

02.09.2025
Item No.05
BR

WPA 20640 of 2025
Gopal Chandra Sahoo
-vs-
State of West Bengal and Ors.

Mr. Billwadal Bhattacharyya,
Sr. Adv.,
Mr. Anish Kumar Mukherjee,
Ms. Megha Datta,
Mr. Tamoghna Pramanick
... for the petitioner

Mr. Amal Kumar Sen, AGP,
Mr. Sayan Datta
... for the State
Mr. Basabjit Banerjee,
Mr. A.A. Bera
... for the respondent no. 11

1. The writ application has been preferred praying for direction upon the respondents herein to issue a fresh Model Code of Conduct incorporating the demands made in the representation dated 26.08.2025 on behalf petitioner's trade union, so that the election in the respondent no. 11 can be conducted and concluded in free and fair manner and to also deploy adequate police personnel for the said election and further ensuring that no untoward incident takes place on the date of poll i.e. on 10.09.2025.
2. Learned counsel appearing for the respondent Registrar of Trade Union

submits that the writ petition is not maintainable as the same has been filed by the petitioner in his individual capacity.

3. Learned counsel for the petitioner counters the said argument by placing paragraph 1 of the writ application, wherein it has been stated that the petitioner is the General Secretary of Tata Steel Limited(HMC Division), Haldia Permanent Shramik Union.

4. Learned counsel for the petitioner submits that a representation dated 26.8.2025 was filed by the respondent no. 4 praying for implementation of certain provisions to ensure free, fair and peaceful election, but the prayer of the petitioner has not been considered.

5. Learned counsel respondents has placed an order dated 26.8.2025, wherein it appears that the Returning Officer and Joint Labour Commissioner (P), Haldia on hearing the representatives of the three unions of the respondent company which includes the petitioner's union has issued a Model Code of Conduct in connection with the election for recommendation of trade union in M/s. Tata Steel Limited, Haldia.

6. It also appears that the Returning Officer has issued a four page

Model Code of Conduct after the said meeting with the three trade unions.

7. It is the duty of the respondent authorities to ensure free and fair election, and it is for the said authorities to ensure that no law and order situation arises and that the election is conducted in a free and fair manner.
8. Though an extensive Model Code of Conduct has been issued by Returning Officer, it appears that no provision for any CCTV cameras/ coverage has been provided in the Model Code of conduct.
9. Considering the law and order situation which may arise when such elections are held, installation of CCTV cameras at permitted positions is necessary as a precaution, and this Court finds no reason as to why such CCTV cameras should not be installed at permitted points, which shall enable all involved in the election, to ensure a free and fair election.
10. Deployment of police personnels at the place where the election is being conducted is the duty of the authorities concerned, for which the respondent authorities shall take all necessary steps to ensure that the elections which has been declared is held in a free and fair manner.

11. It is further directed that the respondents herein shall act as per the relevant provisions of the Trade Unions Act, 1926 and the relevant rules of the West Bengal Trade Union Rules, 1998 while conducting the said election.
12. WPA 20640 of 2025 stands disposed of.
13. All parties to act on the server copy of this order.

(Shampa Dutt (Paul), J.)