

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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CWP-30406-2019 (O&M)  
Date of decision: 29.02.2024

Faridabad Auto Rickshaw Drivers Union (REG.1476) Badarpur Border,  
Faridabad through its President Sh. Shiv Kumar Dubey.  
...Petitioner

VERSUS

The Registrar of Trade Unions-cum-Labour Commissioner, Department of  
Labour, Haryana.  
...Respondent

**CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present :- Mr. Ashish Pundir, Advocate and  
Mr. Mohak Bhadana, Advocate for the petitioner.

Mr. Arup Banerjee, Advocate for the petitioner  
(through V.C.).

Mr. Amit Kumar Kashyap, Advocate for the petitioner.

Mr. Gaurav Kathuria, Advocate for the respondent.

Mr. Pankaj Mulwani, DAG Haryana.

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**VINOD S. BHARDWAJ, J. (Oral)**

1. Challenge in the present petition is to the reply/orders dated 20.11.2018 and 04.04.2019 (Annexures P-8 and P-11) whereby the respondent is stated to have declined the proposed amendment sought by the petitioner association in its Constitution.
2. Mr. Amit Kumar Kashyap, Advocate, enters appearance and files vakalatnama on behalf of the petitioner today in the Court and the same is taken on record.

3. A perusal of the impugned letter dated 20.11.2018 (Annexure P-8) suggests that the same is a communication sent by the Labour Commissioner, Haryana to the petitioner wherein it has been informed that various complaints had been received by the Labour Commissioner about the addressee therein (the petitioner) having been removed from the Membership of the Trade Union and had advised the addressee therein to get an appropriate declaration obtained from the Civil Court before his request could be acceded to. Similarly, the communication dated 04.04.2019 (Annexure P-11) is also a communication on a request sent by the petitioner Association as per which the addressee Shiv Kumar Dubey claimed himself to be the President of the petitioner Union whereas a communication had been received from the office of Centre of Indian Trade Unions (CITU) that Elections of said Union were held on 30.09.2019 in which one Gopal Singh had been elected as President of the Union as against Shiv Kumar Dubey claiming himself to be the President. Noticing that it was a private election dispute, the Labour Commissioner, Haryana, advised the parties to obtain appropriate decree from the competent Court of law.

4. Mr. Ashish Pundir, Advocate along with Mr. Mohan Bhadana, Advocate and Mr. Arup Banerjee, Advocate, are claimed to be representing the Petitioner-Union/Association, along with Mr. Amit Kumar Kashyap, Advocate, also claims to be the representative of the petitioner through a different faction.

5. The dispute thus primarily is as to who is the elected President of the Union and as to whether the Labour Commissioner committed an error in requesting the petitioner to seek an appropriate declaration from the

Civil Court about validity of the election and who can represent the petitioner-Union.

6. The issue would involve disputed questions that cannot be gone into by the High Court, in exercising its writ jurisdiction and could not have been determined by the Labour Office as well. It would hence be improper at this juncture, for the High Court to entertain this writ petition.

7. The present writ petition is accordingly **disposed of at this stage** being not maintainable in view of the intricate disputed questions of fact being involved between the parties.

8. The merits of the case are not being touched upon since the matter is not being entertained on the grounds of maintainability and any such observation may have an adverse impact on the interest of the contesting private parties.

**(VINOD S. BHARDWAJ)**  
**JUDGE**

**29.02.2024**

*Mangal Singh*

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No