

Misc. Appeal No.3 of 2024

Present : Jayashree Banerjee, Chief Judge

Order No.4, dated 13.02.2024:

Ld. Counsel for the appellant/petitioner has taken out an application under Order 39 Rule 1 and 2 read with Sections 94 and 151 of the Code of Civil Procedure . Appellant also files an application praying for extension of interim order on on 29.01.2024.

It is the contention of the Ld. Counsel for the appellant that by order dated 29.01.2024 this court stayed the order of the respondents cancelling the registration of the appellant. Despite having notice and knowledge of such order of stay the respondent No.1 has issued a notice for election dated 08.02.2024 leaving out the appellant who is also a registered Trade Union on the strength of the order of this court passed on 29.01.2024. Ld. Counsel therefore prays that an order be passed, directing the respondent no.1 to permit the appellant/petitioner to participate in the ensuing election process as contemplated under the notice dated 08.02.2024 treating the appellant/petitioner as a Trade Union registered under the Trade Unions Act, 1926.

As noted herein above that the appellant is and was a registered Trade Union on the date the notice for election was issued by respondent no.1 on the strength of the order passed by this court. Despite having notice and knowledge of the order passed by this court the respondent no.1 deliberately flouted the order of this court and left out the appellant in notice dated 08.02.2024 issued inviting the registered Trade Unions to participate in the election to be held on 01.03.2024 between 07:00 am and 04:00 p.m.

In the given circumstance this court having noted the fact of violation of this court's order dated 29.01.2024 will pass appropriate orders against the respondent no.1 later, in the meantime respondent no.1 is directed to allow the appellant/petitioner to participate in the ensuing election process as contemplated under the notice dated 08.02.2024 as a registered Trade Union.

It is made clear that if the appellant/petitioner is debarred from participating in the ensuing election, this court will take strong action against the respondent no.1 for which the respondent no.1 shall solely be responsible for the consequences that will follow thereafter.

The application for extension of the interim order passed by this court on 29.01.2024 is extended till the disposal of the Appeal. Let a copy of this order be handed over to the Ld. Counsel for the appellant counter signed by the B.C for communication and necessary action.

Fix 29.02.2024 for contested hearing of the stay petition.

Dictated & corrected by me,

Chief Judge.

Chief Judge,  
City Civil Court, Calcutta.