

Exh O-

**BEFORE SHRI P.W. BHUYAR, MEMBER, INDUSTRIAL COURT,
AT : AHMEDNAGAR.**

Complaint (ULP) No.88 of 2014

Uttam Sopana Ransing

..Complainant

VERSUS

Mah. State Road Transport-
Corporation, A.nagar.

..Respondent

ORDER BELOW EXH.U-17
(Delivered on 08-03-2016)

1) The application has been filed the complainant at Exh. U-17 for production of documents. The documents called by the complainant from the respondent Corporation are- 1) service book of Head Artisan Mr. A.Y. Kukkadwal working in Divisional Workshop at Ahmednagar, 2) Office order dt. 17-7-2015 of the respondent Corporation regarding examination of the post of Head Artisan, 3) Staffing pattern of the post of Head Artisan, 4) Service book of the employee Adinath Vitkar working at Jamkhed Depot. Mr. A.Y. Kukkadwal is retiring very soon. Respondent had initiated process of filling the post of Head Artisan, even the post was not in existence. The respondent had continued the office bearers of the union as per order of the court. In such circumstances, the documents being relevant and in possession

of the respondent being required in this case should be directed to be produced by respondent.

2) The Affidavit of Mr. Uttan Sopana Ransingh vide Exh. U-18 has been in support of the contentions of Exh. U-17.

3) The respondent respondent Corporation had filed their say at Exh. C-6 contending that the application is vague. The documents called by the complainant vide Exh. U-17 are not relevant for the case of the complainant. The complainant has not shown how these documents are necessary for the case of the complainant. All vague allegations have been made in the application.

4) Looking to the para No. 2 of the complaint the allegations regarding the transfer in para No. 3(b) also there are allegations regarding transfer regulations. The complainant is dictating the Hon'ble Court for transferring him on the promotional post on which the other employees have been working. Similarly, in para No. 3(d) also similar contentions have been made posing rules and regulations regarding transfer have been violated. In the documents filed at Exh.U-4/1 the complainant himself has stated about the transfer order but factually it is promotion order and thus by making the false misconceived facts on oath the ad-interim has been obtained by the complainant. After some

months period as the complainant was to act as per the promotion order the complainant challenged promotion order in Hon'ble High Court and tried to stay the promotion order and after decision of Hon'ble High Court irrelevant documents have been called from the respondent. The complainant has filed the present application just to prolong the matter and to gain benefits in developing situation.

5) The service book of Mr. Kukkadwal has no relevance for the case of the complainant because there is no demand of Kukkadwal for transferring him and such request cannot be made. Mr. Kukkadwal is no way concerned with the promotion order of the complainant. The complainant has not stated how the document Sr. No. 2 relates with the dispute. Document at Sr. No. 3 is also not relevant and therefore Hon'ble Court should not issue any directions to the respondent. The complainant has not said anything how the documents at Sr. No. 4 is relevant and necessary for the case of the complainant and therefore all these documents called by the complainant are irrelevant, therefore application should be rejected.

6) Kukkadwal is retiring within few days and therefore the complainant situate with the post of Head Artisan to be vacant should not be filled. The respondent has retained some of the

employees as per the directions from the court. The complainant wants that respondent shall dis-obey the orders of Hon'ble court and they should not be posted at their places. The relevancy shown by the complainant for production of documents is totally strange. The complainant has filed false and frivolous application to obtain documents from respondent in order to prolong the matter and therefore application should be rejected.

7) I have gone through contentions of both the parties, perused the application at Exh. U-17 and say thereon and heard Ld. Counsel Mr. Modgekar for complainant and Ld. Counsel Wagh for the respondent.

8) The complainant has called for the documents from the respondent as the documents are relevant for the case of complainant. According to respondent these documents are not at all required for the case of the complainant. The complainant has not shown any relevancy for production of any documents. The complainant any how wants to stay at A.nagar Workshop by challenging promotion order on the ground of malafide and illegal transfer order. After direction from Hon'ble High Court to decide the complaint on merits, the complainant has made application for production of documents just to prolong the matter and for no other purpose the order of complainant was promotion order on

the post of Head Artisan and the post of Head Artisan was lying vacant at Shrirampur Workshop. Instead of joining at Shrirampur Workshop even after directions of the Hon'ble High Court the complainant wants these documents from the respondent having no relevance and therefore application should be rejected.

9) I think the complainant cannot insist for the service book of Head Artisan A.Y. Kukkadwal who is working in Divisional Workshop at A.nagar as having no relevance. The documents are Sr. No. 2 and 3 are relevant for the case of the complainant. The document i.e. service book of Adinath Vitkar is also not relevant for this case as the complainant has challenged his transfer order on promotion post of Head Artisan and transfer of Vitkar is an different ground. The documents at Sr. No. 2 and 3 are in custody of the respondent S.T. Corporation and therefore they should be produced by the respondent till next date. Therefore, following order is passed-

ORDER

- 1) The application is partly allowed.
- 2) Respondent is directed to produce the documents 2 and 3 till next date.

Ahmednagar.
Date:- 08-03-2016.

sd/-
(P.W. Bhuyar)
Member,
Industrial Court, Ahmednagar.