

Exh.O-

**IN THE INDUSTRIAL COURT NO.1, MAHARASHTRA**  
**AT KOLHAPUR**

**Complaint (ULP)No. 165/2021**  
(CNR No.MHIC090003722021)

1. Municipal Transport Workers Union .. Complainants  
2. Samesharkhan Bhitukhan Pathan

V/s

Kolhapur Municipal Transport, Kolhapur .. Respondent

**: ORDER BELOW EXH. C-6 :**  
(Dated :- 10.10.2022)

During pendency of application Exh.C-5, the Respondent has filed present identical application for seeking direction to Complainant Union for compelling production of documents. It is submitted that the Complainant Union admitted filing of caveats before the Registrar, Trade Unions and Ld. Labour Court, Kolhapur. Under such circumstances, the purported Chairman of Complainant Union needs to be directed to produce copies of those caveats.

2. The application is opposed by the Complainant Union by filing reply Exh.U-21. It is submitted that the said documents are not necessary for deciding real controversy in question. The complaint is filed in October 2021 and at that time, Mr. Shashikant

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Patil was acting as President of the Union. As per resolution passed in General Body Meeting dtd. 27.10.2018 the tenure of said body was up to 31.05.2022. Thereafter, new body has come into existence for the period of 5 years in pursuance of General Body Meeting dtd. 28.05.2022. It is contended that filing of caveats have no bearing on outcome of the present complaint. The working of Mr. Shashikant Patil as a President of Union and expulsion of Mr. Nishikant Sarnaik was not challenged at the relevant time. The issue of locus-standi is already decided and therefore, same cannot be raised again.

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

The present application is a replica of earlier application filed vide Exh.C-5. The said application is already rejected by this Court today itself. Under such circumstances, the present application during the pendency of earlier application is not maintainable. Therefore, the application is devoid of merits and therefore, the following order is passed :

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**: ORDER :**

1. The application is rejected.
2. The complaint to proceed further.

Kolhapur.

Date : 10.10.2022.

(S. S. Khandekar)  
Member,  
Industrial Court No.1, Kolhapur.