

IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(SPECIAL ORIGINAL JURISDICTION)

**Writ Petition No. 4447 of 2025.**

**with**

**Writ Petition No. 8826 of 2023.**

**IN THE MATTER OF:**

An application under Article 102 of the Constitution of the People's Republic of Bangladesh.

-And-

**IN THE MATTER OF:**

Md. Jamal Uddin, General Secretary, Chattogram Bandar Byaboharkari Sramik Karmachari Union.

.....Petitioner

(In writ petition No. 4447 of 2025)

Chattogram Bandar Byaboharkari Sramik Karmachari League and another.

.....For the Petitioners

(In writ petition No. 8826 of 2023)

-Versus-

The Labour Appellate Tribunal and others

.....For the Respondents

(In writ petition No. 4447 of 2025)

The Labour Appellate Tribunal and others

.....For the Respondents

(In writ petition No. 8826 of 2023)

Mr. B. M. Elias (Kachee), Senior Advocate with

Mr. A.S.M. Sazzad Haider, Advocate with

Mr. Mokarramus Shaklan, Advocate

.....For the petitioner

(In writ petition No. 4447 of 2025)

Mr. Md. Ibrahim Khalil, Advocate

.....For the Petitioners

(In writ petition No. 8826 of 2023)

Md. Md. Ibrahim Khalil, Advocate

.....For the Res. No. 5

(In writ petition No. 4447 of 2025)

Mr. B. M. Elias (Kachee), Senior Advocate with

Mr. A.S.M. Sazzad Haider, Advocate with

Mr. Md. Anisuzzaman, Advocate

.....For the Res. No. 6

(In writ petition No. 8826 of 2023)

Mr. Akhtar Hossain Md. Abdul Wahab, DAG with

Mr. Sultan Mahmood Banna, DAG with  
 Ms. Khandaker Asma Hamid, AAG with  
 Mr. S.M. Emamul Musfiqur, AAG with  
 Mr. Md. Mashiur Rahman (Riad), AAG with  
 Mr. Md. Mehebab Hossain, AAG  
 ..... For the respondents

**Present:**

**Justice Fatema Najib**

**And**

**Justice A.F.M. Saiful Karim**

**Heard on 14.01.2026 and 28.01.2026.**

**Judgment on 18.02.2026.**

**A.F.M. Saiful Karim , J:**

Since in these Writ Petitions similar questions of law and fact are involved, for sake of convenience these are taken up together for hearing and are being disposed of by this single judgment.

On an application under Article 102 of the Constitution of People's Republic of Bangladesh a Rule Nisi was issued in Writ Petition No. 8826 of 2023 on 17.07.2023 in the following terms:

*“Let a Rule Nisi be issued calling upon the respondents to show cause as to why the impugned order dated 08.07.2023 passed by the respondent No. 1 in Appeal No. 131 of 2022 dismissing the application for restoration of the said appeal which was earlier dismissed vide order*

*dated 12.03.2023 (Annexure-J) and thereby affirming judgment and order dated 04.07.2022 passed by the respondent No. 2 in Appeal Case No. 02 of 2013 allowing the case (Annexure-F) should not be declared to have been passed without lawful authority and is of no legal effect and/ or to pass such other or further order or orders as to this Court may seem fit and proper.”*

And petitioner also obtained an order of stay of operation of the judgment and order dated 04.07.2022 passed by the respondent No. 2 in Appeal Case No. 02 of 2013 allowing the case (Annexure-F). The order of stay was extended from time to time and lastly extended till disposal of the Rule Nisi.

In Writ Petition No. 4447 of 2025 a Rule Nisi was issued on 09.03.2025 in the following terms:

*“Let a Rule Nisi be issued calling upon the respondents to show cause as to why the impugned judgment and order dated 23.04.2015 (Annexure-C) passed by the respondent no. 1 in Appeal Case No. 02 of 2015 allowing*

*the appeal reversing the judgment and order dated 17.11.2014 (Annexure -B) passed by the respondent no. 2 in Appeal Case No. 01 of 2013 dismissing the appeal and thereby affirming the order dated 17.12.2023 passed by the respondent No. 3 (Annexure A-1) and the Registration of the respondent No.5 being Regi: No.2747 dated 07.05.2015 (Annexure-D) should not be declared to have been passed without lawful authority and is of no legal effect and /or such other or further order or orders passed as to this Court may seem fit and proper.”*

And the Hon’ble High Court Division also passed an order to the effect that “Let this matter be heard with Writ Petition No. 8826 of 2023 analogously.”

