

BEFORE SHRI J.L. GANDHI, MEMBER,
INDUSTRIAL COURT, MUMBAI
Complaint (ULP)No.153 of 2021.
(MHICO1-000385-2021)

Transmodal Services Private Limited,
A to Z Indl.Estate, Ganpatrao Kadam Marg,
Lower parel, Delise Road,
Mumbai-400 013. ...Complainant.

Versus

1. Maharashtra Navnirman Kamgar Sena.
2. Shri Manoj Chavan, President,
Maharashtra Navnirman Kamgar Sena.
3. Shri Santosh Dhuri, Chairman,
Maharashtra Navnirman Kamgar Sena.
4. Shri Ketan Naik, Secretary,
Maharashtra Navnirman Kamgar Sena.

All at:- 3rd floor,A-Wing, Sairaj Dham
Co-op.Society,R.K. Vaidya Road,
Near Sindhurg Hotel,
Dadar,Mumbai-400 028. ...Respondents.

ADINTERIM ORDER (BELOW EXHIBIT C-2)
(28.07.2021)

01. Today, the Complainant has moved this Application for urgent ad-interim relief. Heard Ld. Counsel Shri R.N. Shah for the Complainant. He has drawn the attention of this Court towards the pleading in the Complaint and the various correspondence addressed by the Respondent Union to the Complainant which is filed alongwith list at Exhibit C-4. He laid much emphasis on the letter dated 12.07.2021

sent by the Respondent Union threatening to stop work w.e.f. 29.07.2021 and the various threats given therein. It is the submission of the Complainant that the incidences which have been narrated in the pleading amount to unfair labour practice and hence there is utmost urgency to restrain the Union and its office-bearers from indulging into such acts. Ld. Counsel urged that all these acts on the part of the Respondents amount to unfair labour practice under items 1, 2 and 5 of Sch.III of the MRTU & PULP Act and hence it is utmost necessary that the ad-interim relief prayed for be granted by way of an injunction Order.

02. I have gone through the Complaint as well as the documents annexed with list Exhibit C-4. Ld. Counsel Shri R.N. Shah has shown urgency in the matter since the threats advanced are of serious nature and they may hamper the smooth functioning of the establishment.

03. Ld. Counsel Shri R.N. Shah has further drawn my attention to the affidavit of service at Exhibit C-8 which is of one Mr. Nilesh Gajanan Jangam. The

affidavit speaks that the concerned person sitting in the office of the Respondent Union refused to accept the notice of service which he had tried to serve upon the Respondents on 27.07.2021 at around 4.15 p.m.

04. Considering the above facts and circumstances, I am of the opinion that a strong prima facie case has been made out by the Complainant for grant of ad-interim relief and hence I proceed to pass the following Order:-

ORDER

I) The employees of the Complainant are restrained from indulging in concerted absence from work or stoppage of work in any manner, till next date.

ii) Further the Respondents, their office-bearers, agents, members and employees of the Complainant are restrained from picketing, demonstrating, holding dharnas, shouting obscene and/or

defamatory/abusive slogans against the Complainant or the officers of the Complainant and/or crowding within the radius of 100 meters of Complainant's various premises situated in Mumbai including office of Principal, UPS Express Pvt. Ltd., at Plot No.6A, RMSM Compound, Shyam Nagar, JVLR, Opp. Majas Depot, Jogeshwari(E), Mumbai-400 060, till next date.

iii) Issue notice to the Respondents r/o.

12.08.2021.

Date:-28.07.2021.

Skn/-28.07.

*(J.L. GANDHI)
Member,
Industrial Court, Mumbai*