



ORDER BELOW EXH. U-34

In Complaint (ULP) No. : 27 of 2012

CNR : MHLC110000172012

Prakash Dnyandev Chavan Vs. G. M., Hindusthan Spinning and Weaving Mills Ltd.,

Order Dated : 13th January 2026.

1. This Complaint (ULP) is almost 13 years old.
2. This Application is preferred by complainant seeking amendment to the complaint. It is the contentions of complainant that, he instituted this complaint on the apprehension of termination. In this complaint, he sought an interim injunction against respondents to restrain them from terminating his services and imposing any punishment in respect of charge-sheet dated 12/12/2012. Accordingly, this Court was pleased to direct respondents to maintain 'status quo' till 19/07/2012 as per Order Below Exh.: -U-2 dated 13/07/2012. However, respondents appeared and they filed their 'Written Statement' on 14/08/2012. In their 'Written Statement' respondents took a vague contention that they have terminated the service of complainant w.e.f. 13/07/2012.
3. It is the contention of complainant that he has not received the impugned termination Order dated 13/07/2012. In the light of interim protection granted in favour of applicant, the respondents have illegally terminated his services. Hence, by way of this amendment application,

complainant wants to challenge the impugned termination order dated 13/07/2012. Complainant is desirous to insert para (5)(u) to (5)(z) and (6) to challenge the impugned termination dated 13/07/2012.

4. It is the contention of complainant that, the proposed amendment is necessary to determine the real controversy between the parties and to meet the ends of justice. If the application is not allowed, the complainant will face serious prejudice. On the contrary, no prejudice will be caused to the respondents if the amendment application is allowed and complainant is permitted to challenge the termination order dated 13/07/2012.
5. Respondents opposed the claim and contentions of the application by filing their 'say' at Exh.:-C-17. They contended that the application and its contents are false, frivolous, mischievous and misleading. The application is not maintainable at such delayed stage and it is liable to be rejected.
6. Respondents contended that on 14/08/2012, they had filed the impugned dismissal order dated 13/07/2012 along-with List at Exh.:-C-6. They have also pleaded about the dismissal of the complainant in their 'written statement'. Hence, this application which is preferred after 12 years is time barred. Respondents further contended that complainant also preferred Criminal Complaint (ULP) No.:- 04/2013 as per the impugned termination order. Thus, complainant was aware about the termination order

since the year 2012–2013. Hence, after a lapse of 12 years the application is not maintainable and it is liable to be rejected.

7. Heard both the parties at length. Perused the application and say.
8. I have gone through the record and proceedings in the light of arguments advanced by the parties. By way of this application, complainant is desirous to challenge the impugned termination order dated 13/07/2012. It is the contention of complainant that, this termination order was never served on him and therefore, he was not aware about the same. However, the record shows that, the respondents placed copy of this order along-with their ‘written statement’ on 14/08/2012. In the ‘written statement’ also respondents had specifically pleaded about this termination order in para (2). None the less, the order dated 22/03/2013 below Exh.: -U-2 also find references of the termination order dated 13/07/2012. Therefore, even if it is assumed that respondents failed to serve the copy of termination order dated 13/07/2012 to complainant, it was available on record since year 2012–2013. It is further pertinent to note that, on the basis of this termination order dated 13/07/2012, complainant also litigated a criminal contempt application in the year 2013. All the circumstances, goes to show that complainant was aware and informed about the impugned termination order dated 13/07/2012 since the year 2012–2013.

9. Considering this peculiar aspect, my attention is drawn by Section 28 of the M. R. T. U. & P. U. L. P. Act, 1971. This provision of law provides a limitation of 90 days to challenge any unfair labour practices. The application is completely silent as to why complainant did not challenge this termination order for 13 long years. The claim, therefore, *prima-facie* appears to be time barred. The Hon'ble Supreme Court in catena of judgments has observed that parties cannot be allowed to amend their claim to include a time barred claim.
10. This application is a classic example as to how law is used as an instrument to prolong the case for years together. Complainant was provided with the copy of his termination order date 13/07/2012 along-with the copy of 'written statement' dated 14/08/2012. Thus, complainant was aware about the existence of the termination order since the year 2012–2013. He kept mum and took no efforts to challenge this termination order for 13 long years and when this proceeding was ripen for final hearing this amendment application was filed. This amounts of abuse of process of law. The claim made in the amendment application is clearly a time barred claim. There is no reasonable or justifiable clause to allow complainant to amend the complaint. Complainant was aware about the termination order dated 13/07/2012 since the year 2012–2013. Hence, he cannot be allowed to take advantage of his own wrongs and abuse the process of

law. The application is therefore, not maintainable and I pass following Order;

ORDER

1. Application at Exh.: -U-34 stands rejected.
2. Case is almost 13 years old, hence, co-operation of both the parties is solicited for early disposal of this complaint.

Place : Satara.

Date : 13th January, 2026.

[Nikhil A. Gupta]
Judge,
Labour Court, Satara.