Facts of writ petition No. 8826 of 2023, in brief, are that the Petitioners of Writ Petition No 8826 of 2023 along with other workers applied for registration before the Joint Director of labour, Chattogram and Sylhet Division on 27.10.2013 which was rejected by order dated 17.12.2013. Being the President, Secretary of the

*Chattogram Bandar Byaboharkari Sramik Karmachari League* as appellants filed an appeal being no 1 of 2013 under section 182(4) of the Bangladesh Labour Act, 2006 before First Labour Court, Chattogram. The said appeal was dismissed vide judgment and order dated 17.11.2014. Being aggrieved with the Judgment and order dated 17.11.2014 the petitioner/appellants preferred an Appeal being no.02 of 2015 under section 182(6) of the labour Act, 2006 before Labour Appellate Tribunal, Dhaka and the Appeal was allowed by judgment and order dated 23.04.2015 by setting aside the judgment and order dated 17.11.2014 passed in appeal No. 01 of 2013. In the said Judgment the Joint Director of Labour, Chattogram Division was directed to issue registration in favour of the petitioners within 30 days. As per judgment and order dated 23.04.2015 passed by the Labour Appellate Tribunal, Dhaka the petitioner was registered as a trade union on 07.05.2015 and the Joint Director of Labour office of the Registrar of Trade Unions, Chattogram and Sylhet Division vide memo No. টিইউ-৬২৮/১৩/৮৮৫/১(৩) dated 03.08.2016 declared the petitioner No. 01 as the sole Trade Union of the Chattogram Port.

A group of workers of another Trade Union in the name and style of Chattogram Bandar Byabeharkari Sramik Karmachari Union (proposed), i.e respondent no.5 of Writ Petition No. 8826 of 2023 applied for registration before the respondent no.4 on 27.08.2013 which was rejected by order dated 13.10.2013. Thereafter, on 06.11.2013 the respondent no.5 filed an appeal being no. 02 of 2013 before Second Labour Court, Chattogram against the order dated 13.10.2013 passed by Joint Director of Labour, Chattogram Division (i.e respondent No.4). The writ petitioner of Writ Petition No. 8826 of 2023 was not made party on the said Appeal. The said Appeal being no. 02 of 2013 was allowed vide Judgment and order dated 04.07.2022. Feeling aggrieved Director and Registrar of Trade Unions, Chattogram Division i.e Respondent No. 3 as appellant preferred appeal being no. 131 of 2022 before Labour Appellate Tribunal, Dhaka (Res-no.1). On 12.03.2013 the said Appeal was dismissed for default for non appearance of Appellant. Director and Register of Trade Unions, Chattogram filed an application for restoration of the appeal before the Labour Appellate Tribunal,

Dhaka but the application was dismissed by order dated 06.07.2013. Since by impugned order dated 06.07.2023 the application for restoration of Appeal No. 131 of 2022 was dismissed, so, the Judgment and order dated 04.07.2022 in Appeal case No. 02 of 2013 remains in force and order dated 04.07.2022 would create an administration deadlock as the Petitioner No. 01 has already been declared as sole Trade Union of Chattogram Port on 03.08.2016 by dint of the judgment and order dated 23.04.2015 passed in Appeal Case No. 02 of 2015 by the Labour Appellate Tribunal, Dhaka. With these averments the petitioners filed the instant Writ Petition No. 8826 of 2023.

