

BEFORE SMT. A. C. RAUT, MEMBER,
INDUSTRIAL COURT, MAHARASHTRA MUMBAI

COMPLAINT (ULP) No. 238 of 2025
(CNR No. MH1C01-000535-2025)

Ms. Reena Pravinchandra Doshi, ... **Complainant.**

Versus

M/s. Good Value Financial Services
Pvt. Ltd. & Ors. ... **Respondents.**

:- Order Below Exh. U-2 :-
(Delivered on 23.09.2025)

1. The present complaint is filed by the complainant under Section 28 r/w. Items 9 of Schedule-IV of the Maharashtra Recognition of Trade Union and Prevention of Unfair Labour Practice Act, 1971 (hereinafter referred to as the "MRTU & PULP Act, 1971) and therein the interim relief application filed by the Complainant seeking interim relief, praying for a direction to respondents not to terminate the services of the complainant without following due process of law and to pay the complainant monthly salary on or before the 10th days of every month.

2. The facts of the case in nutshell is as under :-

It is submitted that, the respondent no. 1 is a company registered under the Companies Act, 1956, engaged in the business of financial services to Corporate Sector and having

more than 5 employees. The respondent no. 2 and 3 are Directors and managing and controlling the day to day management and administration of the respondent no. 1. The complainant is in employment with the respondent no. 1 w.e.f. 24.08.2004 and working continuously and discharging her duties with loyalty and sincerity. Despite this, the respondents failed to pay monthly salary of the complainant from February-2025 to July-2025, without any justification. The gross wages of the complainant is Rs. 56,308/- p.m.

3. It is further submitted that, the designation of the complainant is Executive Accounts and nature of her duties is predominantly clerical in nature. Her predominant duties are to do salary processing, preparing the cheques and handling the bank related works, and no persons are working under her, therefore she falls within the ambit of definition of workman as provided under Section 3 (5) of the MRTU & PULP Act, 1971 and Section 2 (s) of the I. D. Act, 1947. That due to non payment of salary, the complainant was compelled to face acute financial hardship. In order to meet her essential livelihood needs, she was constrained to approach the respondent no. 3 every month from March-2025 till June-2025 and make application for sanction of a loan against her salary and loan against her salary was made from the personal account of the respondent no. 3. However. On 08.07.2025, she received mail from the respondent no. 3 to pay loan immediately .

4. By her e-mail dated 12.08.2025, she demanded payment of her salary for the month of June-2025 to July-2025, however instead of redressing her grievances, the respondent no. 2 orally threatened the complainant with termination of her services, hence there is apprehension in the mind of the complainant that respondent may at any time resort to terminating her services in retaliation to her rightful claims. The respondents are liable to pay earned wages totaling to Rs. 3,37,848/-. The respondents have failed to make payment of the said legal dues till date. In view of failure on the part of respondents to pay the complainant her legal dues of salary/earned wages amounts to unfair labour practices on the part of respondents. Further, the complainant is being harassed by the respondents by not paying her salary within time prescribed under law. This act on the part of respondents amounts to unfair labour practices under Items 9 of Schedule-IV of the MRTU & PULP Act. Hence, it is submitted that prima facie case in her favour, balance of convenience in her favour and the reliefs which are prayed are not granted, great prejudice and irreparable loss will be caused to the complainant. Accordingly, prayed for application be allowed.

5. The respondent no. 2 filed his affidavit in reply to the interim relief application at Exh. CA-4. It is submitted that complainant is not a workman as defined under the I. D. Act and therefore complaint requires to be dismissed. It is further




contended that the complaint is barred by limitation and prior to considering such aspects, no interim relief is maintainable. It is further contended that the services of the complainant has been terminated on and from 29.08.2025 and the same has become effective and hence, this Court has no jurisdiction to try the issue of fairness of the termination.

6. It is contended that the respondent no. 3 had sent various correspondence and suggested that the termination is arbitrary and the same not to be given effect to, but prior to any such communication the termination has come to immediate effect from 29.08.2025 itself and unless the same is set aside and quashed, the same cannot be presumed to be an illegal termination. Rest of the contents are denied by the respondent no. 2 and prayed that application be rejected.

5. Heard Ld. Advocate Shri. Nafees Ahmad for the Complainant, Ld. Advocate Shri. Kumar Vaidhyanathan for Respondent no. 2 and Shri. A. S. Singh for the Respondent No. 3.

6. In view of the rival submissions of the parties, following points arise for my determination. I have recorded my findings thereon. The reasons are given below -

	<u>POINTS</u>		<u>FINDINGS</u>
1.	Whether the Complainant has made out prima-facie case of unfair labour practice?	☞	In the affirmative.

2.	Whether balance of convenience is in favour of the Complainant?		In the affirmative.
3.	Whether irreparable loss would cause to the complainant, if application rejected ?		In the affirmative.
4.	Whether the Complainant is entitled for relief sought?		In the affirmative.

