

North Eastern Railway Employees Union ... vs liird Additional District Judge, ... on 9 March, 1988

Equivalent citations: AIR1988SC2117, JT1988(1)SC604, 1989LABLC44, (1988)IILLJ332SC, AIR 1988 SUPREME COURT 2117, 2006 (10) SCC 417, 1989 LAB IC 44, 1988 BLJR 636.2, (1988) 1 CURLR 493, (1988) 2 LABLJ 332, (1988) 1 JT 604 (SC), (1988) 56 FACLR 735, (1988) 1 LAB LN 906

Bench: A.P. Sen, L.M. Sharma

JUDGMENT

1. In this special leave petition notice was confined to the question as to whether the direction made by the High Court designating the General Manager, North Eastern Railway as the authority to hold elections of the North Eastern Railway. Employees Union, a trade union registered under the Trade Unions Act, 1926, should be substituted by the Registrar of Trade Unions, Uttar Pradesh. In response to the notice, the respondents have appeared and when the case was taken up, a prayer was made on behalf of respondent No. 6 General Manager, North Eastern Railway for adjournment to enable him to file a counter-affidavit. We decline the prayer as we do not see any necessity for any such affidavit by him.

2. We have heard learned Counsel for the appellants as well as the contesting respondents Nos. 2, 3 and 4. The Registrar of Trade Unions is the authority charged with the duty of administering the provisions of the Trade Unions Act. The High Court was obviously in error in designating the General Manager, North Eastern Railway as the authority to hold elections of the Trade Union. We accordingly grant special leave, modify the direction made by the High Court and direct instead that the elections will be held under the supervision of the Registrar of Trade Unions or by an officer designated by him for that purpose. The judgment of the High Court stands modified to the extent indicated.

3. The appeal is disposed of with no order as to costs.