

IN THE 2ND LABOUR COURT AT AURANGABAD

(Presided over by : S. S. Sahasrabudhe)

Cri. ULP No.06/2024
CNR No.MHLC20000175-2024

Jagdev Kundlik Jamdhade,
Age : 56 years, Occu. Service,
R/o Nisarga Colony, Bhavsingapura,
Next to Pethe Nagar, Aurangabad.

...**Complainant**

V/s

- 1. Shri. Anandraj Ambedkar-Chairman of**
People's Education Society, Mumbai,
348, Anand Bhavan, Dr. Dadabhai Naoroji Road,
Fort Mumbai 400 023.
- 2. Shri. Pramod Jagdev Herode-Principal of**
Dr. Babasaheb Ambedkar College of Law,
Nagsenavana, Aurangabad 431 002.

...**Non-applicants**

ORDER BELOW EXH.U-1
(Passed on 08.07.2025)

1) Perused the complaint, verification of complainant and documents filed on record by the complainant, say of non-applicant Nos. 1 and 2. Heard both the sides. It is the contention of complainant that he has filed Com ULP 27/2015 as per item 5, 6, 9 and 10 of Schedule IV of MRTU & PULP Act before Hon'ble Industrial Court. In the said case on 18.12.2015 Hon'ble Industrial Court has granted interim relief. Later on said complaint was finally decided on 17.7.2023. Hon'ble Industrial Court pleased to allow the complaint. Hon'ble Industrial Court has directed the non-applicant to extend all the benefits of permanency with pay scale to the

complainant from April 1990 within a period of 6 months from the date of order. Hon'ble Industrial Court also awarded cost of Rs. 10,000/-. Thereafter the complainant has served the copy of said order to the non-applicant No. 1 and 2 and requested them to comply the order. However, the non-applicants have threatened and abused him. Not only this the non-applicants are not allowing him to sign the muster roll. So also they are not providing him work. It is also submitted that the non-applicants are purposefully floating the order therefore, the complainant has filed this complaint.

2) On the other hand the non-applicant No. 1 has filed his say at **Exh. C-10**. It is submitted by him that the complainant was not the employee of the non-applicants. The question of bonus, leave, encashment, paid holidays and uniform shoes, over time does not arise at all in institution. This things are provided by the Manager in factories, under the Factories Act. The complainant alleged that he had filed complaint ULP No. 27/2015, under Item 5, 6, 9, 10 of Sch. IV of the MRTU & PULP Act, against the respondent Nos. 1 to 3 i.e. Milind College of Arts, Aurangabad, claiming permanency was filed before the Hon'ble Industrial Court, at Aurangabad. But, Hon'ble Industrial Court has not given opportunity to file written statements to the respondent No. 1 and matter proceeded without say/W.S. against the respondent No. 1 and the complainant has obtained the Judgment and order dtd. 17.7.2023 against the respondent No. 1. Moreover the complainant has also obtained the interim order against the

respondent No. 1 dtd. 18.12.2015, therefore the learned Industrial Court has not given opportunity to file the say/as well as written statement to MRTU & PULP Act, and interim application. Due to this reasons the complainant has obtained the said orders against the respondent Nos. 1 to 3. Therefore, caused injustice to the respondent No. 1. Moreover, the complainant is failed to implead the necessary party to the Principal, Milind College of Arts, Aurangabad in this proceeding. Therefore, the said complaint is liable to be dismissed. The real fact is that, the complainant was given assignment job work, of typing and he was given payment as per his job work. Therefore, the complainant was not regular, temporary and on contract employees basis. Therefore, the question of demanding the benefits of permanency with the pay scale does not arises at all and said is liable to be rejected. But the opportunity is not given to the respondent No. 1 to file say/W.S. to the respondent Nos. 1 to 3 and Judgment and order obtained on dtd. 17.07.2023, against the respondents. The matter is pending before the Hon'ble Industrial Court for setting aside the order passed by the Court dtd. 17.07.2023.

3) The non-applicant No. 2 has filed his reply at **Exh. C-7**. It is submitted that the complainant has filed Com ULP 27/2015 before Hon'ble Member, Industrial Court, Aurangabad. Hon'ble Industrial Court has not given opportunity to file written statements to the respondent No. 2 and matter proceeded without say/W.S. against the respondent No. 2 and the complainant has obtained the

Judgment and order dtd. 17.07.2023 against the respondent No. 2. Moreover the complainant has also obtained the interim order against the respondent No. 2 dtd. 18.12.2015, therefore, the learned Industrial Court has not given opportunity to file the say/as well as written statement to MRTU & PULP Act, and interim application. Due to this reasons the complainant has obtained the said orders against the respondent Nos. 2 and 3. Therefore, caused injustice to the respondent No. 2. Moreover, the complainant is failed to implead the necessary party to the Principal Milind College of Arts, Aurangabad in this proceeding. Therefore, the said complaint is liable to be dismissed. The real fact is that, the complainant was given assignment job work, of typing and he was given payment as per his job work. Therefore, the complainant was not regular, temporary and on contract employees basis. Therefore, the question of demanding the benefits of permanency with the pay scale does not arises at all and said is liable to be rejected.

4) The complainant has produced copy of Judgment and Order of Industrial Court passed in Com ULP No. 27/2015. It appears that Hon'ble Industrial Court has granted interim protection in favour of the complainant by virtue of order dtd. 18.12.2015. Lateron Hon'ble Member, Industrial Court has decided the said proceeding finally on 17.7.2023. By the said order Hon'ble Industrial Court pleased to allow the complaint. Directions was issued to non-applicant to extend benefits of permanency to the complainant along with consequential

benefits i.e. pay scale and other monetary benefits. As per the complainant he has informed the non-applicants so also he has handed over copy of the order to them. Admittedly, till today the non-applicants have not complied the said order. So far as the contention of non-applicant in respect of non compliance of the order it appears that in their say both of the non-applicants have denied relationship with the complainant. Moreover, it appears from the say of non-applicant that both of them have mentioned that Hon'ble Industrial Court has not given opportunity to them to file written statement and the order in question was passed. These contentions of non-applicants can be considered as the allegations against Court. These contentions of the non-applicants are itself sufficient to draw the inference that both the non-applicants are not ready to comply the order and they have not complied the same. For the sake of argument if it is presumed that opportunity was not granted to the non-applicant for contesting the said case on merit then certainly it was possible for the non-applicant to file appropriate proceeding before the Competent Court. However, certainly the non-applicants have not done so nor they have challenged the said order. Therefore, it can be easily inferred that the said order attended the finality. Therefore, it was necessary for the non-applicant to comply the same. From this fact itself it can be easily gathered that prima facie there is substance in the contention of complainant that it is necessary to proceed against the non-applicants for the offence punishable under Section 48(1) of MRTU & PULP Act. In the result, I pass following order;

Order

1. The process is hereby issued against the non-applicant Nos. 1 and 2 for the offence punishable U/s. 48(1) of MRTU & PULP Act.
2. Summons be issued to the non-applicant Nos. 1 & 2 on payment of P. F. by the complainant.

Aurangabad
Date : 08/07/2025

(S. S. Sahasrabudhe)
Judge,
2nd Labour Court, Aurangabad