

**BEFORE DHIRAJ P. KALE PRESIDING OFFICER**  
**FOURTH LABOUR COURT THANE.**

**REFERENCE (IDA) No. 38 OF 2024**  
**(CNR No.MHLCO40004592024)**

Zakaullah Moh. Khalil Khan ...Applicant

V/s.

1. M/s. Zaks Supply Chain Pvt. Ltd.

2. Mohd. Khalid Mohd. Usman Khan -Director ...Opponents

**ORDER BELOW EXH. U-2**  
**(Passed on 18/08/2025)**

The applicant has filed this application objecting the opponents from engaging any Advocate on their behalf. To counter this, opponents have failed to file their reply.

2. Heard both the parties.

3. The applicant is being represented by an Union Representative. Section 36 of the Industrial Disputes Act deals with representation of parties. Section 36(4) deals with representation by a legal practitioner. It requires two aspects, firstly the consent of the other party and the leave of the Court. Herein, in order to get a permission to engage a legal practitioner, the opponents have not only to get a consent from other side but also to seek leave from this Court. This is an application objecting the appearance of legal practitioner from and on behalf of the opponents.

4. Herein, the applicant has strongly objected granting any such permission to the opponents by this application and by objection. Reference was made to the ratio of *Hon'ble Supreme Court* in the case of *Paradip Port Trust Paradip V/s. Their*

*workmen reported in (1977) 2 SCC 339.* So far the ratio in this case is clear, wherein the parties are supposed to comply with these aspects but though there may be a leave from this Court, there is no consent from the other side.

5. So, in view of cited supra ruling the opponents cannot be allowed to engage an Advocate to defend their case, when applicant has taken express objection at initial stage. Hence, the order follows,

**ORDER**

- 1 Application is allowed.
- 2 The opponents are hereby restrained from appointing legal practitioner to represent them.

Date : 18/08/2025

Place: Thane  
pps/-

(Dhiraj P. Kale)  
Presiding Officer  
Fourth Labour Court, Thane.

.....  
Present application at Exh.U-1 is filed by the second party worker u/s. 36 objecting the appearance of Advocate for the first party. Application at Exh.C-2 is filed by the first party objecting appearance of representation of second party by any worker. Applications Exh. C-1 & C-4 are filed by the first party seeking permission to appoint an Advocate. The first party and the second party have filed their respective replies on these applications. They have objected the applications.

2. Heard both the sides.

3. The reference was made to this Court by the office of Deputy Commissioner of Labour, Thane. The first party filed its appearance on 02/02/2021 with application Exh. C-1. Thereafter, the second party appeared on 06/05/2022 with application Exh. U-1. Thereafter the first party filed the application at Exh C-2 and

objected the representation of second party by an Advocate. They also filed application Exh. C-4 on 16/11/2022 again for a permission to appoint an Advocate.

4. So far both the parties are objecting each other for representation by an Advocate. A reference has to be made to section 36 which deals with representation of parties. A workman can be represented by any member of the executive or office bearer of the registered trade union, or by office bearer of federation of trade union or by office bearer of any trade union connected with the industry in which worker is employed. Similarly, and employer can be represented by an officer of Association of employers, or by officer of federation of association of employer or by any association of employer, if he is not member of any association.

5. Section 36(3) of the Act provides that no party to a dispute is entitled to be represented by a legal practitioner. But section 36(4) carves out an exception wherein parties can be permitted to be represented by a legal practitioner with the consent of the other party and with the leave of the Court. A reference has been made to the ratio of Hon'ble Supreme Court in the case of **Paradip Port Trust v/s. Their workmen reported in AIR 1977 SC 36**. It is observed that a lawyer cannot appear before the Industrial Tribunal without the consent of the opposite party and without leave of the tribunal.

6. There are two requisites, one consent of the opposite party and the other is leave of the Court. The applications at Exh. C-1 and C-4 are for leave of this Court to permit the first party to be represented by an advocate. However there is strong objection by the other side. So, one of the requirement u/s. 36(4) of the Act is not fulfilled and hence these applications cannot be entertained. The applications at Exh. U-1 and C-2 are objections by the first party and the second party for representation by an advocate by the opposite side. These objections are hereby taken on record and following order is passed ;

**ORDER**

- 1) Applications at Exh. U-1 and C-2 are allowed.
- 2) The first party and the second party are hereby prohibited from being represented by a legal practitioner in this matter.
- 3) Application Exh. C-1 & C-4 are rejected.

**ORDER**

Application is rejected.

Sd/-

Date : 03/05/2024

(Abhijit R. Solapure)  
Presiding Officer  
Fourth Labour Court, Thane

SSA