

02.04.2024
Sl. No. 02.
D/L.
Mithun
Ct.No.23.

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 28981 of 2023

**Indian National Mineworkers
Federation (INMF) & Anr.
Vs.
Union of India & Ors.**

Mr. Mahendra Prasad Gupta,
Mr. Sartak Singh

..for the petitioners.

Mr. Shiv Shankar Banerjee

...for CIL/respondent.

The petitioner No.1 is Indian National Mineworkers Federation (in short 'INMF'). The petitioner No.2 is Rashtriya Colliery Mazdoor Sangh (in short 'RCMS'). The petitioners' claim that they are affiliated to Indian National Trade Union Congress (in short 'INTUC') and, as such, are entitled to represent the Mineworkers before the Joint Bipartite Committee for the Coal Industry (in short 'JBCCI') wherein the finalization of the National Coal Wage Agreement (in short 'NCWA' -XI) is under process. Records reveal that the meeting of the JBCCI for holding discussions regarding the NCWA-XI has been concluded in or about 25th May, 2023. The sub-committees for deciding various issues to be collated in the NCWA-XI

have been also constituted. However, in the various sub-committees the representation of INTUC has been left vacant as there is an internal dispute as to who will represent INTUC. The petitioners say that INMF and RCMS are the two Unions affiliated to INTUC who are entitled to represent the Coal Mines Workers before the JBCCI-XI as also in the different sub-Committees constituted for the purpose of finalizing the NCWA-XI. The fact remains that the internal dispute of INTUC is an issue pending in a suit before the Delhi High Court. It is yet to be decided who is going to represent INTUC in the various sub-committees constituted for finalization of NCWA-XI. The petitioners say that they have given representations on 3rd July, 2023 and 13th October, 2023 indicating the INMF representatives to fill in the vacancy in the various committees and sub-committees constituted under the JBCCI-XI for the purpose of finalizing NCWA-XI on behalf of INTUC. The representations dated 3rd July, 2023 and 13th October, 2023 are respectively annexed at Pages 25 and 37 of the writ petition.

It is also clear from an order dated 13th October, 2023 passed on behalf of the JBCCI which is annexed at page 38 of the writ petition that out of five Central

Trade Unions in Coal India Limited, four had represented. Their representatives are member of the JBCCI-XI while the representation of INTUC has been kept vacant till resolution of its factional dispute. The factional dispute is not yet over and, as such, the petitioners cannot be permitted at this stage to be considered as the representative of INTUC in the various committees and sub-committees of JBCCI-XI. No mandamus and or a direction of like nature can be issued in the facts of the instant case. Even a direction for considering the representations dated 3rd July, 2023 and 13th October, 2023 in view of the order dated 13th October, 2023 passed on behalf of the JBCCI-XI will be of no consequence. It is unfortunate that a portion of the Coal Mineworkers supporting INTUC may not be properly represented before the JBCCI-XI or take part in an effective manner for finalization of the NCWA-XI but the same is only for the inter se factional dispute in INTUC.

In the aforesaid facts and circumstances, this Court do not find any merit in the writ petition.

In the facts and circumstances as recorded herein, the writ petition is accordingly dismissed.

Urgent Photostat copy of this order if applied for
be supplied for the parties subject to compliance with
all requisite formalities.

(Arindam Mukherjee, J.)