

ORDER BELOW EXH. U-38 IN Reference (IT) No.04/2016

1) The applicant Shri Dasharath Hiralal Kale (second party) has filed this application, requesting to delete his name from the reference as he has settled dispute with the company amicably.

According to him, he became member of Shivkranti Kamgar Sanghatana due to misconception. Now, he has resigned the membership of union. Hence, he does not wish to prosecute the reference. He prays, his name be deleted from the reference.

2) First party has given "No objection" to delete his name as prayed.

3) The second party (union) has filed say and objected the same, saying that, application is not tenable. He has no locus-standi to withdraw his name from the reference. Applicant has filed an application with collusion of first party. First party is trying to harass and victimize the members of union by playing various tactics. Even during pendency of this proceeding, some members of the union have been transferred malafidely. Hence, application may be rejected.

- 4) Heard argument. Perused record.
- 5) This is a reference forwarded by Labour Commissioner's Office for further appropriate adjudication. Once reference is forwarded to the court, the issue in question, will be in the clutch of this court. Issue in question has been seized in the court. The Labour Commissioner is just counselling authority to redress the grievance between the parties. They tried to settle the dispute amicably, but lastly it failed. Now, the issue in question before the court to adjudicate in accordance with law.

If applicant has settled his dispute with the company at their level, court should not refuse it. If the concern party is not interested to proceed, how court can compel it to proceed. Court should not drag the party in the court unnecessary for years together. In the circumstances, application is required to be allowed. Hence, order.

ORDER

- 1) Application is allowed.
- 2) Name of the applicant be deleted from the reference.
- 3) Concern to comply the same as per rule.

Sd/-

Date: 05/03/2021.

(C.S.Datir)
Member

SATARA

Industrial Court, Satara.