



complainant at list Exhibit U-4 appointment letter wherein the complainant was appointed as Junior Officer, the complainant has not filed prima facie any document towards nature of his duties performed as Junior Officer. The respondent along with list Exhibit C-7 filed some documents related complainant's work such as gate pass, leave application of other workmen, material issue slip, check list. It is argued by the respondent that there are other documents which will be filed during the course of trial to show that the complainant was doing the work of supervisory and administrative in nature. The complainant as stated above have not filed any document prima facie to show the nature of his duties falling within the definition of 'workman' under the present Act. The document at Sr.No.10 which is filed in support of argument of complainant. It appears to be of some other employee. Hence, considering the strong objection towards the status of the complainant, when the complainant alleges commission of unfair labour practice at the hand of the respondent and the objection that since he is not a 'workman' is raised then normally it has been held by various judgments of Hon'ble Bombay High Court that the said objection has to be decided preliminary before granting any interim relief. As the question goes to the very root of the jurisdiction of the present court. If the complainant succeeds then he can pray for the interim relief. Hence, the application stands allowed. The issue at Exhibit O-2 is framed.

DATE :- 12.05.2022.

PUNE.

MIM/-

(Smt. Jamila M. I. Shaikh)

Judge,

Labour Court No. 1, Pune.