

BEFORE P. M. MAINDARGI, PRESIDING OFFICER,
NINTH LABOUR COURT, MUMBAI

APPLICATION (IDA) NO. 444/2022

CNR No.MHLC0102049-2022

Shri. Sitaram Vitthal Apandkar

.. Applicant

Vs.

M/s. Vichare Express & Logistics
Pvt. Ltd. & Ors.

.. Opponents

In the matter of application for
production of documents.

ORDER BELOW EXH. U-6

(Date : 18/09/2023)

The Applicant has filed the application and prayed that the Opponent may be directed to produce following documents ;

- a) Agreement entered between the Opponent company and Bhartiya Kamgar Sena Union.
- b) Circular issued by the Opponent in respect of declaration of gift for the employees who have completed 10-15-20 years in service.
- c) Leave Register 2003-2021.
- d) Bonus Register 2003-2021.
- e) Wage Register 2003-2021.
- f) Muster books of the year 2003-2021.
- g) Balance Sheet for the year 2020-2021,2021-2022,
- h) Agreement/Mutual understanding between the Opponent director and Mr. Bhupendra Mohanbahi Patel and other related documents, resolutions showing Mr. Bhupendra Patel has been brought on record as director of Vichare Courier.
- i) All balance sheet in respect of Falguni Vichare Apparel Private Limited, Vichare Inks and Allied Industries Private Limited, Paypoint shares & Securities Private Limited, Vichare Express

& Logistics Private Limited and Vichare Property Developers Pvt. Ltd.

2. The Applicant claims that above documents are relevant to prove the case of the Applicant. The Applicant further states that all the above documents are in possession of the Opponent company and imperative to decide the application on merit.

3. The Opponent replied to the above application vide their reply at Exhibit C-3 and objected stating that, the Applicant has not come before the court with clean hands. The Opponent states that though there is no dispute in respect of date of joining, the Applicant is demanding for leave register, bonus register, wage register and muster of almost 10–15 years back which ought not to be granted since the documents called for by the Applicant are beyond prescribed limit mentioned under shops and establishment Act 1948.

4. The Opponent submits that the present application filed by the Applicant is nothing but the rowing and fishing inquiry. The Opponent states that there is no dispute in respect of salary of the Applicant and therefore certain documents demanded by the Applicant has no relevancy in the matter.

5. The Opponent further submits that, the Opponent company has not denied employer-employee relationship and hence the documents call by the Applicant are totally irrelevant. The Opponent mentions that the dispute is only in respect of entitlement of Bonus, Gift and other benefits. The Opponent agreed to file

Agreement dated 31/01/2020 executed between the Opponent company and Union.

6. The Opponent then submitted that during the lockdown period from April 2020 to August 2020 and May 2021 to July 2021 the Applicant was absent. To support the said fact the Opponent agreed to file and rely upon the muster book for the above period. The Opponent further agreed to file and rely upon balance sheet for the period 2020-2021 and 2021-2022.

7. The Opponent further submitted that the present application has been filed against the company and not against the individual directors and changing of directors has no relevancy in the present matter. With the above contentions the Opponent prayed to reject the application filed by the Applicant.

8. Perused Application and affidavit filed in support of the Application. Perused reply filed by the Opponent. Heard learned Advocate for the Applicant and learned Advocate for the Opponent.

9. The pleading of the Applicant shows that, he has claimed Bonus @ 8.33 per annum from the accounting year 2018, Leave Salary, Arrears of amount, unpaid salary of the month March 2020 to August 2020, and Gift amount. Perusal of above claim reveals that the Applicant has mostly claimed his pre-existing rights of the year 2020-2021. Therefore, in my opinion it would be lawful to direct the Opponent to produce only those documents which are relevant while deciding the above claim of the Applicant.

10. The Opponent in their reply has agreed to file the copies of muster book for the period of April 2020 to July 2021. The Opponent in their reply further agreed to file the copies of Balance sheet for the period 2020-2021 and 2021-2022. It is seen that the Opponent has admitted the employer-employee relationship between the Applicant and the Opponent. It is further apparent that the Opponent has admitted the joining date and salary of the Applicant. The Opponent further agreed to file Agreement dated 31/01/2020 executed between the Opponent company and Union.

11. In my view, the documents which have been agreed to be filed on behalf of the Opponent are sufficient to adjudicate the claim of the Applicant. The Opponent has rightly submitted that change of director has no relevance to the present case. Further it is rightly submitted by the Opponent that, the production of documents almost pertaining to 10–15 years cannot be granted since the documents called for by the Applicant are beyond prescribed limit mentioned under Shops and Establishment Act 1948.

12. The Applicant has not shown any relevancy while claiming the production of documents listed at clause (b), (c), (d), (e),(f),(h) and (i). Also in my opinion the said documents are not necessary for deciding the claim of the Applicant. However, in my opinion the leave register and bonus register are necessary to decide the claim of the Applicant pertaining to bonus and unpaid leave Salary. As observed above and in light of the consent given by the

Opponent it would be apposite to direct the Opponent to produce some of the documents. Accordingly, I pass the following order.

ORDER

1. The Application is partly allowed.
2. The Opponent is directed to produce the copies of muster book for the period of April 2020 to July 2021.
3. The Opponent is further directed to produce copies of Balance sheet for the period 2020-2021 and 2021-2022.
4. The Opponent is directed to produce copy of Agreement dated 31/01/2020 executed between the Opponent company and Union.
5. The Opponent is directed to produce copy of available leave register and Bonus register if maintained by them.

Sd/-

(P. M. Maindargi)

Presiding officer,

Ninth Labour Court Mumbai.

Date : 18/09/2023

Ast/-