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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 8600 of 2023

Haldia Petrochemicals Contractor's
Employees' Union & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Soumya Majumder
Ms. Sanjukta Dutta
... For the petitioners.

Mr. Susovan Sengupta
Mr. Subir Pal
.... For the State

The writ petition concerns grant of registration and issuance of Certificate of Registration to the petitioner no.1.

It has been pointed out by the petitioners that the office of the Registrar of Trade Unions identifying certain defects, had issued Form-'I'.

According to Mr. Majumder, the defects identified by the Registrar, appearing at page 26 of the writ petition, have already been rectified and as such, it was incumbent upon the Registrar of Trade Unions, West Bengal, to take a decision in terms of Section 8 of the Trade Unions Act, 1926.

Mr. Sengupta, learned advocate representing the State, on the other hand, submits that there are several anomalies in the petitioners' application and the same

cannot be rectified on the basis of the resolution submitted by the petitioner no.1.

Heard the learned advocates appearing for the respective parties. From the documents available on record, it appears that a notice in Form 'I' had been issued by the Registrar of Trade Unions identifying certain defects. No other defects apart from the defects, as identified in Form 'I' at page 26 of the writ petition, have been pointed out by the learned advocate representing the State. Although, it is contended that there are several other defects in the resolution dated 25th May, 2022, yet no particular defect has been identified by him. The aforesaid claim made by the learned advocate for the State also do not find place in Form 'I', which is at page 26 of the writ petition, I am of the view that the Registrar of Trade Unions while discharging his duties is required to act within the parameters of his statutory authority. The Registrar of Trade Unions cannot withhold his decision by citing that there are anomalies in the resolution as aforesaid. If the Registrar of Trade Union has failed to identify the defect in his statutory Form 'I', I am of the opinion that the unidentified defects should not be taken into consideration while deciding the application for registration under Section 8 of the said Act.

In view thereof, in the event, the petitioners have rectified the defects identified in the notice dated 6th July,

2022, the Registrar of Trade Union should take a decision in the matter. Such decision must be taken by the Registrar of Trade Unions within a period of three months from the date of communication of this order, after giving an opportunity of hearing to the petitioner no.1.

If the Registrar of Trade Unions, however, finds any other defects, the same should be informed to the petitioner no.1 by issuing a notice in Form 'T' within a period of four weeks from the date of communication of this order and the petitioners should be given adequate opportunity to rectify the same.

With the aforesaid directions and/or observations, the writ petition, being WPA 8600 of 2023 stands disposed of.

There shall be no order as to costs.

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

(Raja Basu Chowdhury, J.)