

MHIC100001212023



IN THE INDUSTRIAL COURT AT SANGLI
Presided Over by SHRI. F. M. PATHAN

Complaint (ULP) No. 26 of 2023

Chandrakant Jaywant Waghmare
Dist. Sangli.

... Complainant

VERSUS

Nagar Panchayat, Kavathemahankal
Dist. Sangli.

... Respondent.

ORDER BELOW EXH. U-8
(Dated : 06.03.2026)

1. Here in this application, the complainant sought direction to the respondents to produce his service book and attendance and leave register from 1986 to 2017.
2. The respondents by filing reply on the application itself resisted the same.
3. Heard both the parties and perused the material on record.
4. According to the complainant above documents are required to be brought on record to prove his case and such documents are in the custody of the respondents. Despite his repeated demands, the respondents did not furnish the same. Therefore, the respondents be directed to produce the same on record.

5. Per contra, the respondents contended that the production of documents is sought at belated stage. The complainant never sought said documents directly from the respondents before filing the present case. After completion of the pleadings, the complainant filed this application to fill up the lacuna and to deprive the respondents from their right to comment upon those documents in their written statement. It is the responsibility of the complainant to establish his case and the respondents cannot be compelled to produce the documents. Accordingly, the respondents prayed to reject the application.

6. From the pleadings of the parties, it appears that complainant alleged that the respondents have engaged in unfair labour practice under item 9 and 10 of Schedule IV of the MRTU & PULP Act, 1971 by not releasing his gratuity and leave encashment amount as well as pension as per the Municipal rules. The respondents denied the same. In order to decide the controversy it has to be seen as to whether the complainant is entitled to such benefits as per Municipal rules. For that purpose, his service book and attendance and leave register appears to be not only relevant but also important. The respondents have not disputed the existence of such documents in their possession. Since such documents are relevant and necessary and since their existence is not disputed, the production thereof is required to be directed.

7. So far as the contentions of the respondents are concerned, they are not sustainable for the same reason that above documents are relevant and important. The respondents ought to have produced the same suo-moto to substantiate the defence. Since they are not produced, complainant is compelled to file this application.

The complainant wants to bring the best evidence on record. Merely on the ground of belated filing of this application, the prayer of the complainant cannot be rejected. No prejudice likely to cause to the respondent if such documents are brought on record. Accordingly, following order is passed :

ORDER

1. Application [Exh.U-8] is allowed.
2. The respondents are directed to produce service book and attendance and leave register of the complainant from 1986 to 2017.
3. No order as to costs.

Sangli.
Dated : 06.03.2026

(E.M. Pathan)
Member, Industrial Court, Sangli.