

ORDER ON I.A.NO.9

The First Party has filed application under Sec.11 of I.D.Act calling for records from the second party management.

2. In the memorandum of facts annexed to the application it is contended that the second party management the above matter pertains to termination caused with respect to 44 workmen who are transferred illegally from Mysuru to Vikruthamala Village, near Thirupathi in the year 2018. That, the second party has a certified standing orders which is admitted by the second party witness. The certified standing orders contains service conditions applicable to the workmen of the second party. Similarly, the number of workmen who were on the rolls of the Mysuru plant for the preceding one year from the date of termination of first party workmen is most essential to decide on the matter. These documents are at the custody of the second party. To adjudicate the matter in dispute and in order to meet the ends of justice the following documents are very essential.

a. Certified standing order of the second party.

b. Muster roll of the permanent workmen at Mysuru plant of the second party for the period from 01.06.2019 to 31.05.2020.

If the application is not allowed the second party will be put to great hardship and injustice. Hence, prays to allow the application.

3. On the other hand, the second party management has filed objections to the said application contending that, the above dispute is with regard to Vinyas Innovatives Technologies Pvt. Ltd., a unit at Thirupathi, Andhra Pradesh. All along, the second party has been contending that, the cause of action for the above dispute is at Thirupathi not Mysuru. The Thirupathi unit is similar to that of Mysuru unit, but there is no dependency on each other as both are independent entities and there is no functional integrality. The first party in his application u/s 11 of I.D.Act, 1947 sought for direction of this court to be given to the second party seeking to produce the documents such as certified standing orders and muster roll of permanent workmen at Mysuru plant for the period from 01.06.2019 to 31.05.2020 knowing fully well that Mysuru unit is nothing to do with the Thirupathi unit and the first parties were engaged at Thirupathi unit. For want of territorial jurisdiction the above dispute is not maintainable. Without prejudice, the certified standing orders of the second party which the first party sought for is not applicable to the Thirupathi unit as it comes under Andhra Pradesh and hence, the said document is not necessary for the first party and the same is not relevant to the above case. In so far as second document is concerned

it is not at all relevant to the above case. Hence, the same is not required to be produced. Further, the documents sought by the first party is very old and same is not available with the second party. The first party has not given valid reason as to why he needs the above referred documents. Hence, prays for rejection of application.

4. Heard both sides on the application.

5. The following points do arise for consideration;

1. Whether the first party has made out reasonable grounds to issue direction to the second party to cause production of the documents sought for in the application?

2. What order?

6. My answer on the above points are as under;

Point No.1: **Negative.**

Point No.2: As per the final order
for the following

REASONS

7. Point No.1: I have heard the learned counsels for the first party and second party. On going through the pleadings it reveals that the present dispute has been referred by the Government for

adjudication of the issues involved in the case. It is the case of the first party workmen that, they are the members of the first party union, they were illegally transferred to Vikruthamala plant in the State of Andhra Pradesh. In spite of this the management was continuously refusing to provide work to the workmen who were presenting themselves for work. The management illegally refuse to provide the work to the workmen who have gone all the way to Vikruthamal from Mysuru to protect their livelihood and work for the company. On 06.10.2018 the second party refuse to provide the work to the workman, hence, the workmen returned back from Thirupathi after making submissions to the DCL at Thirupathi, the management, DC at Mysuru and DLC, region-2, Bengaluru. When these workmen reported for work at Mysuru plant of the second party, the management refused to provide work to these workmen even at Mysuru. The second party management terminated the services of the all the workmen illegally who reported for work at Vikruthamala plant as per the agreement dated:07.01.2019. The actions of second party were illegal, unfair against the agreement dated:07.01.2018, amounting unfair labour practices and in utter disregard to the guidelines issued by appropriate authority under the Disaster Management Act, 2005. Thus, the lengthy claim petition has been submitted by first party workmen. From careful reading of the entire

claim statement averments it reveals that, the first party workmen have challenged their alleged termination of work of Vikruthamala Plant, Thirupathi, Andra Pradesh by the second party management as illegal, unjust, unlawful and arbitrary. On the other hand, the contention of the second party management is that, the first party workmen were relived from Mysuru unit and transferred to Thirupathi and they were retrenched at Thirupathi Plant and as such this court has no territorial jurisdiction to adjudicate the present reference. Thus, the second party has specifically contended that, the dispute is not maintainable for want of territorial jurisdiction. Based on the contentions of both parties this court has also framed issues by casting burden on the parties to establish their contentions in accordance with the pleadings and averments made in the claim statement and counter statement respectively.

8. Admittedly, the dispute is pertaining to termination of first party workmen working at Vikruthamala Plant, Thirupathi, State of Andra Pradesh. As per the contention of the second party the first party workmen are not the employees of Mysuru unit. Under these circumstances it is for the first party workmen to show the relevancy of standing orders, and Muster roll of permanent workmen at Mysuru Plant. To show the relevancy of these documents with respect to the first party workmen who are admittedly worked in Vikruthamala Plant,

Thirupathi, Andra Pradesh State and retrenched by the employer of the said plant, absolutely nothing has been made out by the first party. Further, no reasons are forthcoming in the application as to why the documents sought for are required to be produced before this court by the second party Mysuru unit. It is well settled that, mere calling for issue of directions for production of documents in the absence of proof of relevancy of such documents, is not sufficient. Unless and until the relevancy of documents sought for is shown direction for production of such documents becomes futile and no purpose would be served. The first parties have not shown any reasons as to how the documents sought for are vital for adjudication of the issues involved in the dispute. In view of the above reasons, the first party have failed to made out reasonable and justifiable grounds for issue of direction for production of documents sought for in the application. Hence, I answer the above point in the **Negative**.

9. **Point No.2:** For the above mentioned reasons on point no.1, I proceed to pass the following;

ORDER

I.A.No.9 filed u/s 11 of I.D.Act,1947 seeking for issue of direction to the second party to produce the documents sought for, is hereby rejected.

Ref.No.29/2021

No order as to cost.

*Call on for further arguments by
20.01.2025.*

sd/-

**Presiding officer,
Labour Court, Mysuru.**