

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

2024 PHHC 116696



**CWP No.23239 of 2023(O&M)
Date of Decision: 06.09.2024**

Mohinder Kapoor and others

....Petitioners

VS.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. R.S.Bains, Senior Advocate with
Mr. Amar Jeet, Advocate and
Mr. Inderpal Singh Deol, Advocate
for the petitioners

Ms. Harsh Rekha Kapoor, AAG, Haryana

Mr. Ashwani Talwar, Advocate
for respondent No. 3

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioners through instant petition under Article 226 of the Constitution of India are seeking setting aside of order dated 23.09.2023 (Annexure P-9) whereby Labour Commissioner has cancelled registration of petitioner No. 5-Bellsonica Auto Component India Employees' Union (in short "Union").

2. On 13.10.2023, the following order was passed by this Court:-

*"Mr. Ashwani Talwar, Advocate appears on behalf of
caveator (Bellsonica Auto Component India Pvt. Ltd.
Plot No. 1, Phase-3-A, IMT Manesar, District Gurugram*



(Haryana) through its Vice President HR) and prays that caveator be permitted to be impleaded as respondent No. 3 in this case.

Learned senior counsel appearing for the petitioners submits that he has no objection if the aforesaid caveator is impleaded as respondent No. 3 in this case.

In view of aforesaid submission, Bellsonica Auto Component India Pvt. Ltd. Plot No. 1, Phase-3-A, IMT Manesar, District Gurugram (Haryana) through its Vice President HR is permitted to be impleaded as respondent No. 3 in this case. Registry to carry out necessary additions in the Memo of Parties.

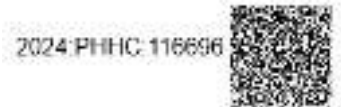
Notice of motion.

Mr. Praveen Chander Goyal, Additional A.G. Haryana accepts notice on behalf of respondents No. 1 and 2 and Mr. Ashwani Talwar, Advocate accepts notice on behalf of respondent No. 3. They seek time to file reply.

At their request, adjourned to 07.11.2023.

In the meantime, the below mentioned directions contained in order dated 23.09.2023 (Annexure P-9), issued by Joint Labour Commissioner-cum Additional Registrar, Trade Unions, Haryana i.e. "The Union is also further directed to disburse the funds of the Union amongst its members in terms of Rule 11 of the Punjab Trade Union Regulations, 1927 and a compliance report in this regard may be sent to this office within 20 days." shall remain stayed till next date of hearing."

3. Mr. Ashwani Talwar, Advocate submits that impugned order is an appealable order and appeal lies before Labour Court. The Presiding



Officer is available, thus, there is no question to entertain the instant petition. The competent authority has registered another workers' union and said union can watch interest of the workers.

4. The petitioner No. 5 is a union and its registration has been cancelled, thus, it has right to challenge cancellation of registration. The registration of another workers' union cannot deprive the petitioner from challenging its cancellation. The appeal lies before Labour Court and Presiding Officer is available, thus, this Court finds it appropriate to relegate the petitioner-Union to alternative remedy of appeal.

5. If the petitioner prefers an appeal within two weeks from today before Labour Court alongwith stay application, the Labour Court shall decide stay application within four weeks from the date of filing. It is further made clear that order dated 13.10.2023 passed by this Court shall remain in force till the adjudication of stay application by Labour Court.

6. The petitioner-Union would be free to withdraw cash from its bank account which is necessary for the litigation expenses. The Union would further be free to deposit any amount in the said bank account.

7. Disposed of in the above terms.

8. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

06.09.2024
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Whether speaking/reasoned:	Yes	
Whether reportable:		No