

06.05.2024
Sl. No.13
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 28109 of 2023

**Exide Industries Limited Permanent Mazdoor
Morcha (Shyamnagar) & Ors.**

Vs.

Registrar of Trade Unions & Ors.

Mr. Soumya Majumdar,
Mr. Suddhasatva Banerjee,
Ms. Kanchan Jaju

....for the petitioners.

Mr. Somnath Naskar

....for the State.

Mr. Ranjay De,
Mr. Basabjit Banerjee,
Mr. A. A. Bose

....for the respondent no.2.

The subject matter of challenge in this writ petition is an order dated 6th December, 2023, appearing at page 81 of the writ petition, by which the certificate of registration of the petitioner under the Trade Unions Act, 1926 (hereinafter referred to as the 1926 Act) has been cancelled.

Although, alternative remedy is not an absolute bar in maintaining a writ petition but so far as the order of cancellation of a certificate of registration is concerned, the 1926 Act under Section 11 thereof specifically provides for an appeal provision.

After hearing the parties, it appears that certain factual elements are involved which can be more

effectively assessed and adjudicated by the Appellate Authority being a fact-finding forum.

In the aforesaid facts and circumstances, I direct the writ petitioners to approach the Appellate Authority under Section 11 of the 1926 Act within 17th May, 2024.

In the event the appeal is filed, the concerned Appellate Authority without going into the issue of delay in filing the appeal shall adjudicate the matter on merits arising out of the order of cancellation of certificate of registration dated 6th December, 2023.

The Appellate Authority shall pass a reasoned order after hearing the parties in accordance with the provisions of the relevant law in force within a period of 8 weeks from the date of filing of appeal without granting any unnecessary adjournments to either of the parties involved. The Appellate Authority shall, independently and without being influenced by any observation made in this order, decide all issues.

It is made clear that I have not gone into the merits of the matter.

The writ petition is accordingly disposed of.

All parties to act on the basis of a server copy of this order without insisting upon production of a certified copy thereof.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)