

IN THE LABOUR COURT AT AURANGBAD

**(BEFORE SMT. M. R. KOLHAR, JUDGE, LABOUR COURT-I,
AURANGABAD)**

Appln IDA 24/2018

Order below Exh.C-15

(Passed on 24.07.2024)

- 1) In present case the opponent made this application and contended that the applicant initially approached to Dy. Labour Commissioner and they after conducting various meeting, suggested for taking legal action against the opponent. But the applicant has not made Deputy Labour Commissioner as party in the present case. Therefore, application need to be dismissed for reason of misjoinder of necessary party.
- 2) The learned Advocate for applicant replied to the application and contended that the Dy. Labour Commissioner was not adjudicating authority under Industrial Disputes Act and it is not necessary party in the main application. The present application is not made by opponent in requisite form hence need to be rejected.
- 3) Heard both learned Counsel at length.
- 4) It is settled principle of law that any workman who is entitled to receive any money or any benefits from employer and can recover the money from employee by filing an application either by S. 33-C(1) before Labour Commissioner or u/s 33-C(2) before Labour Court. The

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opponent has failed to convince to the Court that the Labour Commissioner is necessary party in the application. Hence, the application is hereby rejected.

Sd/-

[**Smt. M. R. Kolhar**]

Judge,

Labour Court-1, Aurangabad.

Place: Aurangabad

Date: 24/07/2024