

Bench:
Mr. Justice Bhishmadev Chakrabortty
and
Mr. Justice Murad-A-Mowla Sohel

Writ Petition No. 6109 of 2004

Ratan Kanti Daspetitioner

-Vs-

Government of Bangladesh, represented by the
Secretary Ministry of Labour, Bangladesh Secretariat,
Dhaka and others.

.....respondents

Mr. Rehan Husain with
Mr. Md. Omar Farok and
Mr. Md. Jasim Uddin, Advocates

.....for the petitioner

No one appears for the respondents

Judgment on 24.02.2026

Bhishmadev Chakrabortty, J:

On an application under Article 102(2)(a)(ii) of the Constitution the
Rule was issued as under -

*“Let a Rule Nisi issue calling upon the respondents to show cause
as to why the certificate of Registration of Chattagram WASA
Jatiotabadi Sramik Karmachari Dal bearing Registration
No.Chatta-2307 dated April 26, 2004 (Annexure-E) should not be
declared to have been passed without any lawful authority and is
of no legal effect /or such other or further order or orders passed
as to this Court may seem fit and proper.”*

During pending of the Rule, the petitioner filed an application for
issuance of supplementary Rule upon the respondents. Accordingly, the
application was allowed and a supplementary Rule was issued on
18.11.2025 as under-

“Let a supplementary Rule nisi be issued calling upon the respondents Nos.1-6 to show cause as to why granting and continuing with the trade union registration certificate bearing registration No.Chatta-2307 dated April, 26 of 2004 (Annexure-E) issued by the respondent No.3 in favour of Chattagram WASA Jatiyotabadi Sramik Karmachary Dal which is contrary to the mandatory provisions of section 179(5) of the Bangladesh Shramo Ain, 2006 [Act, XLII] (in brief Ain, 2006) should not be declared to have issued and taken without lawful authority and is of no legal effect and/or such other or further order or orders pass as to this court may seem fit and proper.”

The material facts for disposal of this Rule as stated in the writ petition, in brief, are that Chattagram Water Supply and Sewerage Authority (WASA) is a statutory body and its function is to supply water to the inhabitants of Chattagram City Corporation area. The petitioner is the President of Chattagram WASA Shramajibi Union, a Registered Trade Union of the establishment bearing Registration No. Chatta-1687 registered in 1993. There are five hundred employees working in the establishment who have right to form trade unions under the provisions of Industrial Relations Ordinance, 1969 (the Ordinance, 1969). Under the provision of section 7(2) of the Ordinance, 1969 to form a trade union minimum 30% of the total number of the workers employed in a group or establishment is required. There are three registered trade unions in Chattagram WASA namely (i) Chattagram WASA Employees Union bearing registration No. Chatta-34, (ii) Chattagram WASA Shramik Karmachari Union bearing registration No. Chatta-1008 and (iii) Chattagram WASA Shramajibi Union bearing registration No.Chatta-1987 (petitioner’s union). The petitioner’s

trade union organization has total 264 members as prepared provisionally and published on 18.10.2003 for the purpose of holding election of 2003. But respondent 5-15 by showing a fake meeting held at 3.00 pm on 1.4.2004 at WASA Bhaban premises took resolution to form a Trade Union Organization namely Chattagram WASA Jatiatabadi Sharamik Karmachari Dal showing member of 300 workers and employees out of 600. The meeting shown to have been presided over by respondent 4 forming an Executive Committee consisting of 12 members and preparing a constitution filed a copy of the resolution showing enlistment of members of 232 employees of Chattagram WASA and other documents in the office of the respondent 3, the Registrar of Trade Union, Chattagram. In the resolution, it has been mentioned that some of the members of petitioner's union resigned at mass but no resignation letter was submitted that any of the members of the petitioner's union in person or by post resigned as required under section 11(b) of the Ordinance, 1969. That 86 members of the newly formed trade union organization raised objection and filed an application to respondent 3 that they did not resign from the petitioner's trade union organization. In the list of the workers of newly formed trade union, it is found that some of them had already retired from service and some of them are found not at all workers of the establishment. Thus total number of members of newly formed trade union organization is found less than 30% of total members of the establishment which was required for getting registration as a trade union under the Ordinance, 1969. But respondent 3 without scrutinizing the papers of the newly formed organization, issued certificate of registration to them on 26.4.2004. The petitioner organization then filed an application on 10.7.2004 to respondent

3 for cancellation of registration, but he did not make any response to it. The petitioner then approached this Court and obtained this Rule.

