



2026:AHC:47194-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL DEFECTIVE No. - 141 of 2026

Indian National Trade Union Congress

.....Appellant(s)

Versus

Indian National Trade Union Congress and 3 others

.....Respondent(s)

Counsel for Appellant(s)	: Bushra Maryam (Sr. Adv.), Baqer Mehdi
Counsel for Respondent(s)	: Meenakshi Singh, A.C.S.C., Anurag Khanna (Sr. Adv.), Raghav Dev Garg

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE

HON'BLE KSHITIJ SHAILENDRA, J.

1. This appeal along with an application for leave to appeal has been filed by the appellant aggrieved of the order dated 28.01.2026 passed by the learned Single Judge.
2. The writ petition was filed by the respondent-Union through its General Secretary, Shri H.N. Tiwari inter alia seeking a direction to the Labour Commissioner and the Registrar, Trade Unions to issue a letter intimating the authorities, i.e. the Board, Labour Court and Tribunal about the office bearers representing the Federation of Trade Unions, i.e. the petitioner.
3. Learned Single Judge with reference to the provisions of the U.P. Industrial Disputes Act, 1947 ('the Act') and U.P. Industrial Disputes Rules, 1957 ('the Rules'), on finding that though the Labour Commissioner had issued a letter dated 23.12.2025 to the Registrar, Trade Unions regarding there being no dispute in the election of the petitioner held on 31.08.2025 and no action was taken, directed the Registrar, Trade Unions to pass appropriate orders intimating the constitution of the new executive body of the petitioner Federation to various authorities as required under the Rules in accordance with law, if there exists no legal impediment.
4. Submissions have been made that there are disputes within the Union. One faction led by Shri K.K Tiwari and another faction led by Shri H.N. Tiwari, are in litigation wherein a civil suit is pending before the court of Additional Civil Judge (Junior Division), Court No.4, Kanpur district and in the past on 16.07.2024, the Labour Commissioner on account of the

dispute between the parties, required the parties to get the dispute resolved through civil court on account of which the suit was filed and the Registrar, Trade Union, by its order dated 29.10.2025, intimated both the parties, i.e. K.K. Tiwari and H.N. Tiwari regarding the pendency of the suit and that their claim made for recognition, cannot be considered. However, on a communication made by the respondent, an order has been passed by the Labour Commissioner inter alia indicating that there is no legal impediment in dealing with the application made by the respondent, however, when the Registrar did not pass any order based on the said communication dated 23.12.2025, the present writ petition was filed without impleading the appellant as party and the order seeking direction of the present nature was passed by the learned Single Judge without disclosing the order dated 29.10.2025 passed in this regard and the fact that the subject matter for which a direction was sought, was being contested by the appellant.

5. It was further submitted that once on the subject matter of the writ petition, parties are contesting before the civil court and an order dated 29.10.2025 was already passed, there was no occasion for seeking a fresh direction from the Labour Commissioner dated 23.12.2025 and filing of the writ petition before this Court for compliance of the said direction and that also without impleading the appellant as party respondent and, therefore, the application seeking leave to appeal be allowed and the order impugned be set aside.

6. Learned counsel for the respondents defended the order impugned with the submissions that once the subject matter of the pending suit does not pertain to the election for which the recognition was being sought by the respondents and in the suit the Labour Commissioner was not a party and no interim order was granted, the Registrar, Trade Unions was not justified in not processing the application made by the respondent and, therefore, the filing of the petition was justified.

7. Submissions were also made that even now based on the order which has been passed by the learned Single Judge, which is innocuous in nature and requires the authorities to pass order in accordance with law and if there is no legal impediment, none has prevented the appellant to approach the Registrar with all the issues as are sought to be raised in the present appeal and, therefore, the appeal deserves to be dismissed.

8. We have considered the submissions made and have perused the material available on record.

9. It is not in dispute that the two factions of the Trade Union Congress, one led by K.K. Tiwari and another by H.N. Tiwari, are at loggerheads and civil suit pertaining to the dispute is pending consideration before the competent civil court apparently after the order dated 16.07.2024 was passed by the Labour Commissioner and subsequent thereto on application made seeking recognition of the elections by both the factions, an order dated 29.10.2025 was passed by the Registrar staying his hands off on account of pendency of the civil suit.

10. Once the respondent chose to seek further directions from the Labour Commissioner based on the nature of the suit and lack of any interim order and was seeking enforcement of the said direction dated 23.12.2025 by filing the writ petition, it was incumbent on the respondent to have impleaded the appellant as party respondent to the petition and, thereafter, sought adjudication/decision.

11. Submissions made that the order passed is innocuous and it is always open for the appellant to place its point of view before the Registrar, cannot be countenanced at all inasmuch as whether at all such a direction based on a communication dated 23.12.2025 could be issued by the Court, can only be decided once the appellant was impleaded as a party to the petition and an opportunity of hearing in this regard was provided.

12. Once a mandamus directing intimation of the constitution of new executive body of the 'petitioner-Federation' to the various authorities, has been passed by the learned Single Judge, the Registrar, Trade Unions thereafter is not expected to provide a fair hearing to the appellant.

13. In that view of the matter, we find that the writ petition, as filed by the respondent before the learned Single Judge without impleading the appellant as party respondent and not bringing on record the orders dated 16.07.2024 and 29.10.2025, was defective for non-impleading of the necessary party and for non production of the relevant documents.

14. In that view of the matter, the application seeking leave to appeal as well as special appeal filed by the appellant are allowed. The order dated 28.01.2026 passed by the learned Single Judge is set aside.

15. The writ petition being Writ-C No. 2787 of 2026 is restored to its original number. The respondent, if advised, may implead the appellant as

party respondent, place on record the required documents and, thereafter, the said writ petition would be decided in accordance with law.

(Kshitij Shailendra,J.) (Arun Bhansali,CJ.)

March 9, 2026
RK/AKShukla