

**IN THE INDUSTRIAL COURT MAHARASHTRA AT PUNE**

**Complaint (ULP) No.239 of 2021**

Jubilant Kamgar Union.

... **Complainant.**

V/s.

Jubilant Ingrevia Ltd.,  
Nira, Dist-Pune.

... **Respondent.**

**CORAM : Shri. S. G. Dabadgaonkar, Member.**

**Appearances : Shri P. P. Kshirsagar - Advocate for complainant.  
Shri A. R. Joshi – Advocate for respondent.  
Shri G. S. Pol - Advocate for applicant union.**

**Order Below Exh.UA-3**  
**( Dated : 17.03.2022 )**

By this application, third party applicant Shri Sunildutt Tanajirao Deshmukh, claiming himself to be the General Secretary of Jubilant Kamgar Union prayed for impleading as party Respondent. It is contended that this applicant and the executive committee shown in the application is representing the workers of Respondent Company and approximately 65 workers are its members. The applicant union is having possession of office of the Union, constitution of the union, registration certificate and minutes book for the Association. The complainant in its complaint made allegations against this applicant as well as his executive

committee, however, has not made them as party in this proceeding. It is further contended that the executive committee represented by the applicant has expelled the signatories of the present complaint from membership of the Union by taking resolution in General Body Meeting. The concerned persons have shown themselves to be elected as official body of the Union. In fact, they have no rights in respect of the Union. If this application is not allowed there will be legal complications in respect of rights of workers connected with the Union and it will ultimately result in industrial un-rest. It is therefore, prayed to add this applicant as Respondent No.2.

2. The application is resisted by the complainant Union by filing reply (Exh.U-11) and contended that contentions in the application are false. The complainant union has followed due process and thereafter, office bearers came to be appointed since 02/07/2021 and the new committee of the Union has come into force. The third party applicant neither have any authority nor any locus standi since they are expelled from the Union. The third party applicant has no legal validity and authority with respect to the administration of the Union. It is admitted that office is not in possession of the complainant as third party applicant is backed by the Respondent Company and therefore, is in possession of the said office. The complainant is seeking relief against the Company, therefore, third party applicant is not the necessary party in this matter. It is contended that the complainant has expelled this applicant and other members from the Union after following due procedure. The third party applicant has misappropriated large

amount of the Union. Majority of the elected members have formed the managing committee of the Union and the third party applicant who is in minority cannot claim rights in respect of the Union. It is therefore, prayed to reject the application.

3. Heard Advocate Shri G. S. Pol for the third party applicant. Also heard Advocate Shri Kshirsagar for the complainant union.

4. I have gone through pleadings in complaint. Relief is claimed against the Company directing it to hand over key of office of the Union to the complainant Union. In para No.8 there is specific allegation that huge amount of Rs.11,20,000/- was transferred in account of Shri Satish Shivajirao Kakde who is shown to be President of the Union by the third applicant. In reply (Exh.U-11) the complainant Union has admitted that office of the Union is in possession of the third party applicant. There is specific allegation of misappropriation of amount of Union in collusion with the Company against third party applicant. There is specific contention that the third party applicant is minority group therefore, cannot claim control over the Union.

5. Considering all these aspects, it is apparent that the complainant union has specifically alleged misappropriation of huge amount of Union against the third party applicant. It has also admitted that key of the Union office is in possession of the third party applicant. In such circumstances, in my opinion, the presence of third party applicant is very much required in order to determine

the real dispute and controversy between the parties. No harm will cause to the complainant if the third party applicant who claim himself to be the General Secretary of the Union, would be added as party Respondent. On the other hand, it will facilitate this Court to decide rights of the parties in accordance with law. As such, in my view, the third party applicant is the proper party in the present litigation. Hence, the following order is passed in the interest of justice :-

**-: ORDER :-**

1. Application Exh.UA-3 is hereby allowed.
2. Third party applicant Shri Sunildutt Tanajirao Deshmukh claiming himself to be General Secretary of Jubilant Kamgar Union, is allowed to be arreyed as Respondent No.2 in the present complaint.
3. The original Respondent will be re-numbered as Respondent No.1.
4. The complainant union to carry out the amendment as per rules.

Pune:  
Dated:17.03.2022  
srw/-

**(S. G. Dabadgaonkar )**  
Member  
Industrial Court Pune.