

BEFORE THE MEMBER, INDUSTRIAL COURT MAHARASHTRA
AT AKOLA.

Complaint (ULP) No.10/2012

(CNR No.MHIC30-000027-2012)

Santosh Devendra Banokar

- V e r s u s -

The Registrar, Maharashtra Animal and Fisheries Science University, Nagpur
and others

Order below Exhibit 59

(Passed on 07.11.2025)

1. The Respondent No.1 & 2 have filed present application for permission to carry out consequential amendment in the Written Statement. The proposed amendment is narrated through paragraphs 5(a) to 5(i). It is contended that the consequential amendment is formal in nature and does not change nature of proceeding and shall not cause any prejudice to the Complainant.
2. The application is contested by the Complainant by filing Reply vide Exh.59/A. It is contended that the adverse contentions of the Respondents are denied in toto. The application is devoid of merits and suffers from delay. It is beyond scope of amendment application, because Respondents want to introduce a new case, which is not permissible by way of consequential amendment. Thus, it is urged to reject the application.
3. The learned Counsels for the litigating parties canvassed oral arguments in support of their respective contentions. It is seen that the Complainant had filed present proceeding towards his claim for permanency. The interim relief application was contested by the Respondents by filing Reply, which is later on adopted as Written Statement. Thereafter the Complainant filed application for amendment of the Complaint. The same is allowed by my

learned Predecessor and accordingly, the Complaint came to be amended. Through the said amendment, the Complainant incorporated the facts regarding subsequent developments, that include termination of Complainant, filing of Complaint (ULP) before learned Labour Court and Revision (ULP) before this Court and subsequently Writ Petition before Hon'ble Bombay High Court. Through the present application for consequential amendment, the Respondents denied para-wise contentions of the Complainant, but want to introduce working of Complainant on temporary basis through proposed paragraphs 5(e), 5(g) & 5(h). Therefore, this Court finds that Respondents cannot introduce these pleadings by way of amendment, that were not incorporated in original Reply/Written Statement. It is not a case that the Respondents have filed an application for amendment in the Written Statement. The Respondents want to carry out consequential amendment in pursuance of amendment in the Complaint. Therefore, such application cannot be beyond the scope of amendment permitted in the Complaint. Thus, the application is liable to be partly allowed. Hence, following order is passed.

ORDER

- (1) The application is partly allowed.
- (2) The Respondents are directed to carry out amendment and incorporate paragraphs 5(a), 5(b), 5(c), 5(d), 5(f), 5(i) in the Written Statement and furnish amended copy thereof within a period of 14 days from today.

Place:- Akola.
Date:- 07.11.2025.

(S. S. Khandekar)
Member,
Industrial Court, Akola.

ATB/-