

BEFORE IN THE HON'BLE JUDGE, LABOUR COURT, AKOLA.

(Presided over by : D. S. Paikrao, Judge)

CRIMINAL COMPLAINT (ULP) No : 01/ 2026

Abhay Vasantrao Autkar

Versus

Shri. Pratap Pawar

Managing Director,

V. N., V. J. and N.T. Development Corporation Ltd.,

Mumbai and Other.

Order below Exh. U-1

(Passed on 30/04/2026)

The complaint has been filed by the complainant under section 48(1) of the MRTU & PULP Act, 1971 seeking action against the accused for non compliance of judgment dated 23-10-2024 passed by the Hon'ble Industrial Court, Akola in Complaint ULP No. 114/2017.

2] The complainant submits that he had filed the aforesaid complaint before Hon'ble Industrial Court, Akola for seeking benefit of permanency along-with regularization to the complainant from the date of appointment against the accused/non-applicants. The Hon'ble Industrial Court, Akola has pleased to allow the complaint dated 23-10-2024 thereby held that the accused/non-applicants are directed to regularized the service of the complainant on the post of Clerk w.e.f. 01-08-2026 along-with all the monitory benefits. It is further submit that after the passing of the said order of Hon'ble Industrial Court, Akola, the said order has not complied by non-applicants. After passing of said order, the complainant informed to the accused/non-applicants by sending legal notice to his representative dated 13-12-2025 about passing of the said order. But till date, the same is not complied by the accused/non-applicants. Therefore, the complainant has filed the present complaint against the accused

and prayed for taking action against him for commission of offence punishable under the Act.

3] The accused/non-applicants appeared in this matter and opposed the said application and filed reply at Exh. C-5 on record. It is specifically denied that the accused/non-applicants did not deliberately comply the order passed by the Hon'ble Industrial Court. It is further specifically denied that the non-applicants responsible for non-implementation order in question. It is further submit that the accused/ non-applicants are high ranking of the officer of the State of Maharashtra, before filing complaint for prosecution no permission of the State of Maharashtra sought as per the requirement of Sec. 218 of Bhartiya Nagari Suraksha Sanhita. In absence of the said permission, the said complaint is not tenable and liable to be dismissed. Hence, the application may kindly be dismissed against the accused/non-applicants. In support of its contentions that the learned counsel of non-applicants relied upon following judgments.

1. **Sunil Mittal V/s. C.B.I. 2015, C.J. 2015(S.C.) 11.**
2. **Aneeta Hada V/s. Godfather Travels 2012 C.J. (S.C.) 616.**
3. **Himanshu V/s. Shivamurthy, 2019 CJ(S.C.) 76.**
4. **S.M.S. Pharma V/s. Neeta, 2005 CJ(S.C.) 1142.**
5. **Maroti Ladde V/s. Balakdas, 2006 CJ(Bom) 780.**
6. **Madhav Chitnis V/s. State of Maharashtra, 1998 CJ (Bom) 355.**
7. **Santanu Sinha V/s. State of Maharashtra, 2007 CJ(Bom) 1259.**
8. **Dipak Ray V/s. Mafatlal Engineering, 1994 CJ(Bom) 176.**
9. **Indian Tourism V/s. Presiding Officer, 2009 CJ(Bom) 641.**
10. **Mrs. Sarah Mathew V/s. Institute of Cardio Vascular, 2013 CJ(SC) 1204.**

4] I have heard argument of learned counsel for the complainant and the learned counsel of the accused/non-applicants. It is the case of the complainant that the Hon'ble Industrial Court, Akola has passed final order in Complaint

ULP No. 114/2017 dated 23-10-2024 and directed to the accused/non-applicants to regularized service of the complainant on the post of Clerk and pay monitory benefits. In support of contention the complainant has filed notice dated 13-12-2025 along-with postal receipt and copy final order of Industrial Court, Akola below Exh. U-2. It is submitted by learned counsel of the complainant that after passing said order of Hon'ble Industrial Court, Akola, the non-applicants/accused have not complied order of the court. In support of his contention, the complainant has submitted his verification at Exh. U-1. Therefore, the learned counsel of the complainant submitted before this court the order of Hon'ble Industrial Court has not comply by the accused/non-applicants and hence issue process order passed against the accused/non-applicants under the provisions of the said Act.

5] As per the record, it appeared that the final order passed by the Hon'ble Industrial Court, Akola in Complaint ULP No. 114/2017 dated 10th October, 2024 is not yet complied by the accused/non-applicants. The complainant has submitted verification in support of his complaint and categorically stated that the accused/non-applicants have not complied order of the this Court and not given benefits of the permanency to the complainant. It is a settled law in labour jurisdiction is Strict Rules of C.P.C. Evidence Act and B.N.S. are strictly not applicable to the matter. It is a welfare legislation. Therefore, the contention made by learned counsel of the respondents in that regard are not sustainable. Due respect for ratio of the judgments which are filed by learned counsel of the respondents are not applicable to the present case. Since it is alleged that the accused persons have committed breach of order of Hon'ble Industrial Court, Akola and it has substance, I am of the considered opinion that prima facie offence under section 48(1) of the MRTU & PULP Act against the accused are made out. Therefore, process is required to be issued against accused No. 1 and 2. Hence, I pass the following order.

ORDER

Issue process against accused No. 1 and 2 for the commission of offence punishable under section 48(1) of the MRTU & PULP Act.

Place : Akola.
Date : 30/04/2026.

Sd/-
(D. S. Paikrao)
Judge,
Labour Court, Akola.