

MHIC110000362016



BEFORE THE MEMBER, INDUSTRIAL COURT,
MAHARASHTRA AT SATARA
Complaint (ULP) No.11/2016

Shri. Nilesh Anandrao Gujar
and ors.

. Complainants

Vs.

Sports and Youth Services
and ors.

. Respondents

ORDER BELOW EXH.U-21
(21.09.2023)

1) This is an application filed by the Complainants for production of documents. As per the Complainants, they have filed this Complaint for permanency along with other benefits. As per the Complainants, they are continuously working with the Respondents since their respective dates of joining as mentioned in the Annexure-A to the complaint. The Respondents have started to keep attendance record of the Complainants from the year about 2009, wherein the attendance of the Complainants is recorded. All the Complainants are recording their attendance on said

registers. Even the wages of the Complainants are also paid through vouchers from October 2011 till 2015 and from April 2015, the Respondents have started paying wages by cheque to the Complainants. Later on the Respondents have also installed electronic machine for recording attendance of the Complainants, on the basis of which, salary is being paid to them. The entire record regarding attendance and payment of salary of the Complainants is available with the Respondents. Said record is necessary and relevant to prove continuous service of the Complainants. Therefore, those documents be produced on record.

2. The Respondents have filed reply below Exh.C-14. As per the Respondents, Complainants have filed application in order to delay the proceeding. The same is not maintainable. The Complainants ought to have procured those documents by making application under Right to Information Act. This application is nothing but an attempt of the Complainants to collect the evidence which is not allowed. Service books of the employees of Balewadi Sports Complex are not connected with the present complaint. The same are not relevant. With these and other averments the

Respondents have prayed for rejection of the application filed by the Complainants.

3. Heard the learned advocate for the Complainants. Perused the record and proceedings. It is a matter of record that the present complaint is filed for permanency and benefits of permanency. The Complainants have stated specifically the date of their appointments in Annexure-A to the complaint. When I perused the reply, the Respondents have not denied the existence of the documents. In so far as relevancy of the documents is concerned, attendance of the employees and the documents relating to payment of wages are certainly necessary and relevant for deciding the complaint of permanency. Even in the service books entries regarding the dates of appointment and the work performed by the workers can be seen. Therefore, the same are also relevant. In view of this, present application deserves to be allowed. Hence, I proceed to pass the following order.

ORDER

- 1) The application below Exh.U-21 is allowed.
- 2) The Respondents to produce the documents as

mentioned in the application. If any document is not available or not in existence, then the Respondents should file specific affidavit to that extent.

Satara.

Date : 21.09.2023.

(S. V. Suryawanshi)
Member,
Industrial Court, Satara.