:- REASONS :-

7. **As to Points No. 1 to 3** :- There is no dispute that the complainant has been working in the Accounts Department of Respondent No. 1 company since 24.08.2004 as an Executive Accountant. According to the complainant, the nature of her duties is predominantly clerical, i.e. to process the salaries, preparation of cheques, and handling bank-related work. No subordinate is working under her, and therefore, the nature of her duties falls within the definition of a workman. It is her further case that she was not paid the salaries, therefore she approached the respondent no. 3. The respondent no. 3 given loan against wages from his personal accounts. Thereafter, the respondent no. 2 had orally threatened her with termination of services, and therefore there is apprehension in the mind of complainant that respondents may terminate her services, and therefore, she claimed that the non payment of her salary amounts to unfair labour practices and the respondents may be restrained from terminating her services, without following due

process of law and also prayed to pay her monthly salary on or before 10th of every month.

8. Respondent no. 3 has filed reply and admitted the claim of the complainant. It is submitted by the respondent no. 3 that there is a dispute in between two Directors and therefore all the employees of the respondent no. 1 has to suffer. It is submitted that the employees are not getting the salary and therefore, salaries are paid from his personal account. He has supported the claim of the complainant. He further submitted that the respondent no. 2 has issued the termination order dated 29.08.2025, but has not given any effect and said Order is prima facie illegal and not in accordance with the principles of natural justice. It is further stated that as soon as the complaint is filed on 28.08.2025, on 29.08.2025 the order of termination was issued by the respondent no. 2 without any consultation of respondent no. 3, which is illegal. He supports claim of the complainant and prayed to allow the interim relief in favour of complainant.

9. Another director i.e. respondent no. 2 strongly objected the application firstly on the ground that the termination order is already served on the complainant and therefore this Court has no jurisdiction to try and entertain the present matter and no interim relief can be granted. He further objected the application on the ground that the complainant is not the workman and cannot claim any relief. It is further

submitted that respondents have terminated the complainant by following due process of law. The complainant has failed to prove the prima facie case, and therefore, the complainant is not entitled to any relief.

10. The first point raised by the respondent no. 2 that the complainant is not a workman as her designation is an Executive Accountant and one of the employee is working under her. However, in the reply or by way of any document, respondent no. 2 have not stated the nature of duties of the complainant nor has stated the name of the assistant, who is working under the complainant. Furthermore, the respondent no. 3 who is also one of the Director has categorically stated that though the designation of the Complainant is an Executive Accountant, however her duty was only to prepare the salary, to prepare the cheques, looking after the banking work, and she has no other authority to sign any documents which is binding on the company and its management. So also, complainant has also come with the case that she is workman and she is only Accountant. Respondent no. 3 who is one of the Director of the company has supported of the case of the complainant. The respondent no. 2 though raised dispute regarding the fact that the complainant is not a workman, has not filed any document to show that the complainant has supervisory or managerial powers. Therefore, I am of the view that, prima facie complainant has proved that she is a workman.

11. The next objection raised by the respondent no. 2 is that the termination order dated 29.08.2025 has been duly served on the complainant with immediate effect and therefore this Court has no jurisdiction to entertain the present complaint. Whereas, the complainant has come with the case that she has been threatened by the respondent no. 2 that she will be terminated from the services. However, if the date of the complaint is filed is seen is 28.08.2025, whereas according to the respondent no. 2, the date of termination of complainant is 29.08.2025. During the course of argument, the Ld. Advocate for respondent no. 3 has submitted that though this order of termination is issued by the respondent no. 2, but the respondent no. 3 is not agree with the said order and it is issued without any consultation with him and the complainant is still working in the company. In reply to this argument, Ld. Advocate for respondent no. 2 submitted that complainant is forcefully coming to the company. There is no document to show that termination letter has been duly served on the complainant and the respondent no. 2 before issuing notice has followed any due procedure of law. It also appears that there is dispute between two Directors. The termination order issued by the respondent no. 2 is without any consultation of the respondent no. 3. It is pertinent to note that there is no reply from the respondent no. 1, who is company in the present case as to whether the complainant is working or not. Therefore, in present circumstances, it cannot be held that termination of the

complainant is effected, however it can be said that the apprehension of the complainant that respondents may terminate her services can be taken as true.

12. It is further case of the complainant that she has not been paid salary from February-2025 till July-2025. It is the case of the respondent no. 3 that he is paying salaries of employees from his personal account. Respondent no. 2 has filed some salary slips on record to show that the salary has been duly paid to the complainant. On perusal of said salary slips, it shows that the salary slips have been prepared, but from the said document it does not prove that the salary is actually credited to the account of the complainant. The respondents also failed to show that in each month they have paid the salary on or before 10th day of each month. It is boundant duty of the respondent management to give salary of its employees within time i.e. on or before 10th day of every month. Thus, the respondents have prima facie committed unfair labour practices against the complainant. Therefore, from the above discussions, I hold that, prima facie case is in favour of complainant. The complainant has also proved that if the relief restraining the respondents from terminating her services is not granted, she would suffer irreparable loss. Thus the balance of convenience also lies in favour of the complainant. Therefore, I hold all the points in the affirmative and proceed to pass the following order-

ORDER

- i. The Application is allowed.
- ii. Respondents are hereby directed not to terminate the services of the complainant, without following due process of law, till final disposal of the complaint.
- iii. Respondents are further directed to pay the complainant monthly salary on or before the 10th day of every month, till final disposal of the complaint.
- iv. No orders as to costs.

Place :- Mumbai

(Smt. A. C. Raut),
Member,

Date :- 23.09.2025.

Industrial Court, Mumbai

SPC/-