

BEFORE THE MEMBER, INDUSTRIAL COURT NO.1,
MAHARASHTRA AT KOLHAPUR.

Exh. O-

Comp.(ULP)No.154/2021
(CNR No. MHIC09-000356-2021)

Municipal Transport Workers Union & Anr.

V/s

Kolhapur Municipal Transport

: ORDER BELOW EXH.U-14 :
(Dated :- 05.10.2023)

1. The Complainants have filed the present application for the direction to the respondent to produce documents on record. It is contended that the Complainant no. 1 is a recognized union and Complainant no. 2 is a workman of the respondent since last many years. He has filed present complaint towards his claim of permanency. The matter is listed at the stage of evidence. It is urged that the respondent be directed to produce following documents on record.

- 1) Settlement of 2002 between the Complainant no. 1 and respondent.
- 2) Seniority list of the post of Conductor prepared by respondent since January 1992 till filing of complaint.
- 3) List of employees on compassionate appointment since January 1992.

- 4) Roster point got approved from the Competent Authority from time to time by the respondent.
- 5) List of Conductors appointed by respondent since January 1992 as per log book.
- 6 & 7) Document nos. 6 & 7 are reproduction of document no. 5.
- 8) Attendance muster of Complainant no. 2 since January 1992.

2. The Ld. Counsel for the respondent has given say overleaf the application itself. It is contended that document demanded at Sr.No. 1 is handed over to the Complainant no. 1. Rest of the documents are so voluminous that it is impossible to produce in Court. Inspection can be given.

3. The Ld. Counsel for the litigating parties have canvassed their oral arguments in support of their respective contentions. Heard Ld. Counsels at length and perused the documents.

The Complainant no. 1 is a recognized union in the respondent corporation. There is substance in the say of the respondent that the copy of the agreement of 2002 is handed over to the union. So far as the remaining list of the documents are concerned, the objection is raised that the documents are so voluminous that it is not possible to produce the same in the Court. The respondent has shown readiness to give inspection of such documents.

4. It is seen that document sr.no. 5 demanded by the Complainants is repeated as document no. 6 and 7, therefore, the

actual number of documents demanded by Complainants are 6 only. The first document is available with the Complainants. So far as document no. 2 to 5 and 8 are concerned, the same are expected to be maintained by the respondent. The respondent can produce such copies before this Court. The complaint is filed towards claim of permanency on completion of 240 days. As per the contentions raised in the complaint, the respondent by indulging in unfair labour practices by continuing the Complainant no. 2 without granting permanency. Hence, the application is liable to be partly allowed. Thus, the following order is passed :

: ORDER :

- 1) The application is partly allowed.
- 2) The respondent is directed to produce on record document sr.no. 2 to 5 and 8 within a period of 14 days from today on record.
- 3) In case of non compliance of the order, adverse inference shall be drawn against the respondent.

Kolhapur.

Date : 05.10.2023.

RSS/-

(S. S. Khandekar)

Member,

Industrial Court No.1, Kolhapur.