HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

D.B. Civil Writ Petition No. 16777/2019

1. Income- Tax Contigent Employees Union, Income-Tax Office, Jodhpur. (Registered Association Of Casual Labours Of Income-Tax, Rajasthan Region).
2. Kamal Pal S/o Shri Babu Lal, Aged About 47 Years, R/o Plot No. 147, Hudco Quarters, Kirti Nagar, Jodhpur-342001. (A Member Of The Income-Tax Contingent Employees Union).

----Petitioners

Versus

1. Union Of India, Through The Finance Secretary, Ministry Of Finance, North Block, New Delhi- 110001.
2. Pr. Chief Commissioner Of Income-Tax, C.r. Building, Statue Circle, Jaipur- 302005.
3. Chief Commissioner Of Income-Tax, Paota, C-Road, Jodhpur- 342010.

----Respondents

For Petitioner(s)	:	Mr.T.C.Gupta through VC
For Respondent(s)	:	Mr.Sunil Bhandari through VC

HON'BLE MR. JUSTICE SANDEEP MEHTA
HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI

ORDER

Date of Pronouncement	**:**	**13/01/2022**
Date of Reserve	**:**	**10/01/2022**

BY THE COURT : (PER HON’BLE MEHTA,J.)

The matter comes up on an application preferred by Shri Sunil Bhandari representing the respondents seeking dismissal of the writ petition on the ground of it having been filed without proper authorization.

The instant writ petition has been filed in representative capacity on behalf of a Union posed as Income Tax Contingent Employees Union. The affidavit in support of the writ petition has been sworn by one Kamal Pal claiming to be a Member and an authorized person of the Union.

Shri Sunil Bhandari Advocate representing the respondents has filed an application (I.A.No.1/2021) seeking dismissal of the writ petition on the ground that none of the Members of the so-called union whose cause is sought to be agitated in this writ petition are identifiable. No list of the casual labour who are alleged to be Members of the Union, has been annexed with the writ petition. Furthermore, no proper authorization/resolution passed by the so-called Union for the purpose of filing the Original Application before the Central Administrative Tribunal or the writ petition before this Court has been placed on record.

Reliance has been placed by counsel for the respondents on the ***order dated 17.11.2011 passed in D.B. Civil Writ Petition No.2893/2019 "Income Tax Contingent Employees Union & Anr. Vs. A.N. Jha & Anr."*** and the ***order dated 9.7.2019 passed in D.B. Civil Writ Petition No.3798/2019 "Income Tax Contingent Employees Union Vs. Union of India & Ors."*** whereby, this Court has held that such writ petitions are not maintainable for lack of proper authorization.

Shri Gupta learned counsel representing the petitioners vehemently relied upon the document Annex.7 claiming that in the meeting dated 20.3.2015, the Union authorized him (Shri Gupta) to file the cases on behalf of the Union. He further urged that in the meeting dated 11.4.2018, Shri Kamal Pal had been authorized to plead the matters on behalf of the Union. Shri Gupta thus submits that the writ petition has been presented and is being pursued under proper authorization.

We have given our thoughtful consideration to the arguments advanced at the bar and have gone through the material placed on record.

Suffice it to say that the minutes of the meeting dated 20.3.2015, which have been referred to by Shri Gupta during the course of his arguments, do not bear signatures of any of the Members of the Union. Furthermore, no list of the Members of the Union has been annexed with the writ petition. Shri Jagdish Solanki claiming to be President of the Union, has authorized Shri Kamal Pal to file the matters on behalf of the Union in the courts. However, no resolution of the Union has been filed on record on the strength whereof, Shri Jagdish Solanki has been authorized to further authorize Shri Kamal Pal to file the Original Application before the Central Administrative Tribunal or the instant writ petition. In similar circumstances, ***Writ Petition No.2893/2019*** filed by the petitioner Union through its so-called President Jagdish Solanki was dismissed by this Court by order dated 17.11.2021 observing as below:

> "At the outset, learned counsel for the respondent has raised a preliminary objection pertaining to incorporation of petitioner No. 1 and authorization/resolution passed by the members of the Union and authorization given to the Advocate. The respondent counsel has also brought to the knowledge of the Court judgment passed by the Co-ordinate Bench of this Court in DBCWP No.3798/2019 passed on 09.7.2019 wherein relying upon the Rule 7 of the Central Administrative Tribunal Rules of

> Practice, 1993 (hereinafter referred to as the Rules of 1993) and after hearing the arguments, this Court has held that there was non compliance of Rule 7 and in absence of proper and adequate authorization the petition was dismissed."

Hence, we are of the firm view that the writ petition has been filed without proper authorization/resolution and hence, the same is not maintainable.

Accordingly, the I.A.No.1/2021 is allowed.

The writ petition is dismissed as not maintainable in absence of proper authorization.

(VINOD KUMAR BHARWANI),J **(SANDEEP MEHTA),J**

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