

IN THE INDUSTRIAL COURT AT AURANGABAD**COMPLAINT (ULP) No. 494 OF 2015****Ek Nath Shrihari Pawar
Vs****.....COMPLAINANT****[1] Chairman & M.D.
RRB Energy Ltd. & Ors.****.....RESPONDENTS****ORDER BELOW EXH.C-19****(Delivered on this 6th day of March, 2026)**

1] Respondent has filed present application and prayed to set aside no cross order dt.17-11-2025. It is submitted that, on the said day the counsel for respondent was engaged in some urgent matter of Bar Association and necessary amendment needed to be carried out for fair and proper adjudication of present matter. Therefore could not remain present. The respondent is desirous of exercising right to cross-examine second party which is essential for just adjudication of matter. If the said application is not allowed respondents will suffer irreparable loss and it could not be compensated in terms of money. Finally prayed to set aside no cross Order and permit the respondents to cross examine the complainant.

2] The complainant has given say at Exh.U-17 and objected the application stating that, the respondent has filed present application for setting aside no cross order dt.17/11/2025. The Court has already granted sufficient time to respondent on 28/08/2025, 12/09/2025, 01/10/2025, 16/10/2025 but respondent did not cross-examine the complainant. There is no legal and proper ground

for setting aside the order. Therefore application may be rejected with cost.

3] Heard both the Ld. Advocates and perused the record of proceeding. It appears that the complainant has filed complaint and alleged unfair labour practice under Item 3, 5, 9 and 10 of Schedule IV of the MRTU & PULP Act, 1971. Thereby it is prayed to give direction to the respondents not to give effect to the transfer order dt.07/12/2015. Record shows that, my Ld. Predecessor has framed Issues on 04/01/2020 and thereafter complainant has lead his evidence as per affidavit at Exh.U-15 on 13/02/2025. Roznama shows that on request of Ld. Advocate for respondent matter was adjourned on 12/08/2025, 28/08/2025, 12/09/2025, 01/10/2025 and 16/10/2025. So also cost was imposed on respondent on 12/08/2025. But on 17/11/2025 also the learned counsel for respondent was absent therefore no cross examination order was passed against the respondents. The matter is old and pending for disposal since 10 years. Needless to say that on account of respondent present proceeding is prolonged. However, reasonable opportunity is required to be granted to the respondent to cross examine the complainant. If the said opportunity is granted to the respondents, no much irreparable loss would cause to the complainant. Hence, with the above observations this Court proceed to pass following Order:

ORDER

[1]	Application at Exh.C-19 is allowed subject to costs of Rs.1000.
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[2]	No cross-examination order dated 17/11/2025 is hereby set aside subject to costs of Rs.1000/-.
[2]	The respondents are hereby directed to pay the costs of Rs.1000/- to the complainant directly or deposit with this Court within 20 days from the date of this order.
[3]	If respondents failed to pay or deposit the costs within stipulated time, the no cross order shall be restored without passing specific order.

Place: Aurangabad.

Date:- 06-03-2026

(S . D. SURYAWANSHI)
Member,
Industrial Court, Aurangabad