

IN THE INDUSTRIAL COURT AT AURANGABAD

COMPLAINT (ULP) No. 505 OF 2015

Sanjay Madhukar Kemkar

.....COMPLAINANT

Vs

[1] Chairman & M.D.

RRB Energy Ltd. & Ors.

.....RESPONDENTS

ORDER BELOW EXH. C-18

(Delivered on 06-03-2026)

1] Present application filed by respondents and prayed to allow the amendment in the written statement stating that, due to circumstances beyond the control of respondent certain necessary and material facts could not be included or properly elaborated in the written statement and as an abundant precaution wish to insert / add para No.(6) (a) to (f) in the written statement. Further it has submitted that, the respondent received a copy of complainant's affidavit in September-2025. On going through the contents of affidavit and after tracing certain relevant documents it has become essential to incorporate certain subsequent events, material facts and additional pleas in written statement so as to enable proper adjudication of the matter. The amendment sought is bonafide, necessary and essential for determining real issue in controversy. If amendment is allowed complainant will have full opportunity to respond the amended pleadings. On the contrary serious prejudice will be caused to respondent if amendment is not allowed. Hence prayed that, the amendment application may be allowed. Along with application respondent has also filed affidavit at Exh.C-9 submitting that, contents in the application are true and

correct and amendment application is based on information gathered from the official record and knowledge.

2] The applicant has filed say at Exh.U-17 and objected the amendment application stating that, the complaint has filed in the year 2015 and respondent appeared and filed its detail written statement. Thereafter this Court has framed issues on 04/01/2020 and matter posted for evidence. In similar matter Court has passed No cross order. Therefore respondent has filed present application with intention and deliberate tactics to reverse back the evidence stage of complaint and recasting the issue so as to prolong the proceeding. Respondent has filed say and written statement raising ground that, complaint is not maintainable even though the present application has been filed. Further this application is filed malafidely only to harass the complainant as complainant is relocated and relieved from Sautada site and not joined at relocated site and this contentions are already raised in written statement. The complainant has abandoned as indicated in the letter of relocation. The complainant is poor security guard and he is out of employment and he is not able to give legal fight with respondent. Hence present application deserves for rejection with exemplary cost.

3] Heard both the Ld. Advocates and perused the record. After going through the proceeding it is observed that, admittedly the complainant has challenged his transfer order dated 07/12/2015 and closure of establishment and prayed for direction to the respondent not to take any illegal action or change service conditions adversely during the pendency of complaint by staying order dt.07/12/2015 and not to give effect to transfer order

dt.07/12/2015 by permitting to service at Sautada site. Admittedly respondent has appeared in the matter by filing written statement at Exh.C-5 and objected the complaint on various grounds. On the basis of rival pleadings of the parties my Ld. Predecessor has framed issues at Exh.O-1. Since framing of issues almost six years are over. However complainant has lead his evidence in the year 2025.

4] If perused proposed amendment it will be observed that, the respondent wanted to amend its written statement as per changed circumstances during the pendency of complaint stating that, admittedly complainant was employed by respondent but he was relocated as per order dt.07/12/2015 at Sautada site where work was not having. Further stated that, where the complainant was transferred that site is closed in the month of August-2020, April-2022 and April-2023. Further stated that, respondent is facing continuously losses since 2015 onwards. Therefore subsequent change is required to be pleaded in the written statement.

5] As far as proposed amendment is concerned it appears that, structure of complaint would not be changed if amendment is allowed. At the time of deciding complaint it will be helpful to the Court to come to proper conclusion with regards to relocation order dt.07/12/2015. However it is pertinent to note that, the respondent was aware about changed circumstances in the year 2015 onwards then why the respondent has not filed present application within reasonable time or has not given factual aspects in the written statement. That means respondent was responsible to file belated application. If said amendment is not allowed obviously respondent would not get any opportunity to keep factual position on record.

Hence for proper adjudication of matter application deserves to be allowed imposing costs upon the respondents. Hence this Court proceed to pass following Order:

ORDER

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| 1. | Application at Exh.C-18 is allowed subject to costs of Rs.3000/-. |
| 2. | Respondent is hereby directed to pay costs of Rs.3000/- to the complainant within 15 days and carry out amendment in its written statement and supply copy of amended written statement on next date positively. |
| 3. | It is made clear that, if the respondent failed to carry out amendment and failed to submit copy of amended written statement within 15 days, the order shall be recalled without passing specific order. |

Place:-Aurangabad.

Date 06-03-2026

**(S.D. Suryawanshi)
Member,
Industrial Court, Aurangabad**