

Exh. O-

BEFORE SHRI ABHIJIT R SOLAPURE, PRESIDING OFFICER,
FOURTH LABOUR COURT, THANE

APPLICATION (IDA) NO. 116 OF 2021
CNR No.MHLCO40010402021

Imtiyajuddin Jalaluddin Siddique ...Applicant
V/s.
M/s. Akshya Textiles & Others ...Opponents

ORDER BELOW EXH. C-6
(Passed on- 06/01/2025)

The opponents have filed this application for permission to be engaged by an office bearer of the Association and has filed the form of authority of Smt. Smita Danke - Paratkar. This has been objected by the applicant and stated that the opponent can not be permitted to engage an Advocate.

2. Heard both the sides.

3. The applicant has filed the main petition under Section 33C(2) of the Industrial Disputes Act. Applicant objected the appearance of advocate under Section 36(4) of the Act by filing application at Exh.U-2 that application was allowed on 21/01/2023. Thereafter, the applicant filed his affidavit in lieu of examination in chief at Exh.U-7 and no cross order came to be passed. Thereafter, this application came to be filed on 22/04/2024. This Court called upon the Union Representative of the applicant and also the office bearer of Association of the opponents to produce relevant documents.

4. The opponents have produced a true copy of the letter issued by Forum for Management Development and Legal Assistance

on 08/01/2024. It shows a resolution of the said Association of admitting Smt. Smita Danke- Paratkar as the office bearer of the said Association. The applicant as well filed documents with list Exh.U-10, which go to show the documents of United Textiles and General Kamgar Sanghtana. Present Union Representative A. K. Singh appears to be the President of the said union. The applicant has also produced some copy of document received under the right to information about the said Association.

5. So far as per the provisions of Section 36 the parties to the dispute can be represented by the office bearers of the union or the office bearers of the Association of employer. The Union Representative Mr. A. K. Singh seems to be the office bearer of the union, while Smt. Smita Danke – Paratkar seems to be the office bearer of the said Association. So they can very well represent in that capacity as per the provision. Indeed, Smt. Smita Danke-Paratkar is an Advocate, but the provision does not prevent an Advocate to be office bearer of the Association representing the employer. So this representation has to be taken on record. Hence, the order follows,

ORDER

- 1) Application is allowed.
- 2) Smt. Smita Danke – Paratkar is hereby permitted to represent the opponents as the office bearer of Association.

Date : 06/01/2025

Thane

pps/-

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