

ORDER ON I.A.II

The first party has filed I.A.II under Sec.11 of the I.D.Act, 1947 r/w Section 151 of CPC, to direct the second party to produce following documents;

- 1) a statement of wages paid to all the employees since from the month of January 2016 and
- 2) Annual audited statement of accounts for the year ending 2016, 2017 and 2018.

2. The first party in his affidavit has contended that above case pertains to the charter of demands placed by the first party union and the documents sought by the first party are essential for fair adjudication of the matter and said documents are in the possession of the second party. If this application is not allowed serious prejudice would be caused to the first party and on the other hand no hardship or prejudice would be caused to the second party if the documents are produced. Hence, prayed to allow the application.

3. The second party filed its objections and contended that one Mr.Eshwar, who has sworn to the affidavit is a dismissed employee and there is no relationship between him and the second party management, hence the application is not maintainable and it is liable to be dismissed. The first party has not furnished the cogent reasons as to why the first party needs the documents and the wages paid to the employees is confidential one and the same cannot be furnished to the first party. The first party has not produced any documents to show who are its members and how

much salary or wages its members are drawing, whether they have paid subscription or not, whether the union has got representative capacity to represent the employees of the second party are not forthcoming. The initial burden is on the first party to justify their demands for which the financial position of the company is not necessary and relevant. The first party in order to get wrongful gain out of the above documents have been seeking the information from the second party management. The documents sought by the first party is not necessary to be produced by the second party management. Hence, prayed to reject the Application.

4. Heard arguments.

5. The Points that arise for consideration are:

(1) Whether the first party has made out grounds to allow IA No.II ?

(2) What Order?

6. My findings on the above Points are:

Point No.1 : Partly Affirmative,

Point No.2 : As per Final Order,
for the following,

REASONS

POINT No.1:-

7. At the stage of further chief of WW1, the first party has filed above IA. The present Reference is in respect of the charter of demands. The first party contends that documents sought for by

him are very much necessary for fair and proper adjudication of the case. The second party contends that person who has sworn to the affidavit is a dismissed employee and the second party has not furnished cogent reasons as to why the first party needs the documents sought in his application. The wages paid to the employees is confidential one and the same cannot be furnished to the first party. It is pertinent to know that the first party has baldly sought statement of wages paid to all the employees from January 2016. The first party can produce the pay slip of its union workers before this Court. The statement of wages paid to other employees are not material for adjudication of the above case. Hence, first party has not made out any grounds to call for statement of wages paid to all the employees from January 2016. Further, first party has sought for audited statement of accounts for the year ending 2016, 2017 and 2018. The document viz., annual audited statement of accounts for the year ending 2016, 2017 and 2018 are necessary for adjudication of the above case. In the light of the above discussion, Point-1 is answered Partly in the Affirmative

Point No.2:-

8. In the result, I proceed to pass the following,

ORDER

I.A.II filed by the first party under Sec.11 of the I.D.Act, 1947 r/w Section 151 of CPC is partly allowed and the second party is hereby directed to produce annual audited statement of accounts for the year ending 2016, 2017 and 2018

No Order as to costs.

Call on 29.11.2022.

sd/-

**Presiding Officer,
Industrial Tribunal, Mysuru.**