

19.04.2024
Sl. No.12
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 1334 of 2024

All India Postal Employees Union Group-C & Anr.
Vs.
Union of India & Ors.

Mr. Swarup Paul,
Mr. Guru Saday Dutta,
Mr. Anish Roy

....for the petitioners.

Mr. Ajit Kumar Mishra,
Mr. A. K. Das Gupta,
Mr. Kushagra Maskara,
Mr. Abhishek Dey,
Mr. Suprovat Banerjee

....for the respondents.

The petitioner no.1 is a Trade Union registered under the Trade Unions Act, 1926. The petitioners say that a Group-C employee in the Postal Department in the State of West Bengal if interested to be a member of the petitioner no.1 would have to give a letter of authorisation addressed to the Divisional Head in prescribed proforma for deduction of subscription from his salary as per the provisions enumerated in a notification dated 31st January, 1994 and letter No.13/01/2015-SR dated 9th June, 2015, which has been issued in terms of the provisions of Central Civil Services (Recognition of Service Associations) Rules, 1993 (in short "CCS (RSA) Rules, 1993"). The petitioners say that despite there being several applications, the Divisional Head is not processing the

application. The petitioners, therefor, seek a mandamus directing the authorities to make the deductions and forward the same to the Drawing and Disbursing Officer (in short, "DDO").

On behalf of the respondents, it is submitted that the recognition of the petitioner no.1 had been cancelled and as such, there is no question of any employee to apply for necessary deductions for the purpose of being a member of the petitioner no.1.

The petitioners, in reply, rely upon an order dated 29th May, 2023 passed in WPA 12853 of 2023 filed by the petitioners challenging the order of cancelling the recognition of the petitioner no.1. By the said order, the operation of the instruction dated 15th May, 2023 had been stayed. The said stay is still continuing.

The petitioners, therefor, say that there is no embargo at the stage in processing applications made by various employees for deducting contribution in order to be a member of the petitioner no.1.

After hearing the parties and considering the materials on record, it appears that the issues involved in this writ petition can be more effectively adjudicated after inviting affidavits.

However, at the same time since the operation of the instruction dated 15th May, 2023 has remained stayed, the postal authorities can process the

applications made by the employees for deducting contribution for being a member of the petitioner no.1- Association. The deduction of the amount, however, will be subject to the final result in the writ petition.

Let affidavits be filed. Affidavit-in-opposition be filed by 24th May, 2024 with an advance copy to the learned advocate for the petitioners. Reply, if any, thereto by 14th June, 2024.

Parties will be at liberty to mention for inclusion in the list under the heading "Hearing" on completion of affidavits or on expiry of the time provided for filing of affidavits, if no affidavits are filed.

(Arindam Mukherjee, J.)