On the other hand, General Secretary Chattogram Bondar Baboharkari Sramik Karmachari Union (proposed) as petitioner filed Writ petition No. 4447 of 2025 challenging the Judgment and order dated 23.04.2015 passed by Labour Appellate Tribunal in Appeal case no. 02 of 2015 allowing the appeal by reversing the Judgment and order dated 17.11.2014 passed by First labour Court in Appeal case No. 01 of 2013 dismissing the Appeal vide dated 17.12.2023

passed by Director Registrar of Trade Unions, Divisional Labour office, Doboulmoring, Chattogram, Agrabad.

Facts of writ petition No. 4447 of 2025, in brief, are that the petitioner is the General Secretary of the Chattogram Bandar Byaboharkari Sramik Karmachari Union, a valid trade union for the purposes of Section 185KA of the Bangladesh Labour Act, 2006, vide judgment and order dated 04.07.2022 passed by Respondent No. 2, and has the *locus standi* to file this writ petition and the Petitioner of Writ Petition No. 8826 of 2023 applied for registration before the joint Director of Labour, Chattogram and Sylhet Division on 27.10.2013 and that was dismissed on 17.12.2013 against which the petitioner of that Writ Petition filed an Appeal being No. 01 of 2013 before First Labour Court, Chattogram which was also dismissed vide Judgment and order dated 17.11.2014. Then the said Petitioner preferred Appeal being No. 02 of 2015 before Labour Appellate Tribunal which was allowed reversing the Judgment and order dated 17.11.2014 passed in Appeal No.01 of 2013 passed by First Labour Court, Chattogram vide Judgment and Order dated 23.04.2015 and as

per direction given by Labour Appellate Tribunal, Dhaka the registration was given by Joint Director of Labour, Chattogram and Sylhet Division in favour of the petitioner of Writ Petition No. 8826 of 2023 as sole Trade Union. That being the position having no other alternative efficacious remedy, the petitioner of Writ Petition No 4447 of 2025 filed Writ Petition challenging judgment and order dated 23.04.2015 passed in Appeal No. 02 of 2015. That, against the judgment and order dated 23.04.2015 passed by the Labour Appellate Tribunal, Dhaka the petitioner had no opportunity to file any appeal, as the petitioner's application for registration was pending before the First Labour Court, Chattogram, in Appeal Case No. 02 of 2013. The Respondent No. 3 and 4 also did not file any appeal against the judgment and order dated 23.04.2015 due to the political pressure of the Respondent No. 5. That in compliance of the above judgment and order dated 23.04.2015 the respondent No. 5 applied for registration of Trade Union in the name and style of “Chattogram Bandar Byaboharkari Sramik Karmachari Union League” to respondent No.3 i.e the Director of Labour, Chattogram

Division. Accordingly, respondent No. 3 gave the registration of the said trade union. That on the other hand, the petitioner to writ petition No. 4447 of 2025 along with other workers of berth operator, ship handling operator and terminal operator of Chattogram Port formed a Union in the name and style of “Chattogram Bandar Byaboharkari Sramik Karmachari Union” and applied for registration on 27.08.2013 before the Joint Director of Labour, Chattogram and Sylhet Division. That the Joint Director of Labour rejected the prayer for registration of the petitioner vide letter dated 13.10.2013. Thereafter, the petitioner being as appellant filed an appeal under section 182(4) of the Bangladesh Labor Act, 2006 before the learned 2nd Labor Court, Chattogram which was registered and numbered as Appeal No. 2 of 2013. Thereafter the Learned Second Labor Court, Chattogram after hearing the parties allowed the said appeal vide Judgment and Order dated 04.07.2022. Thereafter being aggrieved by and dissatisfied with the said Judgment and Order dated 04.07.2022 the authority, respondent No. 3, under political influence of the Respondent No. 5 preferred an

Appeal under section 182(6) of the Labor Act before the Labor Appellate Tribunal, Dhaka which was registered and numbered as Appeal No. 131 of 2022, that the learned Labor Appellate Tribunal, Dhaka, initially dismissed Appeal No. 131 of 2022 by Order No. 06 dated 12.03.2023 against which an application for restoration was filed against the dismissal order of appeal. However, after hearing the Tribunal rejected the restoration application by order No. 07 dated 06.07.2023. Respondent No. 5 being influenced politically filed Writ Petition No. 8826 of 2023 before the Hon'ble High Court Division challenging the impugned order dated 06.07.2023 passed by Respondent No. 1 in Appeal No. 131 of 2022. The Hon'ble High Court Division upon hearing the matter issued Rule and stayed the operation of the judgment and order dated 04.07.2022 passed by Respondent No. 2 in Appeal Case No. 02 of 2013, for a period of 06 (six) months from the date of the order.

