

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 45/1999

Prakash C Dash & Ors. .. Appellant (s)

Vs.

Prasan K Bhanja & Anr. .. Respondent(s)

(With Appln. for stay)

With C.A. No. 47/1999 (With Appln. for vacatiang stay),
C.A. No. 46/1999

DATE : 16.11.2000 : This/These matter (s) was/were
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE S.N. VARIAVA

For Appellant (s) : Mr. P.N. Misra, Sr. Adv.
Mr. J.K. Tripathy, Sr. Adv.
Mr. S. Misra, Adv.
Ms. Kumud Lata Das, Adv.

For Respondent (s) : Ms. Chandan Ramamurthi, Adv.
Mr. Radha Shyam Jena, Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....J
.SP2

Appeals stand disposed of in terms of the signed
order placed on the file.

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(Meenu Sethi)
Court Master

(Meena Trikha)
Court Master

Signed order is placed on the file

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.45 OF 1999

Prakash C. Dash & Ors. .. Appellants

Vs.

Prasan K. Bhanja & Anr. .. Respondents

WITH

C.A. No. 47/ 1999, C.A. No. 46/ 1999

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These appeals are filed against the order, made by the High Court in relation to a dispute, directing to hold elections to the post of Office bearers of a trade union. When the matter was pending in the High Court, the dispute was for the year 1996-1997 and by the time the matter could be disposed of that year ended and election for the year 1997-1998 became due. Thereafter, that year also having elapsed, the elections for the year 1998-1999 also became due. Whether the elections were held properly or not was the grievance of the parties but that could not be settled as each those years elapsed and the petitions became infructuous. In that background the High Court thought it appropriate to give direction to the respondent No. 2 to take steps for completion of the election process of the union at any rate for the year 1998-1999.

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It was contended for the appellants before us that the election for the year 1998-1999 had been conducted. Hence a report from the District Labour Officer, Dhenkanal was called for by this Court to know whether any election has been held or not or whether the election has taken place as directed by the High Court. The said District Labour Officer made a report stating that on 29.3.1998 election took place at the General Body Meeting held in office of the Union to the post of Office bearers to the Union and that was for the year 1998-1999. In the ordinary course we would have put an end to these matters noting this factor. Now it has been brought to our notice that disputes of similar nature, as is agitated here, have become infructuous from year to year. Therefore, to allay the fears of the parties as to not holding elections properly, we think it appropriate to direct holding of the election as early as possible at any rate for the year 2001-2002.

Learned senior advocate appearing for the Secretary of the Union made a submission that the election will be held on 26.12.2000 to elect the members of the Executive Body for the year 2001-2002 and an appropriate meeting notice will be

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issued on or before 9.12.2000 to hold such meeting in the office of the Union in the factory premises. In special features of the matter, we direct the Labour Commissioner to direct one of his representatives to be present in the meeting

to see that the proceedings are held in a proper manner but it will not be a precedent.

In the circumstances, we think the directions issued to the effect stated above suffice and the appeals shall stand disposed of accordingly.

A copy of this order shall be sent directly to the Labour Commissioner.

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(S. RAJENDRA BABU)@@
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(S.N.VARIAVA) @@
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New Delhi, @@
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November 16, 2000.