

BEFORE PRESIDING OFFICER, FIRST LABOUR COURT, PUNE

Application (IDA) No. 46 of 2024

(CNR No. MHL120006272024)

Shri. Balu Mahipati Shilamkar ...Applicant.

Vs.

1. Bharti Vidyapeeth & Ors.Opponents.

ORDER BELOW EXHIBIT U-7

1] The Applicant prays that he be allowed to amend his claim application and to incorporate para-11A after para-11 and to delete prayer clause 15 entirely and to incorporate the prayers mentioned in the amendment application. It will not change the nature of the suit. Hence, it be allowed.

2] The Opponents filed their say below Exh.C-9. It is submitted that the amendment application is not legal and *bona fide*. The Applicant is trying to change the entire scope of main application. The original application is filed after 30-35 years after superannuation. It is not maintainable. They have denied the claim of the Applicant. No sufficient reasons are given to amend the application. Hence, the application be rejected.

3] I have heard both the Learned Advocates. Both have submitted as per the materials on record. The Applicant has filed written notes of argument below Exh.U-8.

4] I have gone through the materials on record. The Applicant has claimed that he has not been paid his wages and other

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allowance as per 5th, 6th and 7th Pay Commission. He is entitled to claim the same and has prayed that he be paid the difference of wages and allowance as per 5th, 6th and 7th Pay Commission and also difference in leave encashment amount as per the same. He has stated he wants to add para-11A, which is with respect to his alleged wages etc as per 7th Pay Commission. He has already claimed difference in wages as per 7th Pay Commission in his original claim. No reasons are stated why the said details were not pleaded before. No reasons are stated as to why the said para-11A is necessary and relevant to be added by way of amendment. Hence, the said prayer is rejected.

5] As far as deleting original prayer clause 15 and incorporating new prayer clause is concerned, it appears he has already mentioned the said amounts in his original claim application and now he only wants to specifically pray about the same in his prayer clause. The same will not change the nature of suit. The burden is upon him to prove his pre-existing right to claim the same. The said issue is already framed below Exh.O-3. Hence, the said prayer with respect to incorporating new prayer clause in para-15 is only allowed. Accordingly, the application is partly allowed. the Applicant to carry out the amendment within 14 days from the date of receipt of this order.

PUNE

DATE :- 03/01/2026

SYK/-

(Smt. T. A. Sawant)
Presiding Officer,
First Labour Court, Pune.