

14.08.2025
Item No.8
Ct. No. 30
Aloke

WPA 16813 of 2025

Debabrata Dey & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Rananeesh Guhathakurta
Ms. Senjuti Sengupta
Mr. Pulin Chandra Maity
... for the petitioners

Mr. Ranjay De, Id. Sr. Adv.
Mr. B. Banerjee
Mr. A.A. Bose
... for the respondent no. 3

Ms. Sonal Sinha
Mr. Gourav Das
... for the State

1. Affidavit-of-service filed be kept with the record.
2. Vide the writ application, the petitioner has challenged the Form-F order dated July 20, 2023 with order no. 44/TUR dated July 20, 2023 passed by the Registrar of Trade Unions, Government of West Bengal, on the ground that there has been violation of the principle of natural justice and the order under challenge is a perverse order and as such a writ application has been preferred without preferring an appeal under Section 11 of the Trade Unions Act 1926.
3. **On hearing the learned counsel for the parties and on perusal of the materials on record**

including the order under challenge, it appears that the writ petitioner was duly heard and the authority concerned passed an order under challenge on merit, considering all the materials placed before it.

4. The petitioner herein has stated that certain copies of documents were not provided to him and, as such, he has been prejudiced and has preferred the writ application.

5. Although, alternative remedy is not an absolute bar in maintaining a writ petition but so far as the order of cancellation of a certificate of registration is concerned, the 1926 Act under Section 11 thereof specifically provides for an appeal provision.

6. Accordingly, on hearing the parties and considering the materials on record, the writ application is disposed of with liberty granted to the petitioners to approach the appellate authority under Section 11 of the 1926 Act within 30 days from the date of this order.

7. In the event the appeal is filed, the concerned Appellate Authority without going into the issue of delay in filing the appeal shall adjudicate the matter on merits arising out of the order of cancellation of certificate of registration dated 20th July, 2023.

8. The Appellate Authority shall pass a reasoned order after hearing the parties in accordance with the provisions of the relevant law in force within a period of 8 weeks from the date of filing of appeal without granting any unnecessary adjournments to either of the parties involved. The Appellate Authority shall, independently and without being influenced by any observation made in this order, decide all issues.

9. It is made clear that this Court has not gone into the merits of the matter.

10. The writ petition is accordingly disposed of.

11. All parties to act on the basis of a server copy of this order without insisting upon production of a certified copy thereof.

12. Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

13. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Shampa Dutt (Paul), J.)