

BEFORE THE NATIONAL INDUSTRIAL TRIBUNAL

ALLAHABAD CAMP

Justice Ravindra Nath Kakkar
Presiding Officer

Ref. no. NTB-1 of 2003

Parties. : Food Corporation of India

v/s

Their workmen

Appearances:

For the Food Corporation of India : Mr. Abhay Kumar, Adv.
For the FCI Workers' Union : Mr. Anil Tiwari, Adv.
For Handling Workers' Union and :
Party No. 3, 7, 8, 9, 10, 11, 12, 13, 14, 15 : Mr. Suresh Gupta, Adv.
and 16.
For FCI Shramik Union : Mr. Chandan Kumar, Adv.
For FCI Mazdoor Union : Mr. Ashutosh Shukla, Adv.
For Bhartiya Kanda Khadya Nigam
Shramik Sangathan : Absent.

Allahabad, dated the 07th day of October 2020

ORDER



1. Food Corporation of India Shramik Union, Food Corporation of India Mazdoor Union and Bhartiya Kendra Khadya Nigam Shramik Sangathan have moved separately for addition of them as parties to the reference. All these three applications are being opposed to by the Food Corporation of India.

2. The Bhartiya Kendra Khadya Nigam Shramik Sangathan, inspite of notice being served none is present. The impleadment application of the Bhartiya Kendra Khadya Nigam Shramik Sangathan is dismissed due to non-prosecution on default as he is not present.

3. I have heard the learned counsel for the parties and gone through the records.

4. The submission made by the learned counsel for the Food Corporation of India is three fold. Firstly, there is no provision for impleadment of a party under the Industrial Disputes Act. Secondly, there is no locus on the part of the union who wants to be imploded as a party and thirdly, in case, impleadment application is allowed, it will cause unnecessary delay in final adjudication of the reference. The learned counsel for the original union who was made respondent in pending reference only opposed to the extent that since the case is matured for final hearing, if application of impleadment is allowed certain conditions be imposed so that there could not be unnecessary delay in final disposal of the reference. The proposed union who wants to be impleaded in this case argued that that since his members of the union was inducted subsequent to the reference in 2011 and he assured the Tribunal he will not seek unnecessary adjournments and will not cause delay in adjudication of this Reference. He wants an opportunity of hearing on behalf of his members of the Un-



5. After going through the record and submissions as raised by the parties concerned, I am of the view that the controversy raised at this juncture by the Food Corporation of India and the original respondent has lost its importance in view of the earlier order passed by my predecessor in office on 07.1.2004 whereby certain parties were impleaded to the instant Reference by means of a detailed reasoned order dated 07.1.2004 which has taken finality as none of the opposite party challenged it and approached to the High Court. So at this juncture, I need not thrash out the law again and adjudication as to whether the impleadment of the parties can be made by the Tribunal or not. At this juncture, the only point to be seen as to whether the parties who had sought to be added as an additional party in the Reference are necessary to adjudicate the controversy under the Reference. It is relevant to mention that Reference made to this Tribunal is as to whether the workers working under Direct Payment System, No work No Pay System and the Management Committee System are entitled for the same Pay and other benefits as are available to the departmentalised labour in various depot of the Food Corporation of India through out the country. Since the worker working through out the country with Food Corporation of India are directly involved in this Reference. The hearing of the parties sought to be added at this stage is necessary to my mind to finally adjudicate the controversy once for all. There appears to be no prejudice to the Food Corporation of India if the parties sought to be impleaded at this juncture. If the addition of proposed parties are not made then it would amount to denial of opportunity of hearing which is against the principles of natural justice. I would also like to mention that during the arguments, the learned counsel fairly made statement that they are not going to delay the proceedings and no additional evidence is to be filed by them. In this fact circumstance, since only opportunity for hearing is being sought by the proposed parties, impleadment applications deserves to be allowed.

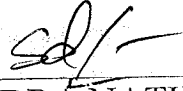


Before parting with the impleadment application, it is pointed out that afore-
said parties should bear in mind that dispute is between the workman of the Food

Corporation of India. It may not be necessary to file any pleadings or statement of claim unless a problem peculiar to the concerned workman is raised. The difference between the Union are not to be adjudicated through this Reference to the detriment workmen of the Food Corporation of India. Learned counsel representing the workmen through the Union have already assured that no additional evidence is to be tendered as in this Reference pleadings alongwith evidence has already been completed and only final arguments are to be heard.

7. Accordingly, the impleadment applications of Food Corporation of India Shramik Union, Food Corporation of India Mazdoor Union is allowed and the application of Bhartiya Kendra Khadya Nigam Shramik Sangathan is disposed of.




(JUSTICE RAVINDRA NATH KAKKAR)
PRESIDING OFFICER

सही प्रतिलिपि प्रमाणित
CERTIFIED AS A TRUE COPY