

BEFORE THE INDUSTRIAL TRIBUNAL AT AURANGABAD
REFERENCE (IT) No. 1/2020

[1] Premium Transmission Pvt. Ltd. & Ors. ...First Party.

vs.

Aurangabad Majdoor Union ...Second Party.

ORDER BELOW EXH. C-18

[Dated 06/03/2026]

1] The First Party has filed present application and prayed for permission to file additional written statement submitting that, upon careful review of pleadings and documents, it has come to the notice that, a portion of Annexure-B filed by second party was either inadvertently not annexed properly or certain contents thereof were not specifically replied in the written statement. That omission was neither deliberate nor intentional but occurred due to oversight and inadvertence. Therefore it is necessary to permit the first party to file additional written statement specifically addressing missing portion of Annexure-B so as to place complete and correct facts before the Court. If said application is allowed no prejudice will be caused to the second party. Whereas grave prejudice may be caused to the first party.

2] The second party Union has filed its say at Exh.U-25 and objected the application stating that, the application is not maintainable as there is no provision to file additional written statement under the Industrial Disputes Act. Initial round of litigation has resulted in dismissal of SLP filed by management wherein directions are issued to decide instant reference within 4 months. The workmen are without work and wages. Therefore it is expected from the parties that, they would adhere to the time line given by the Hon'ble Supreme Court.

Hence present application deserves to be rejected. Even on merits the additional written statement do not stand in view of Judgment in SLP (C) No. 9970 of 2023. The reason putforth of second party seeking permission to file Annexure-B is misleading for reason that Annexure-B is a list of permanent employees working in the First Party-I and it has nothing to do with additional workmen added in conciliation proceeding. The record of conciliation proceeding is available from the date of registration of reference. Even in same record Annexure-B is part of initial demand. Therefore application deserves to be rejected.

3] Heard both the Ld. Advocates and perused the record and proceeding. After going through the entire proceeding it is observed that, admittedly second party has filed Annexure-B with the letter dt.11/06/2019 before the Conciliation Officer who are employees of First Party No.I I on its permanent roll. Since registration of present dispute second Party Union has filed its Statement of Claim at Exh.U-21 and in para (3.1) has contended that “list of workmen who are doing this same and similar work who are directly employed by FP-I are named in Annexure-B. The Second party is claiming uniformity in wages for those concerned workmen named in Annexure-A in parity with those named in Annexure-B”. However Second party Union has failed to produce list at Annexure-B with the Statement of Claim. Since filing application at Exh.U-22 present application has been filed by first party and intend to file additional written statement specifically addressing the missing portion of Annexure-B so as to place complete and correct facts. Admittedly first party-I has filed its written statement in the month of July-2023. If perused written statement at Exh.C-9 it appears that, first party has not pleaded about the employees whose names are mentioned in Annexure-B. Yet the evidence of both parties has to be started,

therefore it would be appropriate to give permission to the First Party to file additional written statement pertaining to the employees whose names are mentioned in Annexure-B. Admittedly second party Union has also taken shelter of employees whose names are mentioned in Annexure-B. Therefore, no prejudice shall be caused to the second party if First Party is allowed to produce additional written statement. Hence this Tribunal proceed to pass following Order:

ORDER

1]	The Application at Exh.C-18 is hereby allowed.
2]	Additional Written Statement of First Party I is taken on record.

Date : 06/03/2026
Place:Aurangabad.

[S. D. Suryawanshi]
Presiding Officer,
Industrial Tribunal, Aurangabad.