

**CNR-MHIC04-000325-2021**



IN THE INDUSTRIAL COURT OF MAHARASHTRA AT  
THANE.

COMPLAINT (ULP) NO. 187 OF 2021.

M/s. Uttam Galva Steel Ltd.

**...Complainant**

.. **V/s** ..

Kamgar Bharati Mathadi  
Transport & General Workers Union.  
And others.

**...Respondents.**

**AD-INTERIM ORDER BELOW EXH.C-2**

(Passed on 26.10.2021)

Complainant M/s. Uttam Galva Steel Ltd. filed this complaint against respondent union Kamgar Bharati Mathadi Transport & General Workers Union and its workers.

2) Ld. Counsel for the complainant submitted that the complainant is facing financial problems and hence, the creditor of complainant company i.e. State Bank Of India has filed application before the National Company Law Tribunal (NCLT) and the process is going on. The office staff working with the company has presented the Charter of Demand to the complainant. But considering this situation that the complainant is facing financial crisis and the proceeding is going on before the NCLT, such demand cannot be

considered. The new company which will takeover, the charge of the business of the complainant company will consider the rest of demands. The work is going on in complainant company, but not in full swing. In such a situation, the notice of strike was given by some of the employees and they are staging dharna and obstructing the work of the company. The workers who are ready to work are also obstructed outside the gate of the premises of the company. Respondents are taking law in their hand and are committing unfair labour practices. So interim injunction be issued against them restraining from not obstructing the workmen who are ready to join the service and not participating in the strike and not to obstruct ingress-egress of material, vehicle and managerial staff from the company premises and not to staging dharna and gheroing within the radius of 250 meters from the company premises. If injunction is not granted, then it will cause serious prejudice and loss to the complainant company.

3) He submitted that notice was given to respondent, but they refused to accept it. So one Shri. Anant Tukaram Kinjalkar who is employee of the complainant company filed affidavit stating that he is a Clerk working with the complainant and on 22<sup>nd</sup> October 2021 he went to serve notice to respondents no.1 to 6, and they refused to accept the same. Ld. Counsel for the complainant submitted that, notice to appear before the Court for answering interim relief application is refused by the respondents and they taking law in their hand, hence they be restrained from doing any over act which amounts to unfair labour practice till they appear before the Court.

4) I perused the documents filed by the complainant, they are the order passed by NCLT, Mumbai showing that State Bank of India

has initiated insolvency case against the complainant. The copy of charter of demand filed by respondent no.1 with the complainant company and notice of strike dated 7.10.2021. The workmen are at liberty to organize strike as per law, but they are not supposed to take law in their own hand and are not also at liberty to pressurize the workmen who are not supporting them. The strike, if started should be peaceful and within the scope of the law. So the respondents are required to restrain from committing any act which amounts to unfair labour practice and also take law in their own hands. Hence, I pass the following order ;

**-: ORDER :-**

1. By this ad-interim order, respondents, its members, agents, servants and any person acting under it are restrained from staging violent demonstrations, shouting slogans, gheraoing directors, officers, managerial staff of the complainant company and from creating disturbance to law and order situation within the radius of 50 meters from the premises of the complainant company till next date.
2. They are restrained from preventing ingress-egress of workmen, material and vehicles of employees, staff, creditors as well as management till next date.
3. They are restrained from threatening and pressurizing the workmen employed who are not participating in the strike from joining work in the company. Issue notice to respondents r/o 16.11.2021.

Place :- Thane  
Date :- 26.10.2021  
VAM\*\*\*26102021

Sd/-  
( **M.S. GANORKAR** )  
I/c.Member,  
Industrial Tribunal, Thane.