

IN THE 2ND LABOUR COURT, AT AURANGABAD
(Presided over by : Smt. V. S. Deshmukh, Presiding Officer)

Ref IDA no.45/2018

CNR No.MHLC200000392020

**The General Manager,
Maharashtra Gramin Bank.**

.. First Party

Vs.

Pandit S/o. Totaram Vispute
Party

... Second

ORDER Below Exh.U-8

(Delivered on this 28th day of February, 2020)

1. Second party workman has filed this application for direction to the first party to produce the documents listed in para 1 of the application. According to second party the listed documents are in the exclusive custody of first party and are necessary for deciding the matter and hence first party be directed to produce the same.
2. First party has given say to this application at Exh.C-18 and objected the same. According to first party second party has to stand upon it's own feet rather than resorting to a fishing enquiry. It is not permissible for second party to have roving and fishing enquiry. According to first party the documents listed in the notice of documents are not of the first party bank except few alleged internal communications which are not available in the bank's record. First party has submitted that the documents called in the notice of documents are not available on it's record. The first party has searched the documents sought to be produced by it. But it is found that the said record is not with the

first party bank. The record asked by the second party is not available on the bank's record. Therefore, it is prayed that application may kindly be rejected.

3. Heard Ld.Advocate Kaware for second party workmen and Ld.Advocate Shahane for first party bank. First party has relied upon case laws reported in 20th Century Fox Corporation Ltd., Vs. F.H.Lala & ors.,1975 LAB.IC.517.

4. It is revealed from the contentions in the application that the documents sought to be produced are in the exclusive custody of first party bank and they are necessary for deciding the matter. According Ld.Advocate Shahane the application is vague and filed with attempt to resort to a fishing and roving enquiry. On perusal of the application it can be seen that the second party workmen have submitted the nature of the present reference, necessity for the production of the documents as well as the nature of the documents. The second party workmen have disclosed the nature of the documents in the list. Therefore, according to me the application does not lack the necessary facts and contention as to the nature of the documents and the necessity of their production. Therefore, I do not think that the ratio laid down by the Hon'ble High Court in the case law reported in **20th Century Fox Corporation Ltd., Vs. F.H.Lala & ors.,1975 LAB.IC.517** is applicable to case in hand.

5. On going through say of first party bank at Exh.C-18 it is transpired that first party bank has flatly denied the custody and possession of the documents sought to be produced by second party workmen. Therefore, it is futile exercise to direct

first party bank to produce the documents listed in this application which according to first party bank are not in it's custody. Hence, I pass following order.

Order

Application stands rejected.

Dated : 28-02-2020

(Smt. V. S. Deshmukh)
Presiding Officer,
Labour Court-II, Aurangabad

Order dictated on : 28-02-2020
Order transcribed on : 28-02-2020
Order checked & signed on : 29-02-2020
GMP/-