

Exh. O-

**BEFORE SHRI ABHIJIT R SOLAPURE, PRESIDING OFFICER
AND JUDGE, FOURTH LABOUR COURT THANE.**

APP (IDA) No. 116/2021

CNR No.MHLCO40010402021

Imtiyajuddin Jalaluddin Siddique ... Applicant

V/s.

M/s. Akshya Textiles and ors. ... Opponents

**ORDER BELOW EXH. U-6
(Passed on 19/10/2023)**

Perused the application and say at Exh. C-4. Heard the union representative and perused the written arguments at Exh.C-5. The applicant submitted that he has been wrongly terminated on 15/07/2020. He wants to establish the employer-employee relationship in between him and the opponent. For that purpose he is requesting to direct the opponent to produce several documents like muster register, wages register, bonus register for five years before 15/07/2020. This has been objected by the opponent stating that such documents cannot be called upon without the applicant first producing any relevant document of employment.

2) The applicant has filed has the claim for Rs.11,35,500/-, while the opponent has filed written statement at Exh.C-2. The applicant claims that he was employed with the opponent from year 2015 as workman. He was orally terminated by the opponent on 15/07/2020. The opponent has objected the whole claim and even

the statements of employment. It is stated that the applicant was never appointed by the opponent.

3) The rival contentions puts a burden on the applicant not only to establish his employment with the opponent but also the other facts like illegal termination. The burden is there on the shoulders of the applicant. Now, he wants the opponent to produce all the documents and registers. The burden is there upon the applicant and he cannot indulge in fishing expedition. This application cannot be considered and such directions cannot be given at this stage in view of no primary document on record to show direct relations between applicant and opponent. Hence, the order follows ;

ORDER

Application is rejected.

Date : 19/10/2023
Thane

AMK/-

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