

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8891 OF 2016

CHAIRMAN, KRUSHI UTPANNA BAZAR SAMITI & ORS
VERSUS
SHAIKH MOHMED IQBAL NISAR HUSSAIN & ORS

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Advocate for Petitioners : Shri Ostwal A.D.

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CORAM : RAVINDRA V. GHUGE, J.

Dated: November 28, 2016

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PER COURT :-

1. The petitioners are aggrieved by the order dated 6.2.2016, passed by the Industrial Court, Ahmednagar, by which, application Exhibit U/10 has been allowed, thereby permitting the respondents / employees to amend their complaint by replacing the word "Bonus" with the term "Sanugrah Anudan".

2. Shri Ostwal, learned Advocate for the petitioner has seriously criticized the impugned order. Contention is that the entire Complaint (ULP) No.100 of 2015 is based on the demand for bonus. An ex-parte ad-interim order dated 5.11.2015 was passed by the Industrial Court while issuing notice. The Industrial Court has granted the ex-parte ad-interim order by waiving the notice under Regulation 115.

3. He, therefore, contends that when the ex-parte ad-interim order is based on the word “Bonus” and the petitioner has been directed to release the “Bonus” of the complainant, the complainant now cannot seek an amendment in the complaint and the application for interim relief.

4. Having considered the strenuous submissions of the learned Advocate, it appears that the complainants became alert about the error committed in the complaint and the application for interim relief when they received the communication dated 17.11.2015, by which, the complainants were intimated that not a single employee was entitled to bonus and no one was paid any bonus. It appears that the complainants then realized that they had wrongly used the word “Bonus” instead of the words “ex-gratia”.

5. Considering the above and the impugned order, I do not find that this petition needs to be entertained and is dismissed. However, it needs to be clarified that since application Exhibit U/2 is not yet decided, the petitioner will be at liberty to file it's additional written statement pursuant to the amendments and shall raise all objections as the petitioner may deem fit and proper. After the filing of the additional written statement and additional say, if any, to the application Exhibit U/2, the Industrial Court shall proceed to decide application Exhibit U/2 as expeditiously as possible and preferably

within a period of two months from today, if not already decided.

(RAVINDRA V. GHUGE, J.)

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