

IN THE HON'BLE XITH LABOUR COURT AT MUMBAI
COMPLAINT (ULP) NO. 132 OF 2022

C-5

The Bombay Electric Workers Union - Complainant

v/s

BEST Undertaking

- Respondent

May it please this Hon'ble Court:

In the above matter, this Hon'ble Court was
pleaded to frame preliminary issue of
fairness of enquiry & pendency of finding.

However, it is prayed that Additional
issue of "Whether the Respondent prove that
the ex-parte enquiry is justified in the
fact & circumstances of the case?" may be
framed before the aforesaid issues.

Other side
to say

True
MUMBAI
29/8/2023

True

M. Suresh Babu (Adv)
For BEST Undertaking

Say of the Complainant

Strongly objected. The both
parties is filed this written Argument
& matter is kept for order. Therefore,
the said Application may be objected.

True

6/11/2023
Shaleen
Advocate for Complainant

Order

Perused application, say thereon.
Heard both sides. The respondent has
prayed to frame additional issue as to
'whether the respondent proves that the
ex parte enquiry is justified in the facts
and circumstances of the case?'. The
complainants have taken strong objection
on the ground that already matter is
heard on preliminary issues and it is kept
for order on preliminary issues.

Perusal of record shows that both the
parties have argued on the preliminary
issues and matter is kept for order on it today.
Further issue no. 1 is 'whether enquiry conducted
is legal, fair and proper?'. Hence it appears
that issue regarding fairness of ex parte enquiry
is already included in the said issue. Hence it is
not necessary to frame additional issue on the
same point. Hence application is rejected.
Matter be kept for order on P.P.

Amr

6/11/2023.