Mr. Md. Ibrahim Khalil learned Advocate appearing on behalf of the petitioner of Writ Petition No. 8826 of 2023 and respondent No. 5 of Writ Petition No. 4447 of 2025 has drawn our

attention to section 185(Ka) of Bangladesh Srama Ain, 2006 which provides that there shall be one trade union for the workers and employees of users, berth operators, ship handling operators and institutions of Chattogram and Mangla Port and submits that the petitioner of Writ Petition No. 8826 of 2023 as well as respondent No. 5 of Writ Petition No. 4447 of 2025 was given registration for Union on 07.05.2015 lawfully.

He further submits that according to section 185(Ka) the Director, Registrar of Trade Unions, Divisional Labour Office, Doublmoring, Chattogram, Agrabad vide letter dated 28.08.2022 informed the petitioner of Writ Petition No. 4447 of 2025 that “বাংলাদেশ শ্রম আইন ২০০৬ এর ১৮৫ ক (৩) ধারা বলবৎ থাকা অবস্থায় এ মূহুর্তে অপর কোন ইউনিয়ান কে রেজিষ্টেশন প্রদানের আইনগত সুযোগ নাই”।

He next submits that Second Labour Court ignoring the provision of the said law allowed the appeal being no. 02 of 2013 filed by the petitioner of Writ Petition No. 4447 of 2025 vide judgment and order dated 04.07.2022 against which appeal No. 131 of 2022 was filed by Director and Registrar of Trade Union before

the Labour Appellate Tribunal, Dhaka and the said appeal was dismissed for default and subsequently application for restoration of the appeal has also been rejected vide judgment and order dated 06.07.2023 passed by the Labour Appellate Tribunal, Dhaka which has been impugned in writ petition No. 8826 of 2023 and thus during pendency of writ petition No. 8826 of 2023 the petitioner of writ petition No. 4447 of 2025 has no *locus standi* to file the Writ Petition No. 4447 of 2025.

He also submits that section 190 of the Bangladesh Labour Act, 2006 provides the procedure for cancellation of any trade union but the petitioner of Writ Petition No. 4447 of 2025 without following the said procedure filed the Writ Petition challenging the legality of the registration of the petitioner of Writ Petition No. 8826 of 2023, as such, the Writ Petition No. 4447 of 2025 is not maintainable. With these submissions he prays to make the Rule of Writ Petition No. 8826 /2023 absolute and also prays to discharge the Rule of Writ petition No. 4447 of 2025.

Mr. B.M. Elias (Kachee), learned Senior Advocate appearing on behalf of the petitioner of Writ Petition No. 4447 of 2025 submits that the petitioner applied for registration before the Joint Director of Labour, Chattogram and Sylhet Division on 27.08.2013 which was rejected vide letter dated 13.10.2013 and on the other hand, writ petitioner of writ petition No. 8826 of 2023 made application for registration on 27.10.2013 which was rejected on 17.12.2013 and the petitioner's union, formed on 06.06.2013, is not only prior in time but also compliant with all statutory prerequisites, whereas Respondent No. 5's union (writ petitioner of writ petition No. 8826 of 2023) was formed on 06.09.2013 and was given registration on 07.05.2015 by dint of the impugned judgment passed in Appeal No. 02 of 2015 and therefore the petitioner's timely and lawful formation and application for trade union registration creates an unassailable right established by the principle 'First in time, First in Right' (*Prioritas Tempore*), which can not be overridden by Respondent No. 5's belated and defective application but the Labour Appellate Tribunal in passing the impugned judgment failed to appreciate these

glaring deficiencies of Respondent No. 5's application which renders the impugned judgment to be fallacious and unlawful.

