

**IN THE INDUSTRIAL COURT AT AURANGABAD**

**COMPLAINT (ULP) No. 178 OF 2017  
MHIC-20000738-2016**

**Bhimrao Dadarao Doke**

**.....COMPLAINANT**

**Vs**

**[1]The Chairman,**

**Shri Sant Eknath Sahakari Sakhar Karkhana Ltd.**

**& Ors.**

**.....RESPONDENTS**

**ORDER BELOW EXH.C-13 & C-14**

(Delivered on this 26<sup>th</sup> day of September, 2025 )

1] The Respondent has filed present applications at Exh.C-13 and C-14 and prayed to set aside no cross order dt. 20/03/2024 and no evidence order dt.29/06/2024. It is submitted that, respondent's counsel was busy with proceedings before the Hon'ble High Court and could not cross-examine the witness of complainant however to protect legal rights of respondent it wish to carry out the cross-examination and to set aside no evidence order. Respondents are not prolonging the matter intentionally or deliberately but due to above reasons respondents could not file written statement within time and could not carry out cross-examination as well as bring evidence of respondent. If the said applications are not allowed respondents will suffer irreparable loss. Finally prayed to set aside no cross order and permit the respondents to cross-examine the complainant and file evidence of respondent on record.

2] The Ld.Advocate for complainant has given say below Exh.U-12 and U-13 and objected the application stating that, this

application is not tenable as per Law as there is no provision to file such application which is time barred. Further, this application neither signed by respondents nor it is verified and no separate affidavit is filed this application. This application is filed with malafide intention. Now, this case is at the fag end. This is modus operandi of the respondents to file such application with malafide intention to kneel down the complainant for succumbing their unfair demand. The complainant is legally entitled to get monetary benefits. He is old aged having retired from service prior to 10 to 12 years. Though the respondents are bound to pay monetary benefits he is indulged in prolonging the court cases. Therefore, it is just and proper to reject the application. If application is allowed it will cause great hardship and injustice on the complainant.

3] After going through the proceeding it appears that, the complainant has filed complaint and alleged unfair labour practice under Item 9 of Schedule IV of the MRTU & PULP Act, 1971. Thereby it is prayed to give direction to the respondents to pay an unpaid amount along with interest. The notices were duly served to respondents but respondents failed to appear therefore matter proceeded exparte against them vide order dt.04-12-2018. Record shows that, complainant was discharged without cross-examination on account of absence of respondent vide order dt.22/10/2021 and thereafter matter was kept for evidence of respondents. But respondent neither adduced evidence nor sought adjournment therefore no evidence order was passed by my ld. Predecessor on 29/06/2024. Thereafter on 04-03-2025 the respondents have filed present applications and sought the orders set aside.

4] Record shows that, the Court has passed without written statement order on 04/12/2018. However, respondents have filed application Exh.C-12 to set aside the said order on 04/03/2025 which was neither signed by the parties nor any affidavit was submitted along with said application. Therefore the said application is rejected by this Court. So also, it appears that complainant has filed his affidavit in lieu of examination-in-chief at Exh.U-8 but on account of absence of respondent and its advocate, my Ld. Predecessor has passed no cross order on dated 22/10/2021. So also, no evidence order came to be passed by my Ld. Predecessor on 29/06/2024. But these applications have been filed in the year 2025. It is a strong opinion of the Court that respondents are responsible to prolong the matter. Matter is old and applicant is struggling for more than 5 years. To the other end to know the stand of the respondents it may be proper to give an opportunity to putforth their case. Otherwise respondents would cause irreparable loss. Though the Court has come to the conclusion that, opportunity is required to be granted. But said applications are not signed by concerned parties supporting affidavit. Therefore, applications are not maintainable as the applications are not signed by parties or not filed any affidavit. Hence, I proceed to pass following order :

**ORDER**

1.	Applications at Exh. C-13 and C-14 are hereby rejected.
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**Place:-Aurangabad.**

**Date 26-09-2025**

**( S.D. Suryawanshi )**

**Member,**

**Industrial Court, Aurangabad**