

**BEFORE THE JUDGE, LABOUR COURT-2 AT AURANGABAD**

**( Presided over by Shri. S. S. Sahasrabudhe )**

**Complaint ULP No.15/2022**  
**CNR NO.MHLC200002792022**

**Subhash S/o. Rambhau Bhawar**  
Age : 54 years, Occ. Nil,  
R/o. Krishnaur, Bidkin,  
Tal. Paithan, Dist. Aurangabad.

**..Complainant**

**V/s.**

**Nayantara Chemicals Pvt. Ltd.,**  
46,48, N.A. Paithan Road,  
Chitegaon, Tal. Paithan,  
Dist. Aurangabad.  
Through it's Manager.

**..Respondent**

.....  
**Appearance :**

Shri. P. B. Salunke, Advocate for complainant  
Shri. B. R. Kawre, Advocate for respondent.  
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**ORDER BELOW EXH.C-4**

(Passed on this 05<sup>th</sup> day of February, 2025)

This is an application for giving direction to the complainant to deposit accepted amount of full and final settlement. It is submitted by the respondent, they compelled to closed manufacturing activities situated at Plot No.46, 48 NA, Paithan Road, Aurangabad w.e.f. 31.03.2022. While closing the factory the employees those were working in the unit were given option to have alternative employment at Shalini Organic Pvt. Ltd., Plot No.D-10, MIDC Paithan, Aurangabad, otherwise they may opt for lump sum

amount of full and final. The complainant chosen lump sum amount of instead of accepting alternate employment at Paithan factory. In terms of understanding an amount of Rs.85,000/- was paid to the complainant on 10.05.2022 through bank transfer.

2. From the date of shifting all 8 employees were reported at Paithan and working on same terms of employment. It is open to the complainant that as if he is interest to work at Paithan then the respondent has no hesitation to provide work at the Paithan factory on same terms of employment provided that he should require to deposit otherwise refund Rs.85,000/- accepted against lump sum amount of compensation.

3. As if the allegations of oral termination due to closure is alleged then pending hearing and final disposal of complaint it would be equitable to direct the complainant to return the entire benefits received to him and he may join offered alternative place of employment.

4. Therefore, it is prayed for direction to refund otherwise deposit entire received benefit of Rs.85,000/- before joining to Paithan factory.

5. On the other hand the Ld. Advocate for complainant say and submits that, the averment in the application are false, misleading and this complainant is denying the same in toto.

6. That, on 02.04.2022, the respondent industry did not allowed to complainant to sign on muster and join the duty and prohibited him to work. The complainant requested time to time and

also filed application dated 08.06.2022 and requested to respondent to allow him to work or explain that why he is not allowed. The complainant also requested to respondent that, why the amount of Rs.85,000/- is deposited in his account, but respondent has not given any reply to the letter of complainant. The action of the respondent is illegal, it is violating the provisions of Sec.25-F of I.D. Act. The service of the applicant was illegally terminated by the respondent without complying with provisions of Sec. 25-F.

7. That the complainant has filed the complaint and respondent cannot seek any order against the complainant, for that, the respondent has to file its own independent proceeding. There is no any pre-condition, before / to decide the application of interim relief. Therefore, prayed made by the respondent in his application to direct the complainant to refund the amount of Rs.85,000/- before acceptance of alternative employment is not sustainable. The the complainant prayed that, the said application is not maintainable.

8. That, it is denied that, the contention of the respondent that, the complainant chosen lump-sum amount of instead of accepting alternate employment at Paithan factory. The point raised by respondent in the application will be decided at the time of final hearing / disposal of complainant. Therefore, application filed by the respondent may kindly be dismissed.

9. On perusal of record it is clear that, the complainant came with case that, the respondent has orally terminated his service on 02.04.2022. On the other hand it is the contention of respondent that, they have not terminated the complainant from service, on the

other hand the complainant himself remained absent. The respondents have closed their manufacturing activities w.e.f. 31.03.2022, while closing the factory the respondent has given option to its employees for alternate employment in sister concern of the respondent i.e. Shalini Organic pvt. Ltd., the complainant has chosen lump-sum amount instead of alternate job. Therefore the respondent has deposited Rs.85,000/- to the complainant's account on 10.05.2022. The complainant has not disputed the fact of deposit of this amount in his account. It is the contentions of complainant that, he asked the respondent as to why the amount was deposited in his account, but the respondent has not given any reply. From this fact itself it can be gathered that, the complainant has received above referred amount from the respondent. Admittedly, the complainant wants to challenge his allege, otherwise termination therefore, certainly he is not entitled to retain the above referred amount of Rs.85,000/-, hence I found substance in the contentions of respondent that, they are entitled to get back the said amount. Hence, I pass following order :

**Order**

Application is allowed. The complainant is hereby directed to pay the amount of Rs.85,000/- to the respondent, if it is not possible to the complainant to pay the same immediately in that case, the complainant has filed affidavit in that regard and he binds himself to pay the said amount to the respondent subject to outcome of this proceeding.

**Sd/-**

**[ S. S. Sahasrabudhe ]**

Judge,

Labour Court-II, Aurangabad.

Place: Aurangabad  
Date: 05/02/2025