

ORDER BELOW EXHIBIT U-35

(DATED 04.04.2022)

1. By this application, the complainant has prayed to continue ad-interim order dated 22.03.2022. It is contended that as per the said order this Court has directed not to declare result of election of the union. This Court has now passed order below exhibit U-28 and rejected this application. The complainant is intending to challenge this order. It therefore necessary to continue the said order, else the complaint itself will get frustrated.
2. The application is resisted by respondent company and contended that ad-interim order was passed due to paucity of time. Order below Exhibit U-28 is passed on merit. The election procedure is already complete. Hence, there is no point in staying the result further.
3. The application is also resisted by respondent No. 2 and contended that order dated 22.03.2022 was not extended after 29.03.2022. There is no provision to stay the order which is passed on merit. It is therefore prayed to reject the application.
4. I have heard Ld. counsel Shri. Kshirsagar for the complainant. I have also heard Ld. counsel Shri. Joshi and Shri. Pol for respondents.

5. It is not in dispute that application Exhibit U-28 came to be rejected on merit as per order dated 04.04.2022. It is also an admitted fact that on 22.03.2022, arguments were advanced by both parties up to 5.30 pm and on that day it was not possible to pass order on said application on merit. With this understanding and as parties have admitted about completion of voting process of the election, the said ad-interim order was passed, without considering merit of the application.

6. It has been already observed while rejecting interim relief application (Exhibit U-28) that the complainant has availed remedy under the Trade Unions Act. It is also observed in the said order that the complainant has failed to establish strong prima-facie case of unfair labour practices against respondents. In such situation, it would not be appropriate to continue the ad-interim order which was passed in peculiar circumstances.

Hence, following order:-

ORDER

Application Exhibit U-35 is hereby rejected.

Pune :

Dated :04/04/2022

(S. G. Dabadgaonkar)

Member

Industrial Court Pune.