

04.10.2024
Court No.2
Sl. No.1
KB

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**W.P.A 2035 of 2024
with
IA No. CAN 1 of 2024**

**Darjeeling Dooars Chiya Shramik Suraksha
Samity
-versus
The Additional Labour Commissioner & Ors.**

**Mr. Pratap Khati.
Ms. Bandana Rai.
Mr. Birendra Rasali.
...For the Petitioner.**

**Mr. Joyjit Chowdhury. Ld AAG.
Mr. Subir Kumar Saha, AGP
Ms. Patralekha Chowdhury.
... For State.**

1. Affidavit of service filed in Court today is taken on record.
2. The application of the petitioner seeking registration of the Trade Union is pending consideration.
3. Hearing was conducted yesterday i.e. 3rd October, 2024. The proceeding of the hearing has been placed before this Court signed by the Registrar of Trade Union on 3rd October, 2024.
4. It mentions that the statement made by the union in the documents submitted for registration needs verification and scrutiny from the respective tea gardens as, in the hearing, the applicants could not

point out a single document to authenticate the actual employment of the members of the applicant trade union.

5. The Registrar has mentioned that the applicant refused to take an opportunity to supply their lacking, if any, to comply the conditions laid down in the Trade Unions Act, 1926 as amended.
6. According to Section 4 of the Trade Unions Act, 1926, any seven or more members of a trade union may, by subscribing their names to the rules of the Trade Union and by otherwise complying the provisions of this Act with respect to registration, apply for registration of the Trade Union under this Act.
7. The first proviso to the aforesaid Section mentions that no Trade Union of workmen shall be registered unless at least ten per cent or one hundred of the workmen, whichever is less, engaged or employed in the establishment or industry with which it is connected are the members of the such Trade Union on the date of making of application for registration.
8. The second proviso mentions that no Trade Union of workmen shall be registered unless it has on the date of making application not less than seven persons as its members, who are workmen engaged or employed in the establishment or industry with which it is connected.

9. It appears that the application of the petitioner seeking registration is pending consideration for a considerable period of time.
10. In view of the above, the connected application is disposed of by directing the Registrar of Trade Union to pass final order with regard to the application filed by the petitioner seeking registration by 29th November, 2024.
11. The Registrar of Trade Union shall intimate the petitioner with regard to any document that is lacking so that the application for registration can be disposed of finally strictly in accordance with the provisions of the Trade Unions Act, 1926, as amended.
12. The time period fixed by the Court to dispose of the application of the petitioner vide order dated 24th September, 2024 stands modified by the present order.
13. The present connected application stands disposed of.
14. Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)