

Trade Unions Act, 1926, Section 6(e), 9(A), 22 – Appellant Trade union “All Escorts Employees Union” represented the employees of Escorts Group of Industries – One of the group companies was Escorts Yamaha Ltd. which was a joint venture of Escorts Management and Yamaha Motor Company, Japan – The employees of Escorts Yamaha Ltd. were also members of the employees-Union – In the year 2001, Escorts Yamaha Ltd. was taken over by Yamaha Motor Company, Japan and its name was changed to Yamaha Motor India Private Limited – Clause 4 of the Constitution of the appellant union, dealing with ‘Membership’, as it stood prior to the year 2001, *inter alia*, mentioned that any member who leaves the job of any Escorts concern at Faridabad will cease to be the member of the Union – By virtue of this clause, all the workmen working in Yamaha ceased to be the members of appellant-Union as they no longer remained the employees of any Escorts concern – In order to overcome this difficulty and to allow the workmen of Yamaha also to become members of the appellant-Union, clause 4 was amended, which was sent to Registrar, Trade Union, Haryana for its record and approval, however, the Registrar, Trade Union refused to approve this amendment – Workers of Yamaha had formed their own separate Trade Union, “All India Yamaha Motor Employees Sabha” which was also duly registered with the Registrar, Trade Union and stands recognised by the management of Yamaha – Once we find that all the workmen of Yamaha are members of the intervenor Union, “All India Yamaha Motor Employees Sabha”, obviously the appellant-Union is not in a position to comply with the provisions of Section 9A read with Section 22 of the Act.

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