He also submits that the writ petitioner of writ petition No. 8826 of 2023 have no *locus standi* as it has not filed Appeal No. 131 of 2022 as well as the restoration application challenging the dismissal order of Appeal No. 131 of 2022 which was filed by the respondent No. 3 of writ petition No. 8826 of 2023.

He also submits that the section 190 of the Labour Act, 2006 is not a bar to challenge the registration of the writ petitioner of writ petition No. 8826 of 2023 as the registration was the outcome of the impugned judgment of writ petition No. 4447 of 2025.

He then submits that sections 178 and 185(Ka) was enacted for trade unions imposing some restrictions but the respondent No. 5 did not comply those requirements which were overlooked by Labor Appellate Tribunal. While passing the impugned judgment considering the point of limitation only and thus the impugned judgment is liable to be declared to have been passed unlawfully.

With these submissions he prays to make the Rule of Writ Petition No. 4447 of 2025 absolute and to discharge the rule of Writ Petition No. 8826 of 2023.

We have heard the learned counsels of both sides perused both the writ petition of writ petition Nos. 8826 of 2023 and writ petition No. 4447 of 2025, supplementary Affidavit of Writ Petition no. 8826 of 2023, Affidavit-in-opposition of respondent No.5 of Writ Petition No. 4447 of 2025 and all the documents annexed therewith.

Admittedly the petitioners' (Writ Petition No.8826 of 2023) trade union was formed on 06.09.2013 (Annexure-A to the Writ Petition No. 4447 of 2025). The petitioner's (Writ Petition No. 4447 of 2025) trade union was formed on 06.06.2013 (Annexure-E to the Writ Petition No. 8826 of 2023). The petitioner of Writ Petition No. 8826 of 2023 applied for registration before Joint Director of Labor (Nos. 4) on 27.10.2013 which was rejected by order dated 17.12.2013 against which an appeal being No.01 of 2013 was filed before First Labor Court by the petitioners' of Writ Petition No. 8826 of 2023 and that was dismissed by order dated 17.11.2014.

Being aggrieved by the said judgment and order the petitioners' filed Appeal being No. 02 of 2015 before Labor Appellate Tribunal which was allowed by setting aside the judgment and order dated 17.04.14 only considering the point of limitation without considering the merit and directed the Joint Director of Labor, Chattogram Division to issue registration in favor of the petitioners' (Writ Petition No. 8826 of 2023) and accordingly registration was issued on 07.05.2015.

The petitioner of Writ Petition No. 4447 of 2025 applied for registration on 27.08.2013 before Joint Director of Labor Office of the Registrar of Trade Union (Respondent No. 4 of Writ Petition 4447 of 2025) which was rejected on 13.10.2013 against which the petitioner of Writ Petition No. 4447 of 2025 preferred Appeal being No. 2 of 2013 before Second Labor Court and that was allowed 04.07.2022. Feeling aggrieved Director of Labor i.e respondent No. 4 of Writ Petition No. 4447 of 2025 preferred Appeal being No. 131 of 2022 before Appellate Tribunal which was dismissed for default by order dated 12.03.2023 against which Director and Register of Trade

(Respondent No.4) filed an application for restoration which was also dismissed by order dated 06.07.2023.

Now, we are to see the requirement of law as stated in section 185(Ka) of Bangladesh Labor Law.

For better understanding, we feel to quote the said section as below:

**[185Ka. Registration of trade union in Chittagong Port Authority and Mongla Port Authority, etc-]**

(1) Notwithstanding anything contained in this Chapter, the employees in the service of the Chattogram Port Authority and Mongla Port Authority may form their own trade union.

(2) The employees employed in the Chattogram Port Authority and the Mongla Port Authority may form only one trade union in their respective authority.

(3) Subject to the provisions of sub-section (5), the worker and employees employed in the work with appointment letter given by the users of the Chattogram Port and the Mongla Port, Berth-

operators, ship handling operators and other establishments related to the ports may collectively form only one trade union in their respective port.

(4) The employee of workers in the Chattogram Port Authority and Mongla Port Authority may collectively form only one trade union in their respective authority.

