

BEFORE THE INDUSTRIAL COURT, MAHARASHTRA, (AMRAVATI BENCH), A M R A V A T I.

COMPLAINT (ULP) No.85/2023.
CNR No.MHIC27000126-2023.

Vijay Pundlikrao Kavitkar

----- Versus -----

Chief Executive Officer, Zilla Parishad, Amravati.

ORDER BELOW EXH.U-26
(Delivered on 27-02-2024)

01] The complainant has filed this application requesting permission for amendment in the complaint. The respondent has filed reply and opposed the application.

02] Heard both sides. Ld. Advocate for complainant submitted that, the complainant has challenged his transfer order dated 19.07.2023. It is alleged by respondent that, some lady employees had lodged complaint against the complainant before the Grievance Redressal Committee and the committee had enquired into the matter. It is submitted that in order to rebut the contention of respondent necessary amendment is required by adding para No.10 (a). On the other hand Ld. Advocate for respondent submitted that, the matter is kept for hearing on Exh.U-2. The complainant is trying to cause delay in the case. It is submitted that, the respondent has filed reply long back in the month of August and after 6 months this application is filed.

03] Record indicates that presently the matter is fixed for

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hearing on Exh.U-2. Interim relief is granted to the complainant till next date. Now it is the contention of complainant that in order to rebut the pleading of respondent regarding allegations of some lady employees, the complainant wants to amend his pleading by adding para No.10 (a). The record indicates that, meanwhile the intervenor had filed application below Exh.C-3 which was came to be rejected on 17.01.2024. It is true that, the matter is proceeded for final hearing on Exh.U-2 and the complainant is protected by passing interim order which is still continued. The respondent in his written statement alleged that some women employees had lodged a complaint against the complainant before Grievance Redressal Committee. The copy of enquiry report is also submitted with the written statement. The complainant wants to rebut the pleading of respondent pertaining to allegations on him. The parties have every right to plead about the allegations made by the either party. No doubt that, the application Exh.U-2 would be decided on its own merit but at the same time it is necessary to allow the complainant to amend his pleading. The respondent has every right to make consequential amendment, if needed. No prejudice would be caused to the respondent if amendment is permitted.

04] Considering the submission of both sides I am inclined to allow this application and, therefore, I proceed to pass following order.

ORDER

1] Application is Exh.U-26 is allowed.

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- 2] The complainant is permitted to amend his pleading by adding Para No.10 (a).
- 3] The complainant to carry out the amendment till next date and submit amended plaint.
- 4] No order as to costs.

Sd/-

Amravati
Date :- 27.02.2024.

(D. N. Surwase)
Member,
Industrial Court, Amravati.

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