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Exh.O-5

THE INDUSTRIAL COURT ( MAHARASHTRA)  
(BHANDARA BENCH), BHANDARA.

Complaint (ULP) No.18 of 2022  
(CNR NO.MHIC36-000040-2022)

Hindustan Composites Employees Union  
Through its Chief Advisor

..... versus .....

Hindustan Composites Ltd.

ORDER BELOW EXH.C-4  
(Passed on 30<sup>th</sup> July, 2022)

The respondent has filed this application for vacating interim order dated 05.05.2022 passed below Exh.U-2.

2] In brief, according to the respondent, that the instant complaint is filed through Chief Advisor of Hindustan Composite Employees Union namely Shri S. N. Wadhai. He is neither an employee, nor elected representative of the complainant Union. He is a totally outsider. He has no locus standi to file present complaint. It is submitted that, by virtue of Section 28 of the Maharashtra Industrial Relations Act, 1946 there shall be election of the workers to elect their representatives for

representing the employees either before the respondent Management or before the Court. However, unauthorizedly S. N. Wadhai has filed this complaint as in the capacity of Chief Advisor. Therefore, the order passed on 05.05.2022 below Exh.U-2 shall be vacated.

3] The application is opposed by the complainant contending that, the same issue has been raised by respondent in their reply to Exh.U-2, so also, in its written statement. Therefore, for deciding this issue the evidence is necessary. With this, complainant prayed for rejection of the application.

4] Heard learned Advocates of both the sides at length. Admittedly, the application Exh.U-2 came to be decided on merit vide order dated 30.07.2022 and appropriate order has been passed. Therefore, in view of order passed below Exh.U-2 on merit, this application carries no weightage. Hence, following order.

### **ORDER**

Application stands rejected in view of  
the order passed in Exh.U-2.

Bhandara.

( Atul K. Shah )

Member

Dated: 30.07.2022

Industrial Court, Bhandara.