(5) No worker or employee shall be a member of a trade union under sub-section (3), unless-

(a) He has been employed for a continuous period of more than 1 (one) year in any port user, berth operator, ship handling operator and other establishment related to the port; and

(b) He has a letter of appointment as a worker or employee.

(6) The trade union shall be formed pursuant to this section within 6 (six) months of the commencement of the Bangladesh Labor (Amendment) Act, 2009.

(7) All existing trade unions formed for the employers of workers, and for the appointed employees in the Chattogram Port Authority and Mongla Port Authority and for other employers, workers and employees related with the port activities shall stand dissolved upon the formation of trade union under this section or with the expiry of 6 (six) months as mentioned in sub-section (6).

(8) Notwithstanding anything contained in any other section of this Act, the Government may, in the public interest,-

(a) Subject to the other provision of this Act, control in any manner the activities of the trade union formed under this section; and

(b) Take measures to cancel the registration of any trade union under section 190.]

In Writ Petition No. 8826 of 2023 the petitioners did not annex their application for registration. But the Petitioner of Writ Petition No. 4447 of 2025 annexed the rejection order for registration of the petitioner of Writ Petition No. 8826 of 2023 which is shown as

Annexure A-1. It appears the application for registration was rejected on the grounds stated therein that:

“১। ১২ই নভেম্বর/ ২০০৯ তারিখে প্রকাশিত গেজেট মতে ৬(ছয়) মাসের মধ্যে ইউনিয়ন গঠনের বিধান থাকা সত্ত্বেও নির্ধারিত সময় অতিক্রান্ত হওয়ার পর আবেদন করায়।

২। প্রস্তাবিত ইউনিয়নের সদস্যগণ অবিরামভাবে ১(এক) বৎসর কর্মে নিয়োজিত আছেন তার স্বপক্ষে কোন প্রমাণ পত্র দাখিল করতে না পারায়।

৩। প্রস্তাবিত ইউনিয়নের সদস্যদের নিয়োগপত্র দাখিল করতে ব্যর্থ হওয়া।

৪। ইতিপূর্বে দাখিলকৃত “চট্টগ্রাম বন্দর ব্যবহারকারী শ্রমিক কর্মচারী ইউনিয়ন” নামের অপর একটি রেজিস্ট্রেশনের আবেদন আইনানুগ না হওয়ায় প্রত্যাখান করা হলে আবেদনকারী ইউনিয়ন প্রত্যাখ্যানের বিরুদ্ধে চট্টগ্রামস্থ মাননীয় ২য় শ্রম আদালতে আপীল মামলা নং ০২/২০১৩ দায়ের করা এবং এ মামলা বিচারাধীন থাকায়।”

Against the rejection of application for registration, an Appeal being no. 1 of 2013 was file by the petitioner. The said Appeal was dismissed giving opinion that trade union was not formed pursuant to section 176 of Bangladesh Labor law, no application for registration was filed within 6 month of the (commencement ) Act, 2009 and no documentary proof that the worker /or employee has been employed for a continuous period of more than 1(one) year.

Upon perusal of the judgment dated 23.04.2015 passed by Appellate Tribunal in Appeal No.2 of 2015 (Annexure-C to Writ Petition No. 4447 of 2025) by which dismissal order dated 17.12.2013 passed in Appeal Case No. 01 of 2013 is set aside, it appears that learned Judge of appellate Tribunal in its Judgment clearly stated that appellant filed the papers and documents but learned court below kept those papers out of consideration. Learned Judge of Appellate Labour Tribunal, further opined that section 185(ka)(6) of Bangladesh Labour Law, 2006 provides that six months time to form Trade Union from the date of effect of amendment of Labour Law, 2006 but provided no consequence for non compliance of said provision and as such the same is directory and no bar is provided to apply for registration of Trade Union beyond such prescribed time. With these opinions Learned Judge of labour Appellate Tribunal allowed the appeal and also directed Joint Director of labour, Chattogram Division, Chattogram, to issue registration in favor of appellant by Judgment and order dated 23.4.2015 passed in appeal case no. 2 of 2015. Pursuant to the

judgment and order dated 23.04.2015 passed by learned Labour Appellate Tribunal, the Chattogram Bandar Beboharkari Sramik Karmachari League was registered as a Trade Union on 07.05.2015. Thereafter, on 03.08.2016 the Registrar of the Trade Union, Joint Director of Labour, Chattogram issued a letter vide memo No. টিইউ-৬২৮/১৩/৮৮৫/১(৩) declared the Chattogram Bandar Beboharkari Sromik Karmochari League” as the only Trade Union of the Chattogong port.

