

BEFORE THE MEMBER INDUSTRIAL COURT, SOLAPUR.
(Presided over by P.PRAJVAIDYA)

COMPLAINT (ULP) NO.179 OF 2018.
(CNR NO.MHIC-13-000326-2018)

Jagannath Masaji Bansode. }...**COMPLAINANT.**
VERSUS
Solapur Municipal Corporation & 2 Ors. }...**RESPONDENTS.**

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Shri.B.T.Jadhav, learned advocate for the Complainant.
Shri.S.S.Kalekar, learned advocate for the Respondents.

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ORAL ORDER BELOW EXH.C-15.
(Delivered on 26/06/2024)

1. Read the application vide which, respondents have prayed to frame the issue of jurisdiction and decide it as a Preliminary Issue. Read the say filed by the complainant. Heard learned Smt.Makhare advocate h/f Shri. Kalekar advocate for the respondents and learned Shri.B.T. Jadhav advocate for the complainant. Perused the entire record.
2. Learned advocate for the respondents argued that respondents have raised a specific defence in the written statement that complainant is not a workman as he was working in supervisory category hence, it is necessary to frame issue of jurisdiction and decide it as a Preliminary Issue. As against this, learned advocate for the complainant argued that this application is deliberately filed at a belated stage after the argument on Preliminary Issues of enquiry was advanced by him hence, the application deserves rejection with costs.
3. there is substance in the argument of learned advocate for the complainant that this application is filed after he had advanced arguments on the preliminary issues of enquiry. However, perusal of the written statement shows that the respondents have raised a specific defence that this Court has no jurisdiction as the complainant is not a workman being working in supervisory category. The issue in that regard has to be decided by giving opportunities of adducing evidence to both the parties as the complainant has specifically pleaded in the complaint that he was not

performing any administrative duties like sanctioning leave, conducting departmental enquiries etc. it being so, though it is necessary to frame additional issue in that regard, it cannot be decided as a Preliminary Issue. Thus, application deserves to be allowed partly as above and hence, I pass the following order.

ORDER

Application Exh.C-15 is partly allowed

Additional issue be framed as under.

1-A. Whether the complainant is a workman ?

The prayer made to decide the said issue as preliminary issue is rejected.

Date: 26/06/2024.

Kvj/-

(P. P. Rajvaidya)
Member, Industrial Court,
SOLAPUR.