

-: ORDER BELOW EXH.U-9 IN COMPLAINT (ULP) NO.33/2024 :-
(Dated:- 12/03/2026)

1. Complainant has filed present application for amendment in complaint. Being aggrieved with the termination order dated 20/08/2024 Complainant seeking several reliefs such as declaration, reinstatement etc. Further it is stated that in the course of interim application, he came to know that there was IC Reference No. 09/2021 pending before Hon'ble Industrial Court for adjudication. His role about messages on social media was to protect members and not against the interest of the Respondent. The provisions of Maharashtra Industrial Relations Act are amenable to Respondent industry. Pending reference (IC) No. 09/2021, Complainant alleging illegal termination on the part of Respondent. It is also further narrated that being a protected workman cannot be taken any action against him without the permission of the Court. Respondent industry doing and performing role towards the Complainant and making him as a scapegoat and terminated service. Respondent industry registered under the Indian Companies Act. The termination order itself if illegal void-ab-initio. Therefore, he is challenging the authority of the person issuing the termination order. These are the proposed amendments in the complaint. Proposed amendment will not change nature of complaint and the dispute between the parties. Therefore, prayed to allow the same.

2. Respondent filed reply below Exh.C-9, strongly objected the application. The provisions of Civil Procedure Code, Order-6, Rule-17 not applicable to the present complaint. Application is false and not

maintainable. Complainant seeking total change in complaint and cause of action. Proposed amendment will definitely change nature of complaint. Complainant has not whispered about strike or stoppage of work by the trade union and its member. By way of amendment and some additions in paragraphs referred in the application will go to change the nature of complaint. The contents of application and complaint are self contradictory. Therefore, sought rejection of application.

3. The provisions of amendment to the application or complaint nowhere defined in the statue book. As a general rule applicable to the labour jurisprudence, this application is seems to be filed under Order-6 Rule-17 of C.P.C. As the strict rules of pleadings, evidence and procedure are not applicable to the labour jurisprudence. The validity, legality and maintainability of the application has to be decided on the basis of proposed amendment. Proposed amendment seems to be additional allegations of unfair labour practice. In addition existing pleadings there is a legal pleading that pending Reference (IC) Respondent industry cannot take harsh and punitive actions against the worker or employee. Further it is the amendment with respect to protected workman. All these are the mere pleadings in addition to the existing pleadings. Complainant is not going to take any contrary stands and pleadings against the existing pleadings. Proposed amendment will not change the nature of allegations of unfair labour practices on the part of Respondent. The proposed amendment will suffice to curve multiplicity of the proceeding. Complainant can agitate or plead any kind of law point and factual aspect in t he same complaint. Therefore, amendment application seems to be necessary to adjudicate dispute

between the parties. There is no changes as such in the complaint and allegations. Proposed amendment will not change nature of the complaint. To avoid multiplicity of the litigation proposed amendment is necessary. Hence, following order is passed.

ORDER

1. Application is allowed.
2. Complainant to carry out amendment on or before next date.

Place : Kolhapur.
Date :- 12/03/2026

(K. B. Kamgauda)
Judge,
Labour Court No. II, Kolhapur