

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2907 OF 2014

SOUTH EASTERN COALFIELDS LTD. & ORS. APPELLANT(S)

VERSUS

RASHTRIYA COLLIERY MAJDOOR CONGRESS & ORS. RESPONDENT(S)

WITH

C.A. NO.6121 OF 2021
(@ SLP(C) No.2015/2011)

O R D E R

Leave granted in SLP(C) No.2015/2011.

The challenge in the present appeals is to an order passed by the Division Bench of the Madhya Pradesh High Court on 09.11.2010 whereby a circular dated 14.07.2007 was quashed and the appellants were directed to extend the benefit of check-off facility to the first respondent.

The question in the present appeal is whether a non-affiliated Union to the 5 Central Trade Unions is entitled to seek check-off facility i.e. whether deduction of the contribution of the employees to the Trade Union by the employer is permissible under Section 7(2)(kkk) of the Payment of Wages Act, 1936 (in short, 'the Act'). Section 7(2)(kkk) of the Act reads thus:

"7. Deductions which may be made from wages.-

(1)

(2) Deductions from the wages of an employed person shall be made only in accordance with the provisions of this Act, and may be of the following kinds only, namely-

(kkk) deductions made, with the written authorisation of the employed person, for payment of the fees payable by him for the membership of any trade union registered under the Trade Unions Act, 1926 (16 of 1926);

....."

The requirements of the above provision is in two folds, firstly, that the membership is of a registered Trade Union under the Trade Unions Act, 1926 and secondly, there is a written authorization of the employed person, for payment of the fees payable by him for the membership of such a Trade Union. Therefore, whether any Union is affiliated to the Central Unions or not, is not contemplated by the Act.

Consequently, we do not find any error in the order passed by the Division Bench of the High Court. It is clarified that if there is a registered Trade Union and the person employed submits a written authorization for the payment of membership fee, the same is bound to be allowed by the appellants.

With the abovesaid directions and liberty, the appeals stand disposed of.

In the light of the above, no orders are called for in Interlocutory Application No.8 for impleadment.

Pending application(s), if any, also stand disposed of.

.....J.
[HEMANT GUPTA]

.....J.
[V. RAMASUBRAMANIAN]

NEW DELHI;
30th SEPTEMBER, 2021

ITEM NO.106

COURT NO.11

SECTION IV-C

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

Civil Appeal No(s). 2907/2014

SOUTH EASTERN COALFIELDS LTD. & ORS.
VERSUS

Appellant(s)

RASHTRIYA COLLIERY MAJDOOR CONGRESS & ORS.

Respondent(s)

(I.A. No.8 (Application for impleadment))

WITH

SLP(C) No. 2015/2011 (IV-C)

Date : 30-09-2021 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Appellant(s)/
Petitioner Mr. Ajit Kumar Sinha, Sr. Adv.
Mr. T. G. Narayanan Nair, AOR
Ms. Priya Balakrishna, Adv.

Mr. Kunal Verma, AOR
Ms. Yugandhara Pawar Jha, Adv.
Mr. Ashwin Kumar Nair, Adv.

For respondent(s) Mr. Colin Gonsalves Sr. Adv.
Mr. Amiy Shukla, Adv.
Mr. Sunil Singh Parihar, Adv.
Mr. Prashant Kumar, AOR

For applicant(s) Mr. Amit Pawan, AOR
Mr. Upendra Pratap Singh, Adv.
Ms. Kheyali Singh, Adv.
Mr. Abhay Kumar, Adv.

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

Leave granted in SLP(C) No.2015/2011.

The appeals are disposed of in terms of the signed order.

Pending application(s), if any, also stand disposed of.

(SWETA BALODI)
COURT MASTER (SH)

(RENU BALA GAMBHIR)
COURT MASTER (NSH)

(Signed order is placed on the file)