The petitioner of Writ Petition No. 4447 of 2025 filed an application for registration before Joint Director of Labour office of the Registrar of Trade Union which was rejected by order dated 13.10.2013 on the ground stated therein. The petitioner then preferred Appeal No. 02 of 2013 which was allowed by Judgment and order dated 04.07.2022(Annexure- E-1 to Writ Petition No. 4447 of 2025). Joint Director of Labour Officer filed Appeal being no, 131 of 2022 before labour Appellate Tribunal Annexure-G to Writ Petition No. 4447 of 2025 which was dismissed for default on 12.03.2023 against which restoration application was filed by Joint

Director of Labour and that was also dismissed by order dated 06.07.2023. So, the Judgment dated 04.07.2022 passed in Appeal No. 2 of 2013 remains in force.

It appears that-

a) Chattogram Bandar Byaboharkari Sramik Karmachari

Union i.e the writ petitioner's union of Writ Petition No.

4447 of 2025 is formed on 06.06.2013 on the other hand

Chattogram Bandar Byaboharkari Sramik Karmachari

League i.e the writ petitioner No. 01 of the Writ Petition

No. 8826 of 2023 was formed on 06.09.2013 but

registration given earlier on 07.05.2015 by dint of the

fallacious judgment and order dated 23.04.2015 passed by

the Labour Appellate Tribunal, Dhaka by the concerned

Registrar of Trade Unions, Chattogram.

b) The application for registration of the writ petitioner No. 1

of Writ Petition No. 8826 of 2023 was allowed by Judgment

and order dated 23.04.2015 passed by Labour Appellate

Tribunal in Appeal no 02 of 2015. The petitioner's union of

Writ Petition No. 4447 of 2025 was directed to be registered vide judgment and order dated 04.07.2022 passed in appeal No. 02 of 2013 by the Second Labour Court, Chattogram. The registration for union of petitioner of Writ Petition No. 8826 of 2023 given earlier to the petitioner of Writ Petition No. 4447 of 2025 without considering the condition No. 4 of rejection order dated 17.12.2013 (Annexure-A-1 to the Writ Petition No. 4447 of 2025) and as the outcome, the Writ Petitioner of Writ Petition No. 4447 of 2025 was deprived from it's legal entitlement. The condition No. 4 is reproduced herein below:-

”ইতিপূর্বে দাখিলকৃত ”চট্টগ্রাম বন্দর ব্যবহারকারী শ্রমিক কর্মচারী ইউনিয়ন” নামের অপর একটি রেজিস্ট্রেশনের আবেদন আইনানুগ না হওয়ায় প্রত্যাখ্যান করা হলে আবেদনকারী ইউনিয়ন প্রত্যাখ্যানের বিরুদ্ধে চট্টগ্রামস্থ মাননীয় ২য় শ্রম আদালতে আপীল মামলা নং ০২/২০১৩ দায়ের করা এবং এ মামলা বিচারাধীন থাকায়।”

c) The Petitioner of Writ Petition No. 4447 of 2025 filed the instant Writ Petition after 10 years of the pronouncement of

the impugned Judgment and order dated 23.04.2015 passed in Appeal case No. 02 of 2015 after getting information of order of stay operation of the judgment and order dated 04.07.2022 passed by the Second Labour Court, Chattogram granted in Writ Petition No. 8826 of 2023 which caused legal barrier of his entitlement and thus the petitioner's grievance of the Writ Petition No. 4447 of 2025 finds ground to stand.

