

MHIC120000632024



IN THE COURT OF MEMBER, INDUSTRIAL COURT, PUNE.

Presided Over by Shri. S. M. Bukke

Application MRTU/3/2024

Taural India Employees Union
C/o. Mr. Shivaji Ramchandra Khatkale,
Vishwasnagar, Row House No. 07,
Gunawadi Road, Baramati, Dist. Pune 413102 Applicant.

VERSUS

M/s. Taural India Pvt. Ltd.
Plot No. B-2/B and B 3/1 Chakan MIDC,
Phase 2, Village Savardari, Tal. Khed,
Dist. Pune 410501 Non-applicant

Appearances :-

Advocate for the applicant	:	Shri. G.S. Pol
Advocate for the non-applicant	:	Shri. A. R. Joshi

ORDER BELOW EXH. UA-1
(Delivered on 17-01-2025)

1. Maharashtra Rajya Rashtriya Kamgar Sangh has moved present application for adding it as a party i.e. non-applicant No. 2 to the present application.

2. The application in nutshell is as under:-

Taural India employees union has filed application for recognition in the Non-applicant Company undertaking Taural India Private Limited. After filing instant application, the Non-applicant Company had not displayed notice on noticeboard intentionally. The notice was intentionally displayed in such a way that no one can easily see the notice. The applicant union has malafidely filed instant application in collusion with non-applicant employer. Therefore, the present application is filed to add Maharashtra Rajya Rashtriya Kamgar Sangh. The employees of Non-applicant Company became member of the Union Maharashtra Rajya Rashtriya Kamgar Sangh from 31/03/2022. The Non-applicant employer in collusion with some workmen registered Taural Indian Employees Union, which is sponsored by the company itself. The Non-applicant Company in collusion with Taural Indian Employees Union started harassing the workmen who are active members of Maharashtra Rajya Rashtriya Kamgar Sangh with intent to demoralise them.

3. The applicant further submitted that Taural India Employees Union is Puppet in the hand of employer. Therefore, the applicant Maharashtra Rajya Rashtriya Kamgar Sangh has strong objection for recognition of applicant Taural India Employees Union. The applicant has intentionally not made Maharashtra Rajya Rashtriya Kamgar Sangh as party No. 2. Therefore, the applicant, Maharashtra Rajya Rashtriya Kamgar Sangh requested to add them as a party i.e. Non-applicant No.2 in present application.

4. The applicant union has strongly resisted Application Exh. UA-1 in his written statement reply wide Exhibit U-7. The defence of non-applicant in short is that the application filed by union is legal

and proper. It has majority of the membership of the workmen of Non-applicant Company. The present application for addition of union is not filed in the interest and betterment of workmen. On the contrary, such application is filed with the sheer interest and for personal gain. The third-party union has intentionally suppressed the notice fixed on noticeboard. More than 71% workmen are members of the applicant Union. The third-party union has not filed any document with present application to show that they have majority of the members. The third party union had no membership more than 30%. To gain the sympathy, the third-party union has filed such type of application. Lastly, the applicant union has craved to dismiss the application.

5. Heard the Ld. Advocate Shri. Pol appearing on behalf of applicant Union as well as Ld. Advocate Shri. Joshi appearing on behalf of applicant and Advocate Nitin Bhavar-Patil appearing on behalf third-party Union. Perused record.

6. This is an application under Section 11 of MRTU and PULP Act, 1971. The third party Union is claiming that the applicant Union is employer's puppet union and acts as per the whims and wishes of employer union. The third-party union is claiming relief against Taural India Private Limited. It wants to recognize itself as recognized union of Taural India Private Limited.

7. After filing of this complaint, the third-party Union discovered that it cannot get the relief without joining the present application as Non-applicant. The presence of third-party union is necessary to decide the real question in controversy between the parties. The application is at the initial stage. The third party union has moved

application at the earliest. At this stage, third-party union is claiming that it has majority of the members who are working in the company M/s. Taural India Pvt Ltd. The addition of third-party union is necessary for determination of real matter in dispute. If the application is allowed, no prejudice or loss will be caused to the applicant union. On the contrary, if the application is rejected, the third party union will not get opportunity to put its case. In such circumstances, to avoid the multiplicity of litigation to decide the application on merit, the presence of third-party union is just and proper. The application deserves to be allowed. Hence the following order:-

ORDER

- 1) Application Exh. UA-1 is allowed.
- 2) Maharashtra Rajya Rashtriya Kamgar Sangh be added as Non-applicant Union No.2 in the present application.
- 3) Necessary amendment be carried out by all parties within 14 days.
- 4) No order as to costs.

Date : 17-01-2025

(Shri. S. M. Bukke)
MEMBER,
INDUSTRIAL COURT, PUNE.