

MHIC100000402023



IN THE INDUSTRIAL COURT AT SANGLI
Presided Over by SHRI. F. M. PATHAN

Complaint (ULP) No. 18 of 2023

Vilas Maruti Kadam
Dist. Sangli. ... Complainant
VERSUS
Divisional Controller,
M. S. R. T. C. Sangli. & Anr. ... Respondents

ORDER BELOW EXH. C-4
(Dated : 16.03.2026)

1. Here in this application, the respondent prayed to frame additional issue regarding the maintainability of this complaint.
2. The complainant by filing reply on the application itself resisted the same.
3. Heard both the parties and perused the material on record.
4. According to the learned Advocate Shri. D.S. Yadav for the respondent, the disciplinary action initiated against the complainant is not reached to the finality and therefore, present complaint filed by the complainant is pre-mature and as per the Judgment of the Hon'ble Bombay High Court, present complaint is not maintainable. Accordingly he prayed to frame additional issue in that regard.
5. As against this, it is the contention of the learned Advocate Smt. Vaishali Mali for the complainant that the complainant is retired on 31.5.2023 and now, the final show cause notice cannot be given effect. Therefore, the additional issue as sought by the respondent cannot be framed.

6. From the written statement of the respondent at Exh. C-3, it appears that in para No.2 it is specifically pleaded that domestic inquiry against the complainant has not yet reached to any natural logical conclusion and under such circumstances, complaint is premature and not maintainable. Thus, it appears that at the first instance the respondent raised the challenge to the maintainability of this complaint. From the contention of the respondent, it appears that in view of the authority of Hon'ble Bombay High Court, such challenge is raised. Since the respondent challenged the maintainability of this complaint by taking specific defence in the written statement and since it is claimed that such challenge is based on authority of superior Court, it appears to be proper to frame additional issue in that respect.

7. So far as the contentions of the complainant that he has retired and now impugned show cause notice cannot be given effect is concerned, it can be considered while deciding the matter on merit. As of now, this Court is of the view that the additional issue suggested by the respondent is required to be framed. Accordingly, following order is passed :

ORDER

1. Application [Exh.C-4] is allowed.
2. The additional issue i.e. Issue No.2(a) is framed as under :
“2(a) Whether the present complaint is pre-mature and hence not maintainable ?”
3. No order as to costs.

Sangli.
Dated : 16.03.2026

(F.M. Pathan)
Member, Industrial Court, Sangli.