation of INTUC in meetings convened by the Ministry. This challenge has to be considered alongwith the relief sought *vide* Prayer Clause (B) in the writ petition wherein the petitioner has prayed that the action on the part of the respondents in not permitting it to participate in negotiations and be represented in any Committees constituted by the respondents be held to be illegal. In this context it would be necessary to note that by the interim orders passed in the present writ petition check off facility was permitted to be availed by the petitioner initially in the year 2017 and thereafter from 2018 and onwards until further orders. The order dated 08.03.2019 admitting the writ petition and confirming the earlier interim order came to be challenged before the Hon'ble Supreme Court. On behalf of WCL it was pointed out that *inter se* disputes between various factions of INTUC were pending consideration in Civil Suit (OS) No.384 of

2019 before the Delhi High Court. It is in that context that the Hon'ble Supreme Court observed that it would be for the parties to move the Delhi High Court on its Original Side to claim necessary directions. Such liberty was also available to WCL since the amounts had been deposited in Court. Till the parties moved the Delhi High Court and an adjudication was undertaken the proceedings in Contempt Petition No. 192 of 2019 were stayed.

11. We find that in view of the aforesaid order passed by the Hon'ble Supreme Court on 10.01.2020 in proceedings that arose from the interim order dated 08.03.2019 passed in the present writ petition it would not be permissible for this Court to consider and adjudicate Prayer Clause (B) as made in the writ petition. By that prayer a declaration is sought that the petitioner is entitled to participate, negotiate and represent the workmen in the Committees constituted by WCL. This very dispute as regards entitlement of either of the factions to represent the workmen is the subject matter of Civil Suit (OS) No.384 of 2019 before the Delhi High Court. For sake of convenience the prayers made in the aforesaid Civil Suit are reproduced hereunder:-

“A. Pass a decree of declaration, declaring that the plaintiff is genuine INTUC and also declare the act of the defendant no.1 to 4 in presenting themselves to be the office bearers of the INTUC and any act done in pursuance thereof as illegal and null & void.

B. Pass a decree of declaration, declaring that action of Defendants are null and void and has no effect on functioning of the plaintiff Union.

C. Pass a decree of mandatory injunction, directing the defendant no.1 & 4 to surrender all bank accounts in the name of plaintiff and destroy all the materials including posters, pamphlets showing any connection of the Defendant No.1 & 4 from the INTUC agents, assigns, representatives or any person acting for or on behalf of the defendant no.1 & 4 from representing themselves as the office bearers of the INTUC.

D. Pass a decree of permanent injunction, restraining the defendant No.1 to 4, their agents, assigns, representative or any person acting for or on behalf of the defendant No.1 to 4, from representing themselves as the office bearer or members of the INTUC and from acting as office bearer of INTUC.

E. Pass a decree of permanent injunction, restraining the defendant No.1 to 4, their agents, assigns, representative or any person acting for or on behalf of the defendant No.1 to 4, from using the name, letter heads, stationary of the INTUC in any manner or mode including print and electronic media and from collecting the subscription from the workers on behalf of the INTUC.

F. Pass any other order or further orders, which this Hon'ble Court may deem fit and proper in the interest of justice."

12. It is to be noted that the defendant no.1 in that Civil Suit is Dr. G. Sanjeeva Reddy who heads one faction. The said faction is the present petitioner. We further find that the order passed by the Hon'ble Supreme Court in clear terms permits various factions to have their rights and

entitlement adjudicated in the Civil Suit that is pending before the Delhi High Court. In the proceedings arising out of an interim order passed in the present writ petition the aforesaid observations have been made and it is not open for the petitioner to contend that it cannot be told to have its rights adjudicated in the present proceedings before the Delhi High Court. That would be going against the spirit of the order passed in the Special Leave Petition.

Yet another reason for not entertaining the aforesaid prayers is that the same would require adjudication of disputed aspects. One such aspect is based on membership of the respective factions. The petitioner does claim to have the largest membership of workmen with WCL but this fact is being disputed by other factions. The opposition of WCL has been noted in the earlier interim orders but in the light of the stand taken by it in Writ Petition No. 5836 of 2011 that stand was not accepted. Be that as it may, since a substantive suit raising that issue is pending before the Delhi High Court and the parties have been granted liberty to have their rights adjudicated therein as per the order dated 10.01.2020 passed by the Hon'ble Supreme Court, we are not inclined to entertain that prayer.

