

**IN THE INDUSTRIAL COURT, AT PUNE**  
**Reference (IT) No. 08 of 2009**

Pimpri Chinchwad Mahanagarपालिका

Pimpri, Pune 411 218

.. First Party

Vs.

Rashtriya Shramik Aghadi

Pimpri, Pune 411 018

.. Second Party

**ORDER BELOW EXH. C-19**

**(DATE : 20.09.2017)**

The First Party has filed this application for amendment of the written statement. The First Party wants to bring on record the material aspects leading to the subject matter of the present proceeding.

2. As per First Party, the Second Party initiated one proceeding against the First Party before the board constituted under the Contract Labour (Regulation and Abolition) Act, 1970. The said proceeding was in respect of contractors. The said application of abolition was dealt by the Board constituted under the Act in its meeting dated 19.8.2004. The State Government has decided not to abolish contract labour system especially in respect of contractor involved in the present case and their employees. Due to this particular aspect, the present complaint is not maintainable.

3. The First Party wants to incorporate these contentions by way of amendment in its written statement. The Second Party has filed reply to this application below Exh. U-33, and strongly opposed this application contending that the signatory to this application has no authority to amend the written statement which is signed by Additional

Commissioner. There are no justifications as to why this amendment is necessary. The proposed amendment is not relevant for efficacious disposal of the present reference. The First Party is trying to frustrate the present reference by filing such an application for amendment. With these averments, the Second Party prayed for rejection of the application filed by the First Party.

4. Heard Id. Advocate for the First Party. Perused Record and Proceedings, application as well as reply. It seems that the main reference is for giving permanency to about 571 enlisted workers.
5. In the written statement, it is specific contention of the First Party that the reference is not maintainable, and there is no employer-employee relationship between the First Party and enlisted workers. In view of this the proposed amendment appears to be inconsonance with the defence taken by the First Party in its written statement. Moreover, it is settled now – a – days that even inconsistent or alternative defence can also be raised by the parties by amending the written statement. If at all the proposed amendment is allowed, no loss or prejudice will be caused to the Second party. In view of this, I pass following order :

**ORDER**

1. The present application stands allowed.
2. No order as to the costs.

Sd/-

Place : Pune

(S.V.Suryawanshi)

Presiding Officer

Date : 20.09.2017

Industrial Tribunal, Pune