

MHIC120002442023



IN THE INDUSTRIAL COURT AT PUNE

Complaint (ULP) No. 66 of 2023

Swabhimani Shramik Kamgar Sanghatana
Tal. Khed, Dist. Pune 410 501 ... Complainant

VERSUS

M/s. Gates India Pvt. ltd.
Tal. Khed, Pune 410 501 ... Respondent

ORDER BELOW EXH. U-2
(Dated : 04.12.2023)

The complainant filed complaint under Section 28(1) of the MRTU & PULP Act, 1971 (hereinafter referred to as 'Act') in respect of unfair labour practices as per item Nos. 1 and 1(a) of Schedule II and as per item Nos. 9 and 10 of Schedule IV of the Act and sought interim relief that the members of the complainant union may not be terminated without following due process of law.

2. The complainant contended that it is a registered union representing the employees of the respondent. It is contended that the complainant received complaint that the respondent indulged in unfair labour practices against its members who are the employees of the respondent. It is alleged that the respondent insisting its members to increase the production without giving requisite facilities to them and deliberately avoiding to fulfill reasonable demands and rights of its employees. It is contended that whenever the members

of the union making demand of their rights, the respondent threatening to terminate them from service. So, in such circumstances, such affected employees became members of the complainant union on 9.5.2023. On 20.6.2023, the complainant union sent letter for increase in salary of the employees to the respondent. However, the officers of the respondent threatened the members of the complainant union to leave the complainant union otherwise they will be terminated from service. It is alleged that the respondent pressurized the members of the complainant union in different ways in this regard. So, in such circumstances, the complainant union constrained to file the complaint. The complainant union prayed by way of interim relief that its members may not be terminated from service without following due procedure of law.

3. The respondent filed its reply / written statement at Exh. C-3 and denied all the contentions raised by the complainant. It is contended by the respondent that the employees working with it are not in the managing committee of the complainant and the alleged managing committee of the complainant being outsider or stranger unrelated to the respondent, hence complaint itself is not maintainable. It is contended that the false allegations made by the complainant union and it has not indulged in any unfair labour practices against its employees. It is contended that false allegations are made which are imaginary. It is contended that the respondent company always follow the procedure of law prior to termination of its employees. Lastly, it is contended that the application may be rejected.

4. In the instant case, the respondent company has filed purshis at Exh. C-5 that it does not wish to terminate the services of the persons mentioned in Annexure A of the complaint without following due process of law till the decision of complaint. Even otherwise the respondent cannot dismiss its employees without following due process of law. So, in such circumstances, it is necessary to give some sort of protection to the members of the complainant union till the decision of the complaint.

5. I, therefore, pass the following order :

ORDER

1. Application [Exh. U-2] is hereby allowed.
2. The respondent or anybody on its behalf are restrained from terminating the services of the members of the complainant union mentioned in Annexure A to the complaint without following due process of law till the decision of main complaint.
3. No order as to the costs.

Pune
Dated : 4.12.2023

(K.N. Gautam)
Member, Industrial Court, Pune

Argued On : 4.12.2023
Order dictated on : 4.12.2023
Order transcribed on : 4.12.2023
Order checked on : 4.12.2023
Order signed on : 4.12.2023

nsp