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**BEFORE THE INDUSTRIAL COURT, MAHARASHTRA,
(AMRAVATI BENCH), A M R A V A T I.**

Comp. (ULP) No.53/2012.
CNR No.MHIC27000050-2012.

Ramesh S/o Dinkarrao Deshmukh

----- Versus -----

Maharashtra State Co-operative Cotton Growers marketing
Federation Ltd., Amravati.

ORDER BELOW EXH.U-198
(Delivered On 07-12-2021)

1] Present application is filed by the complainant requesting to direct the respondent to produce certain documents on record. Respondent has filed reply and opposed the application.

2] Heard both sides. Ld. Advocate for complainant submitted that, some documents listed in the application are in possession of the respondent which are very material for just decision in the case. He submitted that the respondent may be directed to produce those documents on record. On the other hand it is the submission of respondent that, the application is not tenable. The issues are framed long back and the complainant adduced his evidence. It is for the complainant to prove his case on his own legs. He submitted that there is no pleading regarding any document. The documents called under the application are old one and those are not available with the respondent.

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3] By filing present complaint the complainant is claiming permanency benefit. Now it is the contention of complainant that the documents called by him from respondent are necessary to decide the controversy between the parties. On the other hand it is the contention of respondent that, those are the old documents and there is no provision to preserve the same for such a long time. Ld. Advocate for respondent submitted that, there is no pleading of complainant regarding these documents. He relied on the observations of Hon'ble Apex Court in the case of **Mahendra L. Jain and others Vs. Indore Development Authority and others, 2005 (104) FLR 53**. In this case it is observed that, documents called for in absence of any pleadings are not relevant. In the present case at hand the complainant is claiming permanency benefit. The burden is on complainant to prove his case by adducing available evidence with him. The documents called under the application are old one, therefore, those may not be available with the respondent. Under such circumstances it would not be justifiable to direct the respondent to provide such documents which are not available with them.

4] Record indicates that complainant has already adduced his evidence by filing affidavit dated 1.08.2016. He is yet to be cross-examined by the respondent. Under such circumstances I find no merit in this application and, therefore, it deserves to be

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rejected. Hence following order.

ORDER

- 1] Application is rejected.
- 2] No order as to costs.

Date :-07.12.2021.
Amravati.

(D. N. Surwase)
Member,
Industrial Court, Amravati.