

IN THE COURT OF INDUSTRIAL COURT, MAHARASHTRA AT PUNE**Ref. IT No. 11 Of 2023**
(CNR No.MHIC120000572023)

M/s. Taural India Pvt. Ltd.	..First Party
V/s	
Maharashtra Rajya Rashtriya Kamgar Sangh	..Second Party

Order Below Ex.UA-2
(Date : 21th November 2025)

01. This is an application, filed u/s. 36 of the Industrial Dispute Act, 1947 for allowing applicant union to be implemented as a party to the proceeding, contest it by filing it's pleadings and issuance of directions to both the parties, to supply their respective pleadings and their documents.

02. The case of the third party applicant in brief is that, it is a registered trade union w.e.f. 20-04-2022, is having majority worker members in first party company and has filed Application MRTU No. 03/2024 for recognition which is pending before the Hon'ble Member, Industrial Court No. 2 at Pune. On 27-07-2022, on behalf of majority of worker members, it entered into a settlement agreement with the first party. On said settlement agreement dt. 27-07-2022, the applicant union and it's majority worker members sought substantial legitimist rights which are binding as per section 18 (1) r/w. Section 2 (p) of the Industrial Disputes Act, 1947.

03. However, the first party and the second party, after colluding with each other malafidly and with an ulterior motive are trying to circumvent the said rights of third party applicant, received under said agreement, deliberately, by not implementing it as a party to the proceeding. It's presence before the Tribunal is requisite for deciding real controversy between the parties. Otherwise, it will suffer an irreparable loss.

04. Lastly, the applicant union prayed for allowing the application as claimed.

05. The first party by filing say at Exh. C-8 has given no objection for allowing implementation of third party applicant as a party to the proceeding.

06. The second party by filing say below application at Exh. UA-2 denied all allegations and contested it on the grounds that, the third party applicant has no any right to file the application before this Tribunal. It has not got any right to participate in present proceeding. The first party by filing pursis informed, in respect of applicability of wage agreement dt. 27-07-2022 to the second party. The third party applicant has no any right to object, the same. The present application is filed, so as to prolong the proceeding, by playing deliberate tactics.

07. Lastly, the second party prayed for rejection of the application with cost.

08. Heard. Perused record. Following points arise for determination and my findings thereon for the reasons recorded thereunder are as follows :-

<u>Points</u>	<u>Findings</u>
(1) Whether the third party applicant prima facie proves that it's present before the Tribunal is requisite for deciding real controversy between the parties ?	Negative
(2) Whether the third party is entitled to get, it's implementation as a party to the proceeding, as claimed ?	Negative
(3) What Order ?	As per Final Order

Reasons

Point Nos.1 to 3 :-

09. In support of the application, the third party applicant has produced on record affidavit of General Secretary Shri Shivaji Ramchandra Kahatkale, R/o. Baramati at Exh. UA-3.

10. In support of their say, the first party and the second party have not produced on record any affidavit.

11. After hearing arguments of Ld. advocates of third party applicant, first party and second party, I have gone through the record, in consonance with the same.

12. It reveals that, section 36 of the Industrial Dispute Act, 1947 deals with representation of parties i.e. workman through any member of the executive or other office bearer of a registered Trade Union or federation of trade union of which he is a member and of an employer. The said provision is not dealing with representation of intervener third

party applicant. In the circumstances, it is difficult to infer that the application of third party applicant is falls under said section, particularly in such proceeding i.e. Reference IT, in respect of dispute of first and second party, referred by Additional Labour Commissioner, Pune Division, Pune, by it's order dt. 02-02-2023.

13. On perusal of record and submissions of Ld. advocates, it appears that, there is no any dispute between both the parties and third party applicant that, the first party is entered into settlement agreement dt. 27-07-2022 with third party applicant.

14. The controversy between first party and second party appears to be from which date the said settlement agreement dt. 27-07-2022 is to be made applicable to second party. The application dt. 07-02-2025 at Exh. C-4 is pending before the Tribunal for hearing and decision, to set rest the said controversy.

15. It is not the specific claim and prima facie evidence to show, for decision of said controversy, the presence of third party applicant is requisite before the Tribunal.

16. Section 18(1) r/w. 2(p) of the Industrial Dispute Act, 1947 are in respect of binding nature of settlement agreement arrived at on it's parties. It appears that, the first party and second party are not disputing binding nature of said settlement agreement entered into in between first party and third party applicant. In the circumstances also, the third party applicant has not prima facie brought on record, it's

presence before the Tribunal is requisite for deciding controversy in between first party and the second party.

17. Admittedly, the third party applicant is not claiming itself to be recognized union. Though it may be, the second party appears to be claiming relief by taking support of section 18 and 19 of said Act. The controversy will be decided on it's own merit, after hearing both the parties, but for that, the presence of third party applicant is not shown to be essential by producing on record such prima facie evidence, that too, directly before this tribunal, by overlooking provisions prescribed u/s. 10 and 11 of the Industrial Dispute Act, 1947.

18. On the background of aforesaid discussion the submissions of advocate of third party applicant that on knowing registration of third party applicant as a registered trade union w.e.f. 20-04-2022, having majority worker members from first party company, filed Application (MRTU) No. 03/2024, the second party appeared in said application, is trying to prolong hearing of said application collusively, is trying to get implemented the said settlement agreement and if it is succeeded, technical problems will arise and industrial peace will disturbed, can not help the third party applicant so as directly allow it to participate in such proceeding, that to without having such prima facie evidence in respect of showing it's presence is requisite for deciding real controversy between the parties. Accordingly point Nos. 1 and 2 are answered in 'negative' and I pass the following order.

..6..

Ref. IT No. 11/2023 (Exh.UA-2)

ORDER

Application at Exh. UA-2 is hereby rejected with cost.

Pune.

Date : 21th November, 2025



sd/-
(R.G. Malashetti)
Presiding Officer,
Industrial Tribunal, Pune