

ORDER SHEET

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – Cum – LABOUR COURT,
JABALPUR (M.P.)

Date of Order of Proceeding	Order Or Proceeding with Signature of Presiding Officer	Remark
Case No. CGIT/LC/R/52/2023 Union (PMRKP) V/S West Central Railway		
16.07.2024	<p>Matter taken up.</p> <p>Adv. Shri K.B. Singh present for Union. Adv. Shri S.K. Gupta present for Railways and Shri Shankar Singh present for Intervener.</p> <p>Learned Counsel for workman union filed objection on Intervener application. Copy served taken on record.</p> <p>Heard argument of learned Counsel for Intervener on application and learned Counsel for workman union who has opposed the application. Learned Counsel for Railways submits that they have no objection on this application. Perused record.</p> <p>As submitted by learned Counsel for Intervener, they are affected by the reference, the workman union has made allegations against them in their statement of claim, hence their presence is necessary for complete and effective adjudication of the controversy involved in the reference.</p> <p>On the other hand, learned Counsel for workman union has submitted that the Intervener is not a party to the reference, the dispute is regarding deduction from the bonus of Railway employees by the management of Railways, the Intervener is</p>	

ORDER SHEET

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – Cum – LABOUR COURT,
JABALPUR (M.P.)

Date of Order of Proceeding	Order Or Proceeding with Signature of Presiding Officer	Remark
	<p>neither necessary nor proper party, their presence will in no way be helpful in adjudication of the controversy.</p> <p>Learned Counsel for Intervener has relied on a judgment of Hon'ble High Court of M.P. in W.P. No.-1900/2008 passed on 03.03.2008 wherein it has been laid down that if it is appears to this Tribunal that the party named in the reference does not completely or adequately represent any of the parties i.e. workman or employer, it may direct such party to be impleaded as a party.</p> <p>The reference is being reproduced as follows :-</p> <p><i>“1. Whether the objection, raised by the PMRKP on the action of the management of WCR to deduct from the Bonus of the Railway employee in the name of membership subscription of the recognized unions is correct ?</i></p> <p><i>2. Whether the action of the management of WCR to deduct from bonus of the railway employee in the name of membership subscription is a kind of undue favour to the recognized union and to discourage the PMRKP which also indicate unfair Labour practice mentioned under Section 25(T) read with Section 2(ra) of the Industrial Disputes Act, 1947.”</i></p> <p>It is clear from the reference that the controversy</p>	

ORDER SHEET

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – Cum – LABOUR COURT,
JABALPUR (M.P.)

Date of Order of Proceeding	Order Or Proceeding with Signature of Presiding Officer	Remark
	<p>revolves around deduction from the bonus of Railway employees in the name of one union which the workman union claims it to be unfair labour practice. The intervener is not a party in the reference.</p> <p>Since, the dispute is between the workman union party to the reference and Railways and it is on Railways to rebut the allegation in the reference and on the workman union to prove its allegation in the reference, the presence of intervener is neither necessary nor proper for adjudication of the lis as the interest of the parties are well represented.</p> <p>Hence, the referred case can be easily distinguished from the case in hand on facts.</p> <p>On the basis of above discussion, the intervener application is without merits and is rejected.</p> <p>List on _____ for A/D of documents by parties.</p> <p style="text-align: right;">Presiding Officer</p>	