13. During pendency of the present proceedings the check off facility was made available to the petitioner-Union for the year 2017 as noted in the order dated 07.11.2017, for the year 2018 and onwards as per the order dated 30.01.2018 as well as the order dated 08.03.2019 passed while

confirming the interim order and admitting the writ petition. It may be noted that the order dated 08.03.2019 was the subject matter of challenge at the instance of WCL before the Hon'ble Supreme Court in Special Leave Petition (C) No.19984 of 2019. However while disposing of the Special Leave Petition the order dated 08.03.2019 has not been either stayed, modified or vacated. It is however seen that the proceedings in Contempt Petition No.192 of 2019 have been stayed till a decision is taken by the Delhi High Court. The present record indicates that on 30.01.2020 the WCL had deposited an amount of Rs.79,05,600/-, on 23.12.2020 an amount of Rs.63,88,560/- and on 14.03.2022 an amount of Rs.46,20,960/- came to be deposited in this Court. This is in view of the interim orders passed in the writ petition permitting the petitioner to avail the check off facility. It is seen that these deposits have been made after the order passed by the Hon'ble Supreme Court in the Special Leave Petition on 10.01.2020. Thereunder the submission made on behalf of WCL was noted that amounts had been deposited in the Court on which the Hon'ble Supreme Court observed that it would be for the Delhi High Court to take a call on the said issue. Thus permitting the petitioner to withdraw the aforesaid amounts would run contrary to the spirit of the order dated 10.01.2020 passed in the Special Leave Petition. It would therefore be necessary to permit the said amounts to continue to remain in deposit till appropriate directions/orders are passed on the prayer for receiving the said amount by the Delhi High Court in Civil Suit (OS) No.384 of 2019.

14. In the light of aforesaid discussion, the following order is passed:-

- (A) The challenge to the communications dated 11.01.2017 (Annexure-6) and 28.01.2017 (Annexure-7) is not entertained as having been rendered infructuous in view of disposal of Writ Petition (Civil) No.8152 of 2016 by the Delhi High Court.
- (B) Prayer Clause (B) seeking a declaration that the action of the respondents in not permitting the petitioner-Union to participate, negotiate and represent itself in any of the Committees constituted by the respondents to be illegal and arbitrary is not entertained in this writ petition in the light of the liberty granted in that regard by the Hon'ble Supreme Court in **Special Leave Petition (C) No.19984 of 2019** [*Western Coalfields Limited & Another Versus Rashtriya Koyla Khadan Mazdoor Sangha & Others*] decided on 10.01.2020. The points raised in that behalf are kept expressly open and it is clarified that this Court has not expressed any opinion thereon.
- (C) The amounts deposited by WCL *vide* CCD Numbers R-27595, R-28133 and R-29350 shall remain in deposit until necessary orders are obtained in that regard by either of the parties to the present proceedings from the Delhi High Court in terms of the liberty granted by the Hon'ble Supreme Court in the order dated 10.01.2020 passed in **Special Leave Petition (C) No.19984 of 2019** [*Western Coalfields Limited & Another Versus Rashtriya Koyla Khadan Mazdoor Sangha & Others*].
- (D) As an ad-hoc arrangement, the petitioner-Union is permitted to continue to avail the check off facility subject to adjudication of its rights in the proceedings pending before the Delhi High Court. This arrangement being ad-hoc in nature, the same is without prejudice to the rights and contentions of the contesting parties.

This ad-hoc arrangement would operate until any specific order in the matter of availing the check off facility is passed either in the pending Civil Suit by the Delhi High Court or any other appropriate proceedings in that regard.

(E) Pending civil applications stand disposed of.

15. Rule is disposed of in aforesaid terms leaving the parties to bear their own costs.

(URMILA JOSHI-PHALKE, J.) (A.S. CHANDURKAR, J.)

APTE