

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3169 of 2022

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RajKishore Kumar, son of Nageshwar Prasad Yadav, resident of Mohalla Lal Darwaza, Town Munger, District Munger, Bihar- 811201.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Labour Resource Department, Government of Bihar, New Secretariat, Patna
2. The Labour Commissioner cum Registrar under Trade Union Act, 1926, Bihar Labour Resource Department, Government of Bihar, New Secretariat Patna
3. The Joint Labour Commissioner, Labour Resource Department, Government of Bihar, Patna
4. The Assistant Labour Commissioner, Labour Resource Department, Munger
5. The Deputy Labour Commissioner, Labour Resource Department, Government of Bihar, Patna
6. The Indian Tobacco Company Limited (ITC) through its Branch Manager, Munger
7. Dr. (Prof.) Azfar Shamshi, The President, Munger Tobacco Manufacturing Worker s Union, Basudeopur, Munger, Registration No.- 68, M/s. ITC Limited, Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sagar Suman, Advocate
For the Respondent/s : Mr.Ajay Kr. Rastogi, AAG 10

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 11-03-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-



1. That the petitioner is seeking kind indulgence of this Hon'ble Court for a writ in the nature of mandamus commanding the respondents to immediately call for and hold a free and fair election of the trade union namely The Munger Tobacco Manufacturing Worker's Union, Basudeopur, Munger bearing Registration No.-68.

And;

Any other appropriate writ/writs, order/orders or direction/directions as your lordship deems just and proper in order to improve the collective negotiating/bargaining capacity of the workers of

Indian Tobacco Company (I.T.C.) Limited Munger for their welfare and social security.

Having heard learned counsel for the petitioner, we are of the considered view that the present petition is totally misconceived and as such only merits dismissal.

The dispute is *inter se* the workers in relation to the management and affairs of the Union formed and registered under the Statute. The petitioner has grievances, if any, of the private respondent no. 7, not having conducted any election of the union, can be best raised and addressed before the appropriate authority provided under the Trade Union Act, 1926 and not by way of the instant petition filed in the nature of public interest litigation.



As such, instant petition stands dismissed.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	22.03.2022
Transmission Date	

