

ORDER BELOW EXH. C-10
(Dtd. 11/09/2025)

1) This application is filed by the respondent No. 3 for dismissal of complaint. The applicant did not reply. I have heard learned Advocate for applicant. The learned Advocate for respondent failed to advance argument.

2) The respondent claims that the company Sant Eknath Sahakari Sakhar Karkhana Ltd. is opponent in the case. This company has no connection whatsoever with the contentions and there is no such company in exist. The respondent No. 3 is wrongly joined as a party and presumption can not be drawn. The applicant is wrongly filed against the respondent No. 3 by mistake of fact and hence, the application is liable to be dismissed.

3) In view of statement of respondent, consideration of averments of the application is just. The applicant has claimed gratuity amount against respondent by arraying party to the application. According to the applicant he had approached to the opponents for gratuity amount, however, there was no determination of gratuity. It appears that non payment thereof has constrained to file application. The prayer of application is against opponent for determination of amount of gratuity as per annexure A and the annexure A refers the name of respondent No. 3.

4) The respondent No. 3 did not file any document in support of application and therefore, accepting claim without adjudication of statement of applicant for claiming gratuity is not just. The respondent has arrayed as party to the proceeding and burden lies on the applicant to prove the necessity of presence of opponent No. 2 and before adjudication of claim mere on the statement of respondent dismissal of application against the opponent No. 3 is not just. Adjudication of application is necessary and no documentary proof is adduced on record by filing affidavit on the application. The application is filed by Advocate and no affidavit of respondent No. 3 in support of application. It is claimed that there was no such company exist then how application is filed and who has authorized to the Advocate for filing application. Since application is signed by the Advocate and there is no endorsement of authority to opponent No. 3, hence, application is without substance and without justifying dismissal of application against opponent No. 3. Hence, I proceed to pass following order;

ORDER

- 1) Application is rejected.
- 2) Parties shall take note thereof.

(Typed and declared in open Court)

Place: Aurangabad
Date : 11/09/2025

(D. S. Khedekar)
Controlling Authority under PGA & Judge,
Labour Court-1, Aurangabad.