

BEFORE S.V.SURYAWANSHI, MEMBER
INDUSTRIAL COURT, MAHARASHTRA, AT MUMBAI.

APPLICATION (MRTU) NO. 05 OF 2016

CNR NO. : MHIC01-000867-2016

**Maharashtra Navnirman Kamgar
Sena**

... Applicant Union

V/s

**1. P.D. Hinduja National Hospital
& Medical Research Centre**

...Non-Applicant Company

2. Bhartiya Kamgar Sena

... Non-Applicant Union

ORDER BELOW EXH. U-8

(Declared on 25.11.2019)

1. Applicant union has filed this application for appointment of investigating officer for verification of membership record. The applicant union has filed the main application under Section 14 of MRTU & PULP Act, 1971. Appointment of investigating officer is necessary to verify the records about the union membership of the applicant as well as non applicant No.2 Union. The applicant union has also prayed for directions against the non applicant Hospital to supply the list of names and employment details of all employees.

2. Non applicant union has filed its reply. Wherein applicant No.2 has strongly opposed said application. Whereas applicant No.1 has not filed any reply to this application.

3. Heard both the advocates. Advocates for applicant No.1 failed to argue. It is pertinent to note that main application is filed under section 14 of MRTU & PULP Act for recognition in place of recognized union i.e. applicant No.2. The main ground is that the applicant union is having the largest membership of employees employed in the non-applicant No.1 undertaking. Under such circumstances, it is required to be seen whether applicant is complying with the conditions which are necessary for recognition, specified under Section 11 as well as whether applicant is complying with conditions specified under Section 19 of MRTU & PULP Act. It is also required to be seen whether applicant union is having the largest membership during the whole period of six calendar months in which the main application is filed. Non applicant No.2 has denied and disputed the application on various grounds including membership of the applicant union. Under such circumstances, membership of applicant union is required to be verified. Said task can be done by appointing investigating officer only. At the same time I find justification in the prayer made by applicant calling for list of names and employment details of all the

employees from the non-applicant No.1 undertaking. Hence, I pass following order :-

- : ORDER :-

- 1. The application below Exh. U-8 is allowed.**
- 2. Investigating officer is hereby appointed to carryout the verification to verify the membership of applicant union and compliance of Section 11, 14 & 19 of MRTU & PULP Act.**
- 3. No order as to costs.**

Date:-25.11.2019

ppkadam

Sd/-
(S.V. Suryawanshi)
Member,
Industrial Court, Mah.Mumbai