



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. RSA-3815-2018
Reserved on: 25.11.2024
Date of decision: 02.12.2024

JCT ELECTRONICS WORKERS UNION
Versus
RAM KISHAN SHARMA AND ANR.
..Appellant
..Respondents

2. RSA-4820-2018

JCT ELECTRONICS WORKERS UNION
Versus
RAM KISHAN SHARMA AND ORS.
..Appellant
..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Namit Gautam, Advocate
for the appellant.

ANIL KSHETARPAL, J.

1. With the consent of learned counsel representing the appellant, two connected regular second appeals filed by the plaintiff challenging the correctness of concurrent findings of fact arrived at by the Courts below shall stand disposed of by this common order.
2. In RSA-3815-2018, the plaintiff (JCT Electronics Workers Union) filed a suit for mandatory injunction directing its former office bearers (defendants) to deliver the record of the Union containing cashbook, cheque book, membership register, receipts of depositing membership fee by the workers i.e. cash slips accounts and receipts, cash in hand, office possession with keys, constitution and certificate of registration,



proceedings book to the plaintiff through President and General Secretary.

3. In RSA-4820-2018, the plaintiff (JCT Electronics Workers Union) filed suit for grant of decree of declaration challenging the correctness of resolutions dated 27.03.2004, 22.09.2004, 24.09.2004 vide which Sh. K.B. Sharma and Sh. Dalip Kumar Singh were expelled from membership.

4. The main dispute between the parties is whether the alleged fresh elections were held on 26.09.2004, particularly when there was a settlement arrived at between the Management and the workers on 26.08.2004.

5. It is undisputed that production in the factory was stopped on 13.05.2001, whereas, the lockout was declared by the Management on 13.03.2004. It has also come on record that the alleged newly elected office bearers have also signed the settlement arrived at between the workers and the Management on 26.08.2004. Both the Courts have also held that the plaintiffs have failed to prove that any valid fresh elections were held on 26.09.2004.

6. On 26.05.2001 and 23.06.2002, resolutions were passed not to hold fresh elections till further orders due to dispute pending between the workers of the Union and the Management and further the office bearers of the executive committee would continue till further orders. These resolution are proved to have been signed by Sh. K.B. Sharma, Sh. Dalip Kumar Singh and Sh. Gian Singh Bajwa, who claimed to be elected office bearers. Sh. Dalip Kumar Singh appeared in evidence. He admitted resolutions dated 26.05.2001 and 23.06.2002, but thereafter, he did not turn up for further cross-examination.

7. It has also been held that the plaintiffs have failed to prove their



case.

8. This Bench has heard the learned counsel representing the appellant at length and with his able assistance perused the paperbook.

9. Learned counsel representing the appellant contends that the Courts have failed to appreciate the evidence in the proper perspective. He submits that after 26.09.2004, the former office bearers of the Union had no right to retain the record of the Union.

10. This Court has considered the submissions of learned counsel representing the appellant.

11. It is evident that both the Courts have held that the plaintiffs failed to prove that any elections were held on 26.09.2004. They have also not led evidence to prove the list of members, who had cast their votes and participated in the elections.

12. On the other hand, there are two resolutions passed by the Union i.e. on 26.05.2001 and 23.06.2002, which are signed by the alleged newly elected office bearers deciding not to hold elections due to dispute between the workers of the Union and the Management.

13. Moreover, execution and signature on the settlement dated 26.08.2004 with the Management is admitted. Ex.D-1 to Ex.DW1/4, the plaintiff as well as Sh. K.B. Sharma gave undertaking accepting settlement dated 26.08.2004 with the Management.

14. Keeping in view the aforesaid discussion, no ground to interfere with the concurrent findings of facts arrived at by the Courts below is made out.

15. Hence, both the appeals are dismissed.

02nd December, 2024

(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No