Mr. Rehan Husain, learned Advocate for the petitioner taking us through the annexures appended with the writ petition, the provisions of Ordinance, 1969, the provisions of Ain, 2006 and referring to the case of the Secretary of Aircraft Engineers of Bangladesh and another vs. Registrar of Trade Union and others, 45 DLR (AD) 122 submits that according to the provisions of section 7(2) of the Ordinance, 1969 there is no scope to form more than three trade union organizations in an establishment. The workers of Chattagram WASA has already formed three registered Trade Union Organizations including the petitioners trade union bearing No. Chatta-1687. Since, there are three registered trade unions in the establishment, respondent 3 had no authority of law to give registration to another trade union. Respondent 3 gave registration to Chattagram WASA Jatiatabadi Sharamik Karmachari Dal, respondent 4 as a trade union in gross violation of the provisions of section 7 (2) of the Ordinance, 1969 as well as section 175(5) of the Ain, 2006. He refers to a supplementary affidavit through which the petitioner obtained information from Directorate of Labour, annexure-H that still four trade union organizations have been functioning in the said establishment which is not at all permitted by law. Mr. Husain further refers to the up to date works of petitioner's trade union annexures-I, I-(1), I-(2), J and J-(2) and finally submits that since the registration of a new trade union has been given where already three unions exists in the establishment without cancelling registration any one of them in gross violation of law, the Rule would be made absolute.

No one appears on behalf of respondents 4-15 to oppose the Rule, although the matter has been appearing in the daily cause list from 18.01.2026 with the name of the learned Advocate for respondent 4 and the matter was heard in part on 25.01.2026, 02.2.2026 and 22.02.2026.

We have considered the submissions of the learned Advocate for the petitioner, gone through the writ petition, supplementary affidavit, the annexures appended thereto, the provisions of law and *ratio* of the case cited by the learned Advocate for the petitioner.

It transpires that petitioner's trade union organization namely Chattagram WASA Sharamajibi Union (a sister concern of Bangladesh Jatiyatabadi Shramik Dal) got registration as a trade union of the establishment on 28.8.1993 bearing registration number Chatta-1687. Before getting the registration of the petitioner's trade union, other two trade unions namely, (i) Chattagram WASA Employees Union bearing registration No.Chatta-34 and (ii) Chattagram WASA Shramik Karmachari Union bearing registration No. Chatta-1008 registered on 02.07.1970 and 14.7.1984 respectively had been functioning. Therefore, it is crystal clear that before 26.4.2004 there were three registered trade union organizations in the establishment. Be that as it may, section 7(2) of the Ordinance, 1969 is a clear bar to give registration of another trade union in the establishment. In the situation of the present case, the concerned authority ought to have cancelled registration of any one of the existing trade union registered earlier showing valid reason and then proceed with the registration of respondent 4 union, Chattagram WASA Jatiatabadi Shramik Karmachari Dal which was not at all done. Since, the writ petition was filed and Rule and stay was obtained from this Court on 04.12.2004, the

provision of Ordinance, 1969 shall apply in the present case according to the saving clause of section 353 sub-section 2(Kha) of the Ain, 2006. In the new law of 2006, a similar provision has been provided under section 179 (5) that “কোন প্রতিষ্ঠানে অথবা প্রতিষ্ঠানপুঞ্জে কোন সময়ে তিনটির অধিক রেজিস্ট্রিকৃত ট্রেড ইউনিয়ন থাকিবে না।” which was subsequently amended in 2013 by inserting word “রেজিস্ট্রেশন প্রদান করা যাইবে না” in place of “রেজিস্ট্রিকৃত ট্রেড ইউনিয়ন থাকিবে না।”. The provision of the Ain, 2006 also provides that the Registrar of Trade Union, respondent 3 herein shall not give registration more than three trade unions in an establishment. The *ratio* laid in the case of Secretary of Aircraft Engineers of Bangladesh and another vs. Registrar Trade Union and others 45 DLR (AD) 122 is that in an establishment not more than three trade union shall function at a time. It appears from the Annexure-H to the writ petition, i.e., information supplied by the Directorate of Labour, Chattagram that at present 4 trade unions are existing in Chattagram WASA. We fail to understand how four registered trade unions have been functioning in the aforesaid establishment of Chattagram WASA. Moreover, the statements made in paragraphs 10, 11, 12, 13 & 14 of the writ petition about petitioner’s position in the establishment as a trade union remained uncontroverted by filling affidavit-in-opposition which are deemed to have been admitted by the respondents. The Registrar of Trade Unions beyond the provisions of law gave registration to respondent 4, Chattagram WASA Jatiatabadi Shramik Karmachari Dal which is of no legal effect.

Under the aforesaid facts and position of law, we find substance in the submissions of Mr. Husain, learned advocate for the petitioner. The

impugned order of issuing certificate of registration by respondent 3 to Chattagram WASA Jatiatabadi Shramik Karamochari Dal bearing registration No. Chatta-2307 dated 26.4.2004 as contained in Annexure-E to the writ petition is found to have been without lawful authority and is of no legal effect. The registration given to the aforesaid trade union organization of the establishment is also found contrary to the provision of section 179(5) of the Ain, 2006.

In the result, the Rule is made absolute. The impugned order is hereby declared to have been passed without lawful authority and is of no legal effect.

Communicate this judgment and order to the concerned.

Murad-A-Mowla Sohel, J:

I agree.