

**BEFORE THE INDUSTRIAL TRIBUNAL AT AURANGABAD**  
**REFERENCE (IT) No. 1/ 2020**

[1] Premium Transmission Pvt. Ltd. & Ors. ...First Party.

vs.

Aurangabad Majdoor Union ...Second Party.

**ORDER BELOW EXH. U-23**

[ Dated 07/03/2026]

1] By preferring present application second party has sought direction to the first party No.1 to produce documents which are mentioned in para (3.1) and (3.2) submitting that, present reference is pertaining to the permanency and equal wages to the tune of permanent workmen engaged by first party No.I. In the written statement of first party-I they have admitted that it has employed 62 permanent workmen therefore necessary details such as their names, date of joining, wages and work performed by them are required to be brought on record. The documentary evidence in respect of permanent workmen is in the custody of first party-I. Therefore necessary direction is required to be issued to produce the documents as sought in para (3.1) & (3.2). It is further necessary to bring on record certain documents which are mandatory Forms under various labour laws which are filed at Government Office and Labour Office. They are necessary to decide issue of employer-employee relationship and nature of contract between the First party-I and First Party-II.

2] Further it is prayed that, direction may be issued to the first party-I to produce Statutory Forms i.e. Form I, Form -I-A Form II and Form VIII under the Maharashtra Contract Labour (Regulation and

Abolition) Rules, 1971 from December-2012 to December-2026, Form 1 and Form 29 under the Maharashtra Factories Rules, 1963 from December-2012 to December-2026 and Form-A and Form – D under the various Labour Laws and Rules from December-2012 to December-2026. These documents are required to decide real question in controversy. In short the question of employer-employee relationship between the concerned workmen and First Party-I coupled with genuineness of contracts between First Parties inter-se would be effectively and expeditiously decided if these documents are produced on record. No prejudice would be caused to first party if documents are directed to be produced on record. The documents are relevant to decide the issues and concerned workmen has no other source available to bring on record the documents. Therefore it is necessary to give direction to the first Party I to produce the documents called for.

3] First party No.I has filed its say at Exh.C-17 and objected the application stating that, the present dispute has been raised by alleged contract labourers through an outsider and unconnected Union seeking regularization of their services on the rolls of the Principal employer viz; first party I. At the time of admission of dispute in conciliation only 65 persons were shown as beneficiaries or contract labour engaged through the First Party II and III contractor but in absence of physical verification the dispute was admitted. Further attempt of second party Union to add name is disputed by first party I. It is further submitted that, the second party Union has failed to establish its locus standi under the provisions of Section 22 of the Trade Unions Act or to demonstrate any nexus with business of management and it has also failed to produce any cogent and reliable evidence to establish a direct employer-employee relationship between alleged beneficiaries and first party I. In absence of such

foundational proof the claim for regularization is wholly misconceived, legally untenable and liable to be rejected.

4] Present application seeking production of a list of permanent employees along with their names, dates of joining, wages and nature of duties performed is wholly irrelevant to issues involved in the present dispute. The dispute pertains to alleged contract labourers and not to permanent employees of management. Therefore said documents have no nexus with adjudication of present reference. Further it is submitted that, production reports or job cards, if any, are maintained only for a limited period and in ordinary course of business. Such records are temporary in nature and are neither connected with nor relevant to present proceedings. In any event, the record mentioned in para (3.2) of the application are old, not available and not in the custody of the First Party I. It is also submitted that, the concerned contractors have already placed on record copies of their licenses and requisition certificates. Therefore, documents sought under para (3.2) are either not available or not in the custody of first party I. Hence application may be rejected.

5] Heard both the Ld. Advocates and perused the contents of application, say filed by First Party I and order of reference. Admittedly, present reference is referred by the Appropriate Government to decide entitlement of regularization of workmen. Further admittedly concerned workmen were undisputedly employed by First Party II to IV for the work of First Party I. The Hon'ble Supreme Court has already directed to the Tribunal to decide reference within 4 months and also directed to frame issue about employer-employee relationship between the concerned workmen and First Party I. Therefore it is upto the Second Party to justify the contents made in Statement of Claim. However if perused list of documents sought by second party it appears that, none

of the documents is in custody of Second Party. So, to justify the contentions of second party it has sought documents from custody of First Party I. Further admittedly second party has sought documents pertaining to permanent employees of First Party I to enable it to show difference in wage.

As far as employer-employee relationship is concerned it has relied on Form I, Form -I-A Form II and Form VIII under the Maharashtra Contract Labour (Regulation and Abolition) Rules and Form 1 and Form 29 under the Maharashtra Factories Rules, 1963 and Form-A and Form – D under the various Labour Laws and Rules. It is pertinent to note that, the reference is of 2020. However all these documents are called from 2012 to 2026. Hence second party is not permissible to call the documents beyond year 2020. Admittedly, first party has admitted that, it has engaged contractors. Therefore, first party I must have been registered under the Contract Labour (Regulation and Abolition) Act. Therefore it will be proper to direct first party I to produce Form I, Form III for the year 2020 to see whether first party has engaged service of concerned workmen for perennial nature of work or for the work which was mentioned in the form. As far as documents pertaining to the permanent employees are concerned second party has admitted that, these workmen were employed by first party I. Instead of calling documents, it will be proper to direct first party No.1 to produce list of permanent employees as on 31/12/2020. Rest of the documents are not relevant to decide issue involved in present reference. Therefore this Tribunal proceed to pass following Order:

**ORDER**

1]	The Application at Exh.U-23 is hereby partly allowed.
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2]	First Party – I is directed to produce list of permanent workmen as on 31/12/2020 along with their dates of joining and their monthly wages.
3]	The First Party I is also directed to produce Form I and Form III for the year 2020 only .
4]	The above directed documents shall be produced on next date positively.

**Date : 07/03/2026**  
**Place:Aurangabad.**

**[ S. D. Suryawanshi]**  
**Presiding Officer,**  
**Industrial Tribunal, Aurangabad.**