

IA NO.GA/1/2022
WPO/187/2020
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SUBHRA MUKHOPADHYAY & ANR.
VERSUS
UNION OF INDIA & ORS.

BEFORE

The Hon'ble Justice RAJA BASU CHOWDHURY

Date: 24TH JANUARY, 2023

APPEARANCE

Mr. Suman Dey, Advocate
....for the petitioners
Mr. Shyamal Mondal, Advocate
Mr. Ayan Mitra, Advocate
Chandan Mondal, Advocate
Mr. Atanu Das, Advocate
Ms. Antara Panja, Advocate
....for the respondent no.4
Mr. Anjan Kumar Paul, Advocate
...for the Union Bank

The court: The present writ application has been filed, inter alia, praying for cancellation of a Circular no.156/2020 dated 14th February, 2020 issued by the General Secretary of Union Bank of India Officers' Association.

At the interim stage this Hon'ble Court by its order dated 20th March, 2020, taking into consideration the grievance of the petitioners who were the members of the Union Bank of India Officers' Association (West Bengal and Sikkim) and their entitlement to participate in the election of the union which was scheduled to be held at Siliguri on March 22, 2020, was,

inter alia, pleased to pass an order of injunction restraining the respondent no.4 from holding general election of the Union Bank of India Officers' Association (West Bengal and Sikkim) on Sunday, March 22, 2020 at 3 p.m. as scheduled.

Since then in connection with the aforesaid writ application, a general application being GA/1/2022 was filed, inter alia, praying for the following reliefs:

- "a) *Quash and/or Set aside the circular being No.106/2022 dated 2nd December, 2022 being annexure "P-7" herein, issued during the pendency of the writ petition being WPO 187 of 2020 (Subhra Mukhopadhyay and Anr. Vs. Union of India and Others).*
- b) *An order of injunction restraining the Respondents their men, agents, assigns and/or subordinates from giving effect or further effect to the Circular no.106/2022 dated 02nd December 2022 being annexure "P-7"; herein till disposal of the instant application;*
- c) *Stay of operation of the circular being No.106/2022 dated 2nd December, 2022 being annexure "P-7" herein till disposal of the writ application;"*

As would appear from the aforesaid Circular dated 2nd December, 2022, it was notified that a general body meeting of the association shall be held on 24th December, 2022 from 11 a.m. onwards at Siliguri to consider the following agenda :

- "1. *To approve the Report of the General Secretary.*
- 2. *To approve the Statement of Audited Accounts till 2019 and Unaudited Accounts till 2020.*

3. *Amendments of Rules & Regulation of the Association if any.*
4. *To Discuss on any other matter with the permission of Chair.*
5. *To Elect the Officer Bearer for ensuing Term of Office.”*

As would appear from the connected application the grievance of the petitioners were since the majority of the members of the respondent no.4 work and reside at Kolkata, it would be difficult for the members to attend the general body meeting of the association which was scheduled to be held at Siliguri. This Court, however, upon taking note of the submissions made by the parties and having regard to the suggestion given by the respondent no.4, being the Union Bank of India Officers' Association represented through its General Secretary, permitted the respondent no.4 to continue with the general body meeting as scheduled, however, subject to the respondent no.4 setting up a polling station with video conference facility in service branch of the respondent no.5 at 5, Chowringhee Place, Kolkata – 700 013, for the eligible members of the respondent no.4 to participate in the said general body meeting and to cast their vote for electing the office bearers.

Today, the learned advocates representing the parties submit that pursuant to direction passed by this Court, election process has already been completed. I find despite directions, none of the respondents have filed any affidavit-in-opposition either to the present application or to the original writ application.

Having regard to the submissions made by the respective advocates, I am of the view that nothing survives in the present application as the grievance of the petitioners have already been met.

In view thereof, the writ petition being WPO 187/2022 and the connected application being GA/1/2022 stand disposed of.

There shall be no order as to costs.

There, however, appears to be a typographical error appearing in the first paragraph of page 1, line number four of the order dated 23rd December, 2022 wherein the date 24th December, 2022 has been wrongly recorded as 24th November, 2022, let the same be corrected and be read as “24th December, 2022”. Let the aforesaid correction be incorporated in the order dated 23rd December, 2022. The other portions of the aforesaid order dated 23rd December, 2022 remains unaltered.

Urgent certified copy of this order be made available to the parties, if applied for, upon compliance of all requisite formalities.

(RAJA BASU CHOWDHURY, J.)