

IN THE INDUSTRIAL COURT AT AURANGABAD

APPEAL (ULP) NO. 2 OF 2026

M/s.Prakalp Pvt. Ltd & Ors.

... APPELLANT

Versus

Sopan Nimbaji Khadase

... RESPONDENT

AD INTERIM ORDER BELOW EXH. C-2

[Passed on 6th day of May, 2026]

1] Challenging order dt.08/04/2026 passed by the Ld. Labour Court in Criminal Complaint ULP No. 8 /2016 present appeal has been filed by appellant u/s.42 of the MRTU & PULP Act, 1971 and prayed to quash and set aside order dt.08/04/2026 being erroneous and perverse.

2] The Ld. Advocate Shri.Parag Barde submitted that, the appellant No.1 company started its functioning since 1981. However it was sick in the year 1988. In the year 2003 the complaint had been filed by 11 employees which was partly allowed by Industrial Court vide order dt.24/03/2008 and granted additional amount of Rs.6000/- to each of the complainant. In pursuance of said order the appellant has deposited amount of Rs.6000/- along with settlement amount agreed by and between the parties. However, being aggrieved and dissatisfied with order dt.24/03/2008 the respondent had been filed Writ Petition No.4452/2008 before the Hon'ble High Court. The Hon'ble High Court remanded back the matter to the Industrial Court to decide afresh. Once again the Industrial Court has passed order on dated 24/05/2010 and directed to the appellant to pay entire arrears of wages as shown in Annexure-A along with compensation of Rs.10,000/-. Being aggrieved

and dissatisfied with the order dt.24/05/2010 the appellant approached to the Hon'ble High Court in Writ Petition No.7142/2010 and in the said Writ Petition parties are canvassed their argument and matter is reserved for passing order by the Hon'ble High Court. The respondent was well aware about the pendency of the Writ Petition filed by the appellant against the order dt.24/05/2010. However it has filed Criminal Complaint u/s.48(1) of the M.R.T.U. & P.U.L.P.Act, 1971 before the Ld.Labour Court alleging that, the respondent has failed to implement the order dt.24/05/2010. The Ld. Labour Court without looking into the aspect of the previous litigation and also without looking the tenability of criminal complaint proceed to pass order dt..08/04/2026 and appellant are convicted u/s.48 (1) of the MRTU & PULP Act and also imposed fine of Rs.5000/-. Therefore, appellant is compelled to approach the Court against the order passed by Ld. Labour Court. Appellant has a good case on merit therefore he prayed that, order dt.08/04/2026 may be stayed in totality.

3] Perused the present proceeding. After going through the entire proceeding it is observed that, admittedly the respondent was employed by appellant and for the cause of arrears of wages respondent had filed Complaint ULP No. 225/2003 and said complaint was allowed by Industrial Court vide order dt.24/03/2008. It appears that, the respondent employee was not happy with the order therefore he approached to the Hon'ble High Court in which he was partly succeeded and once again matter was remanded back to the Industrial Court to decide afresh. It is also observed that, on second occasion the Industrial Court has passed order on dated 24/05/2010 and allowed the complaint fully. Being aggrieved with the said order again one more Writ Petition has been filed by appellant before the Hon'ble High

Court and said Writ Petition is still pending for disposal. Needless to say that, out come of Writ Petition shall be decided further line of action. It is pertinent to note that, though the order was passed on dated 24/05/2010 but respondent employee has filed criminal complaint in the year 2016. Further it appears that, in the original complaint the respondent has not impleaded party to the appellant No.2 to 4. However it has impleaded party to the appellant No.2 to 4 in the criminal complaint. Further it appears that, while passing order by Ld. Labour Court it has failed to consider the provision of Section 48 of the Act and passed order. Therefore it is fit case for granting stay and suspending the sentence. If such order is passed no irreparable loss or prejudice shall be caused to the respondent. Hence this Court proceed to pass following Order:

ORDER

1.	Order dt.08/04/2026 passed in Criminal Complaint ULP No. 8/2016 is hereby stayed till the appearance of respondent and mean time imprisonment is suspended.
2.	Issue notice to respondent r/o 10/ 06/ 2026.

Place:-Aurangabad.

Date 06-05-2026

kad/-

(S.D. Suryawanshi)

Member,

Industrial Court, Aurangabad