

ORDER BELOW EXH. C-6
(Dtd. 23/12/2025)

1] This application filed by the respondent by raising preliminary objection of maintainability and jurisdiction of Court to entertain the complaint. The complainant has filed reply and objected the application.

2] I have heard learned Advocate for respondent and complainant.

3] Perused the application and written statement filed by the respondent at Exh. C-2. The issues are framed at Exh. O-8. The issue of maintainability is not part of written statement as raised in the present application, hence, unless the objection of jurisdiction is raised in written statement framing of preliminary issue of maintainability does not arise for consideration. The complainant objected the application and claimed that the order of termination dtd. 17/01/2018 is clear and for challenging the termination the complaint is filed under Section 28 of MRTU & PULP Act, 1971.

4] In view of complaint and objection of respondent by present application I am of the view that unless specific plea of entertainment of complaint made by the respondent in the present application consideration of lack of jurisdiction is not tenable. The learned Advocate for respondent claimed liberty to file written

statement. On the other hand the Advocate for complainant objected the application and claimed the witness present for cross-examination by the respondent.

5] Having considered the statement of both the parties and application filed by the respondent without pleadings about the objection of maintainability and considering the presence of witness for cross-examination passing following order would suffice the purpose. Hence, I proceed to pass following order;

ORDER

- 1] The respondent is at liberty to file application for amendment of written statement.
- 2] The witness is present, therefore, subject to payment of cost of Rs. 700 in the alternatively if cross is not carried out by the respondent.
- 3] The application is disposed of accordingly.

(Typed and declared in open Court)

Place: Aurangabad
Date : 23/12/2025

(D. S. Khedekar)
Judge,
Labour Court-1, Aurangabad.