

BEFORE THE MEMBER, INDUSTRIAL COURT, BHANDARA
(Presided over by : Kishore Jaiswal, Member, Industrial Court, Bhandara)

Complaint ULP No. 45/2025
CNR MHIC360000892025

Rashtriya Mazdoor Sena
Through Its President, (Vidarbha Region),
Shri. Vijay Namdeorao Patil

VERSUS

State of Maharashtra
Medical Education and Drugs Department
Through its Principal Secretary and others.

ORDER BELOW EXHIBIT U-2
(Passed on 18/09/2025)

The main complaint is filed by Rashtriya Mazdoor Sena registered union on behalf of its member, the details of which are filed vide list Exhibit U-3.

2. It is contended on behalf of the complainant that the respondents No. 1 to 4 are the appointing authority of the member of complainant union and respondent No. 5 Smart Services Private Limited is the agency with whom the respondent No. 1 to 4 have entered into contract. It is also submitted that since the date of initial appointment of the member of the complainant union are working with the respondents and the nature of work is perennial. They have completed 240-days of continuous working in each calendar year. Prima facie, the relationship as that of 'workman' and 'industry' is being shown. The respondents No. 1 to 4 are having the supervision over the work of members of complainant union.

..2..

3. The learned advocate Shri. Bhoyar also submitted that the similar members used to work with the respondent No. 1 to 4 and the another contractor by name Walmiki Safai Kamgar Sushikshit Berojgar Bahuudishiya Seve Sahakari Sanstha has entered into contract but the nature of work of these member was similar. Thus, in every year only similar member with different contractor is these and formal which name is change and of the duty of work is assigned by respondents No. 1 to 4. On affidavit it is also submitted that only the name and record of contractor being changes so that of the members could not take benefit of permanency. Considering the argument advanced by learned Advocate Shri.Bhoyar for the complainant that the services of member of complainant union needs to be protected till filing of reply and for the main complaint, the notices being issued, therefore, in the interest of justice,I pass following order.

ORDER

1. Issue notice to the respondents No. 1 to 5, meanwhile the respondents are directed not to terminate the services of the member of complainant union till filing of reply.
2. Notice be served forthwith, with all modes.
3. The matter be kept for reply.
4. Notice is returnable on 03/10/2025.

Place :Bhandara
Date : 18/09/2025

(Kishore Jaiswal)
Member,
Industrial Court, Bhandara