

01.07.2026.
Item Nos. 43 & 44.
Court No. 13
ap

M.A.T. 2014 of 2025
With
I.A. No. CAN 1 of 2025
Union of India & Ors.
Versus
Asansol-Burnpur-Kulti Metal & Engineering Workers
Union & Ors.

With
M.A.T. 116 of 2026
With
I.A. No. CAN 1 of 2026

Burnpur Ispat Karmachari Sangha
Versus
Union of India & Ors.

Mr. Kumar Jyoti Tiwari, ld. Sr. Advocate,
Ms. Anamika Pandey.

....For the Appellant
in MAT 2014 of 2025.

Mr. Soumya Majumder, ld. Sr. Advocate,
Ms. Sanjukta Dutta,
Mr. Barnamoy Basak.

...For the respondent nos.1 to 3
in MAT 2014 of 2025 & for the respondent
nos.11 to 13 in MAT 116 of 2026.

Mr. Arjun Roy Mukherjee,
Mr. Prantik Garai,
Ms. Supriya Dubey.

...For the SAIL.

Mr. Ushanath Banerjee, Senior (Special) G.P.
Mr. Debanshu Dinda.

..For the respondent nos.5 & 6.

Mr. Srijib Chakraborty,
Mr. Apurba Ghosh,
Mr. Anindya ghosh,
Ms. Rupsa Srimani.

...For the respondent no.7
in MAT 2014 of 2025 &
for the appellant in MAT 116 of 2026.

Mr. Susanta Pal,
Mr. Debasish Kar.

...For the respondent no.8.

Ms. Susmita Saha Dutta.

,...For the Union of India
in MAT 116 of 2026.

Mr. D. N. Ray, Id. G.P.
Mr. Lokenath Chatterjee,
Mr. Guddu Singh.

...For the State
in MAT 2014 of 2025.

Mr. Aniruddha Bagchi,
Mr. Arghya Chatterjee.

...For the respondent no.6
in MAT 116 of 2026.

Re: CAN 1 of 2026 in MAT 116 of 2026

1. Affidavit-of-service filed in Court today be taken on record.
2. This is an application filed under Section 5 of the Limitation Act, 1963 for condonation of delay of about 120 days in filing the instant appeal.
3. Having heard the learned Advocate appearing on behalf of the appellant as also considering the statements made in the said application, this Court is satisfied with the grounds indicated therein, as sufficiently explaining delay of 120 days in filing the instant appeal.
4. In view of the above, the application for condonation of delay being CAN 1 of 2026 is allowed and disposed of.
5. There will be no order as to costs.

Re: MAT 2014 of 2025 & MAT 116 of 2026

6. The subject appeals are directed against the judgment and order dated 24th September, 2025 passed by a learned Single Judge of this Court in W.P.A. 10299 of 2025.
7. The brief facts relevant to the case are that in an earlier writ petition being W.P.A. 27574 of 2024, by a

judgment and order dated 25th February, 2025, a learned Single Judge of this Court had directed the appropriate authority, namely, Chief Labour Commissioner (Central), to decide the recognition of the rival Trade Unions, hold an election of all Unions after accepting nomination and completion of process of electing Workers Union to represent the workmen against the Management.

8. A second writ petition was thereafter filed by three rival Unions headed by Asansol-Burnpur-Kulti Metal and Engineering Workers Union being W.P.A. 10299 of 2025. In the said writ petition, three Unions in effect sought review of the earlier decision dated 25th February, 2025 and prayed therefor.

9. The appeal against the said judgment dated 24th September, 2025 has been preferred by the original writ petitioner, namely, Burnpur Ispat Karmachiari Sangha in W.P.A. 27574 of 2024 being M.A.T. 116 of 2026. Likewise the Union of India, Chief Labour Commissioner (Central) and Deputy Labour Commissioner (Central) have also challenged the said impugned judgment dated 24th September, 2025.

10. Disposing of the writ petition, the learned Single Judge of this Court has clearly reviewed the earlier judgment and order dated 25th February, 2025 and had, inter alia, directed the State to conduct the election.

11. The State was required to conduct the verification process of the nomination and to conduct a fresh election.

12. Mr. Tiwari, learned Senior Advocate appearing for the appellants in M.A.T. 2014 of 2025 and Mr. Chakraborty, learned Counsel appearing for the appellant in M.A.T. 116 of 2026 have raised the maintainability of the second writ petition, inter alia, by referring to decision of a Full Bench of the Hon'ble Supreme Court of India in the case of ***Ramchandra Sankar Deodhar & Ors. - Vs. - State of Maharashtra & Ors.*** reported in ***(1974) 1 SCC 317***.

13. The earlier view of the Hon'ble Supreme Court of India in the case of ***Shivdev Singh & Ors. - Vs. - State of Punjab & Ors.*** reported in ***AIR 1963 SC 1909*** came to be distinguished in the case of ***Ramchandra Sankar Deohar (supra)***.

14. The Hon'ble Supreme Court of India was of the view that the review of an order passed in an earlier writ petition, sought in a subsequent writ petition, cannot constitute the efficacious alternative remedy.

15. The writ petitioner in the writ petition before the learned Single Judge of this Court also could not have sought review of the earlier decision since they were not parties thereto.

16. In the light of the settled position of law, this Court is of the view that the Single Judge has committed error in allowing review of the earlier

decision dated 25th February, 2025 passed in W.P.A. 27274 of 2024 in the impugned judgment.

17. It is further submitted by the learned Counsel for the appellant that the writ petitioner in the impugned writ petition had already submitted nomination and without waiting for any result, filed the instant writ petition.

18. This Court's mind is not free from doubt that the subject writ petition is motivated and for collateral purposes. The only object that appears to this Court is that the writ petitioner in the present application before the Single Bench, was to remove the Central Government Authorities from the picture and the process of conduct of election to vest in the State. This is a practice that cannot be accepted and could be deemed as an abuse of process of law.

19. In light of the above, the impugned judgment dated 24th September, 2025 passed in W.P.A. 10299 of 2025 shall stand set aside.

20. All Unions, who have filed nomination, shall be entitled to participate in the election process to be conducted by the Chief Labour Commissioner (Central) and/or Deputy Chief Labour Commissioner (Central).

21. The election schedule may accordingly be revamped. The election process may be conducted and completed within a period of three months from the date of communication of a copy of this order.

22. With the aforesaid observations, M.A.T. 2014 of 2025 and M.A.T. 116 of 2026 are allowed and disposed of.

23. There will be no order as to costs.

24. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ananya Bandyopadhyay, J.)