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Compln.(ULP)No. 204/2018(O)

CNR No. MHIC01-000558-2018

**IN THE INDUSTRIAL COURT MAHARASHTRA AT MUMBAI**

**COMPLAINT (ULP) NO. 204 OF 2018**

Mr. Nana Shrirang Suradkar

...Complainant.

**Versus**

M/s. Western Regional Instrumentation  
Centre, Mumbai & Anr.

...Respondents.

**CORAM: M. R. KUMBHAR, MEMBER.**

Appearances: Shri. A. D. Nimbalkar, Advocate for Complainant.  
Shri. Mahesh Shukla, Advocate for Respondents.

**ORDER BELOW EX.U-15**

**(Dated : 10.01.2025)**

- 1) Read application filed by complainant. Perused say of respondents. Heard both the Ld. Advocates for the parties.
- 2) By this application, complainant prayed to set a-side “No cross” order and complainant be permitted to cross-examine the witness of respondents.
- 3) Shri. A. D. Nimbalkar, Ld. Advocate for complainant vehemently submitted that respondents took five dates to lead their evidence. On 09.09.2024 respondents filed affidavit in lieu of examination in chief before the court, but respondents failed to serve the advance copy of evidence to the complainant. Without

serving the copy of evidence filed before the court and obtained “No cross” order against complainant without pointing out fact to the court.

4) He lastly submitted that on 09.09.2024 matter is adjourned and today itself, complainant received the copy of affidavit. Therefore, it is required to quash and set a-side the “No cross” order and complainant be permitted to take the cross-examination of respondents’ witness.

5) On the contrary, on behalf of respondents, Advocate Shri. Harsh Damaniya, holding for Advocate Shri. Mahesh Shukla strongly raised objection to the application filed by complainant. He further submitted that witness of respondents has attended the court for cross-examination, on that day, neither the complainant nor the Ld. Advocate for complainant were present before the court. Therefore this court has passed “No cross” order taking into consideration the pendency of the matter for more than five years. The reasons mentioned in the application are not good and sufficient and if at all this court comes to the conclusion that to set a-side the “No cross” order, then, Rs.10,000/- cost may be imposed and awarded to the respondents.

6) As per office order No. 90 dated 19.01.2024 by the Hon’ble President, Industrial Court, Maharashtra, Mumbai, matter is transferred to this court on administrative ground for disposal according to law.

7) Having heard the submissions of both the Ld. Advocates, I have gone through the prayers made by complainant at para no. 9 of the complaint wherein it is prayed that respondent nos. 1 and 2 have appointed the complainant as clerk cum typist for years together in breach of clauses 3, 4, 4-A, 4-B, 4-C and 4-D of Model Standing Orders and sought declaration of permanency.

After completion of pleading of parties, my Ld. Predecessor framed issues at **Exh.O-3** on 26.09.2022. The evidence of complainant was closed on 26.04.2024. Then matter is adjourned for evidence of respondents. On behalf of respondents, after taking two dates, filed affidavit in chief at **Exh.C-8** but on the same day, neither the complainant nor his Ld. Advocate were present for cross-examination of the witness. Therefore, in view of pendency since 2018 and prayer of permanency to proceed with the matter, “No cross” order was passed on 09.09.2024. Thereafter, complainant filed the present application for setting aside “No cross” order. Thereafter, also matter was adjourned for 2-3 dates. The matter is adjourned for further evidence of respondents. However, no further evidence was recorded.

8) It appears that complainant wants to drag the matter from day to day. In the larger interest of weaker section of society i. e. complainant, “No cross” order passed on 09.09.2024 is hereby set a-side and complainant is permitted to cross-examine the witness of respondents on the next date without fail. Respondents to keep

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present their witness for cross-examination on the next date. Therefore, in the interest of justice application is liable to be allowed.

9) With this I proceed to pass the following order.

**ORDER**

- 1) Application at Exh. U-15 is allowed.
- 2) “No cross” order dated 09.09.2024 is hereby set aside.
- 3) Complainant is allowed to cross-examine the witness of respondents on the next date without fail.
- 4) Respondent to keep present its witness on the next date.

Dated: 10.01.2025

ams/-

(M. R. KUMBHAR)  
Member  
Industrial Court, Mumbai.