

MHIC110000812017



**BEFORE THE MEMBER, INDUSTRIAL COURT MAHARASHTRA
AT SATARA.**

Complaint (ULP)No.24/2017

Engineering Kamgar Sangh, Pune . Complainant.

VERSUS

M/s Godrej and Boyce Mfg.Co.Ltd.
And Anr. . Respondents.

: ORDER BELOW EXH.U-28 :
(25.01.2023)

1. The complainant has issued this notice to produce documents mentioned therein to the respondent No.1.
2. The Complainant contended that complaint is for declaration of certain unfair labour practice and not to deduct the membership contribution from salary of members of the Complainant union towards contribution for respondent No.2. On formation of the complainant union the respondent No.1 started harassment to its members by transferring their duties to another department,

compelling them to work in particular shifts, changing their nature of work and asking particular production norms, issuing memos, charge sheets etc. Number of letters were issued for so called production and deduction of the salary. Therefore, the documents mentioned in the notice are necessary.

3. The respondent No.1 replied these notices in Exh.CA-9. The present complaint is alleging deduction of the subscription from the salaries of the employees. The respondent No.2 union had addressed letter to the respondent No.1 and therein undertaken that in future if directed by the Court it will refund the subscription as deducted.

4. The interim application for the relief that the respondent No.1 company be directed not to deduct subscription from the salaries of the employees was rejected on 21.11.2018. The respondent No.1 company was also allowed to deduct the subscription from the salaries of the employees. The documents are relevant to prove the claim. The complainant failed to point out as to how and in what manner the documents are relevant to the subject matter as there is no such material. Notice and application deserves to be rejected.

5. I have heard the learned advocates for the respective parties. Perused the pleadings in the complaint and this application. In this

application, the complainant has sought production of the CCTV footage from dated 06.06.2017 to 20.11.2020. There is no submission as to on what point these CCTV footages are necessary. There is no submission that any or continuous incidents of unfair labour practice has been occurred and they were captured during whole of the said period or any one of the particular date during the said period. The document No.2 is the notice affixed on the notice board i.e. notice dated 20.08.2020 which is after filing of the present complaint. No particulars of the said notice are mentioned as to how it is relevant to the complaint which is filed one year back. That document No.3 has also issued notices during the period from 2017 to 2020. Particulars of these notices as to how they are relevant on what point they are required to be proved is not mentioned in the allegations. Here it would not be out of context again to mention that the notices prior to the complaint would be necessary, however, without their particulars and relevancy it cannot be said that those are necessary. Document No.4 is letter issued to 4 workmen. Dates of those letters or relevancy of those letters is not mentioned in the notice. Moreover, the affidavits of said persons are also not in supports of these applications on what count these notices are necessary. Moreover, if the complainant is

having knowledge about their letters those can be proved by calling upon the concerned persons by production through them, if necessary and relevant. Document No.5 is the shift notices issued to the said 4 employees. These notices are also for the month of September 2022. Far long period than filing the complaint in the year 2017. Hence, they are also not necessary as their relevancy is not explained. The document No.6 is about production report of machine shop etc. for July 2017 and March 2018. There is no complaint about burdening any extra work to the employees in extra shift and they have not been paid wages for the same. There is only mention about that the members of the complainant have been transferred from one department to another department, their shifts were changed, their nature of work was changed, they were asked particular production norms and issued memos and charge sheets. When there is no pleading in the main complaint regarding such complaints and without any particulars in this application it cannot be said that those reports are relevant, hence, I do not find that the documents mentioned at Sr.No.6 are also necessary. If the employees found issued memos charge sheets, notices, changing of their shifts by any order those would be certainly available with the complainant and those can be proved by

adducing evidence as per law. Thus, in view of the above said reasons, the documents are not found necessary. Hence, it is liable to be rejected and I pass the following order.

ORDER

- 1) The notice / application Exh.U-28 issued to the respondent No.1 to produce documents is quashed.

Satara.

Date : 25.01.2023.

(P. V. Chatur)

Member,

Industrial Court, Satara.

Argued on	: 25.01.2023
Judgment dictated on	: 25.01.2023
Judgment transcribed on	: 31.01.2023
Judgment checked & signed on	: 03.02.2023/08.02.2023