d) The Government has promulgated Bangladesh Srama Ain (Amendment) Ordinance, 2004 incorporating sections 185(ka) and section 263(ka) in the Bangladesh Srama Ain, 2006. It was brought to the notice of the court that only one trade union for the employees of the Chittagong port would run. Section 185 ka and 263(ka) have been enacted by the parliament by the Bangladesh Srama (Amendment) Ain, 2009 on 12.11.2009. It appears that as per section 185ka(7), all other existing Trade Unions were dissolved. The Registrar of Trade Union, Chattogram Division vide letter

dated 09.07.2008 had also informed all existing Trade Unions of the Chattogram port regarding the same (Annexure-B to the Writ Petition No. 8826 of 2023.)

e) Chattogram Dock Jatiyatabadei Sramik Dal and Chattogram Bandar Dock Sramik Union (Annexure- 15 to Writ Petition No. 4447 of 2025) filed two separate Writ Petition being No.3120 of 2010 and Writ Petition No. 410 of 2011 challenging the legality of subsections (3), (5), (6), (7) and (8) of section 185(ka) of Bangladesh Srama Ain (Amended Ain, 2009) and which were discharged on 01.07.2019 and it also appears from judgment passed in the said writ petition that Respondents were restrained from registering any other trade union vide order of stay granted at the time of issuance of the Rule (Page-9 of the supplementary affidavit of the writ petitioner of Writ Petition No. 8826 of 2023)

Upon query whether those decisions had been revised by Apex Court no information had been placed before us by any of the parties.

Thus, we are of the view that sections (3), (5), (6), (7) and (8) of

section 185 ka of Bangladesh srama Ain (Amendment Ain, 2009) are still in force and therefore there should be only one registered trade union.

Therefore, we are of the view that the petitioners Union of Writ Petition No. 8826 of 2023 was registered by dint of a fallacious judgment impugned in writ petition No. 4447 of 2025 and violating the earlier order of restraint as well which is against public policy. We are also of the view that by the judgment impugned in writ petition No. 4447 of 2025 legal principle of *Prioritas Tempore* i.e 'First in time, First in Right' was undermined which renders the impugned judgment to be a fallacious and unlawful one.

We are also of the view that without invoking section 190 of the Bangladesh Labour Act, 2006 the petitioner of Writ Petition No. 4447 of 2025 can agitate its grievance challenging the judgment and order dated 23.04.2015 by dint of which the registration of the petitioner of Writ Petition No. 8826 of 2023 was given and we are also of the view that since Registration has been given by dint of a direction of Labour Appellate Tribunal the judgment of which dated

23.04.2015 has been challenged in Writ Petition No. 4447 of 2025, provision of section 190 of the Labour Act would not be a bar in filing the writ petition.

Considering the above facts and circumstances and the relevant laws we find substance in the submissions made by the learned Advocate for the petitioner of writ petition No. 4447 of 2025.

In the result, the Rule Nisi of Writ Petition No. 8826 of 2023 is discharged and the Rule Nisi of Writ Petition No. 4447 of 2025 is made absolute.

The interim order of stay granted in writ petition No. 8826 of 2023 stands vacated.

Resultantly, the impugned judgment and order dated 23.04.2015 (Annexure-C) passed by the respondent No. 01 in Appeal Case No. 02 of 2015 allowing the appeal reversing the judgment and order dated 17.11.2014 (Annexure-B) passed by the respondent No. 02 in Appeal Case No. 01 of 2013, dismissing the appeal and thereby, affirming the order dated 17.12.2023 passed by the respondent 03 (Annexure-A-1) and the Registration of the

respondent No. 5 being Regi. No. 2747 dated 07.05.2015 (Annexure-D) are hereby declared to have been passed/issued without lawful authority and are of no legal effect.

The respondents are directed to give registration of the writ petitioner of Writ Petition No. 4447 of 2025 in accordance with law.

There will be no order as to cost.

Let a copy of this judgment immediately be transmitted to the respondents at once.

A.F.M. Saiful Karim, J:

Fatema Najib, J:

I agree.

Fatema Najib, J: