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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 5542/2024 and CM APPL. No.22857/2024
VEHICLE DEPOT KARMACHARI UNIONPetitioner
Through: Mr. Yogesh Kumar, Adv.

versus

UNION OF INDIA AND ORS.Respondents
Through: Mr. Anshuman, Advocate SPC

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER
% **02.09.2024**

1. This matter relates to directions to respondent Nos. 2, 3 and 4 to conduct verification of the membership in the petitioner union as per circular dated 09.10.2023 and also to direct the said respondent to conduct separate elections for Work Committee in VSD Delhi Cantt. and accordingly, to constitute a separate Work Committee for VSD Delhi Cantt.
2. Learned counsel who appears for the respondents submits that the elections have already been conducted on 23.04.2024 and therefore, the writ has been rendered infructuous. Be that as it may.
3. This petition relates to the elections of the trade union and this Court in the case of *Pradeep Kumar v. Union of India*¹, dismissed the writ petition pertaining to elections of a trade union holding that the ordinary Civil Courts will have the jurisdiction in such matters. The Court reached the said conclusion accentuating three underlying factors i.e., lack of involvement of

¹ 2006 SCC OnLine Del 388.



any public law character, abundance of disputed questions of facts and ubiquity of the view that it is not expedient to invoke writ jurisdiction in trade union disputes. Paragraph no.19 of the said decision reads as under:-

“19. A number of grounds have been raised by way of opposition to the entertaining and consideration of the writ petitions including the availability of an alternative remedy by way of an appeal, but I do not propose to go into those issues since the above discussion appears to me to be sufficient to decide this batch of matters. The ubiquitous opinion of High Courts in this country is that trade union disputes are not amenable to writ jurisdiction. Alternatively stated, these types of disputes do not partake of a public law character and are inherently and intrinsically private disputes. I cannot accept the argument of Mr. Maninder Singh that because the Railway Administration is called upon to grant leave and provide other assistance for attendance of union meetings, a public law character is superimposed on the trade union disputes. I also cannot accept that since it is in general public interest that affairs of URMU proceed on a peaceful and smooth pace that inter se trade union disputes would automatically wear the mantle of public law. Having arrived at this conclusion since it is ordinary civil courts which would have jurisdiction in regard to disputes pertaining to elections of a trade union, the appointment of the Commissioner to prepare the lists was without jurisdiction. On the strength of Harshad Chimanlal Modi the fact that all parties had consented to this appointment would not act as an estoppel to the challenge subsequently been mounted against such appointment. The wisdom of leaving this genre of disputes to be adjudicated by civil courts, after recording of evidence, is illustrated from the fact that even though the List has been prepared by the Court Commissioner, a number of serious, not frivolous, objections have been raised against the List. If this Court were to further adjudicate these disputes it would lead to yet another error in the exercise of jurisdiction. The controversies pertaining to the factual matrix are not of a superficial nature, as can be duly decided by the Writ Court. Nor have they been raised only to oust or obstruct the exercise of the extraordinary powers of this Court predicated only on a sham or flimsy denial. On the interplay of three facts viz. absence of public law character, presence of disputed questions of fact and the ubiquitous view that it is not expedient to invoke writ jurisdiction in trade union matters, these petitions must be dismissed.”

[emphasis supplied]

4. In another decision rendered by this Court in the case of **Sanjiv Mukherjee v. Northern Railway**², it was held as under:-

“7. Further, this Court is of the view that disqualification of any office bearer of respondent-Union on the ground of violation of a rule cannot be adjudicated

² 2013 SCC OnLine Del 3023



in a writ proceeding. In fact, a trade union dispute or an election dispute between rival factions of a union do not partake a public law character as they are inherently and intrinsically a private dispute which is not amenable to writ jurisdiction.

5. In view of the aforesaid, reserving the liberty to the petitioner to take necessary recourse in accordance with law, the instant petition stands disposed of. Pending applications also stand disposed of.

PURUSHAINDRA KUMAR KAURAV, J

SEPTEMBER 2, 2024

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