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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-35097-2024

Date of Decision:20.12.2024

MES WORKERS UNION

..... Petitioner

Versus

STATE OF HARYANA AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Shailendra Sharma, Advocate
for the petitioner.

Mr. Raman Sharma, Addl. AG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 22.10.2024 (Annexure P-13) whereby respondent No.3-Labour Commissioner-cum-Registrar Trade Union Haryana, Chandigarh has cancelled its registration.

2. The respondent No.3 has passed impugned order under Section 10 of the Trade Unions Act, 1926 (for short '1926 Act'). The order passed under Section 10 of 1926 Act is an appealable order under Section 11 of 1926 Act and appeal lies before Labour Court or Industrial Tribunal. Section 11 of 1926 Act is reproduced below:

“11. Appeal.—(1) Any person aggrieved by any refusal of the Registrar to register a Trade Union or by the withdrawal or cancellation of a certificate of registration may, within such period as may be prescribed, appeal—



(a) where the head office of Trade Union is situated within the limits of a Presidency town, to the High Court, or

(aa) where the head office is situated in an area, falling within the jurisdiction of a Labour Court or an Industrial Tribunal, to that Court or Tribunal, as the case may be;

(b) where the head office is situated in any other area, to such Court, not inferior to the Court of an additional or assistant Judge of a principal Civil Court of original jurisdiction, as the appropriate Government may appoint in this behalf for that area.

(2) The appellate Court may dismiss the appeal, or pass an order directing the Registrar to register the Union and to issue a certificate of registration under the provisions of Section 9 or setting aside the order for withdrawal or cancellation of the certificate, as the case may be, and the Registrar shall comply with such order.

(3) For the purpose of an appeal under sub-section (1) an appellate Court shall, so far as may be, follow the same procedure and have the same powers as it follows and has when trying a suit under the Code of Civil Procedure, 1908, and may direct by whom the whole or any part of the costs of the appeal shall be paid, any such costs shall be recovered as if they had been awarded in a suit under the said Code.

(4) In the event of the dismissal of an appeal by any Court appointed under clause (b) of sub-section (1), the person aggrieved shall have a right of appeal to the High Court, and the High Court shall, for the purpose of such appeal, have all the powers of an appellate Court under sub-sections (2) and (3), and the provisions of those sub-sections shall apply



accordingly.”

3. On being confronted with aforesaid Section, Mr. Shailendra Sharma, Advocate submits that Labour Court/Industrial Tribunal has refused to register its appeal.
4. In the wake of aforesaid provisions, there is no question of denial to register appeal against the order passed by Labour Commissioner under Section 10 of 1926 Act.
5. Disposed of with liberty to file appeal before appropriate Labour Court/Industrial Tribunal.

(JAGMOHAN BANSAL)
JUDGE

20.12.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No