

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4402/2019

The Superintending Engineer, EHV O & M Circle, Old Power House, Dafrin
Hospital Road, Amravati and others

..Vs..

Dyaneshwar Khushalrao Bawane

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Sachin Zoting, Advocate for the petitioners.

CORAM : Z.A. HAQ, J.

DATED : 1.7.2019.

Shri Kawish B. Dange, Advocate has put in
appearance *suo motu* for the respondent / employee.

In this petition, the employer has assailed the
order passed by the Industrial Court by which the
application filed by the respondent / employee seeking
permission to amend the complaint is allowed. The
complaint filed by the respondent / employee was earlier
dismissed by the Industrial Court by order dated 28th
September, 2016. This order, passed by the Industrial
Court, was challenged by the respondent / employee
before this Court in Writ Petition No.4/2017 which was
allowed by judgment dated 3rd October, 2018. This
Court remanded the matter to the Industrial Court
granting liberty to the employee to file application
praying for condonation of delay in filing complaint and
also to amend the complaint. After remand, the
respondent / employee had filed the application
(Exh. No.U-20) seeking permission to amend the

complaint to incorporate additional prayer clause. The Industrial Court has allowed the application observing that the additional prayer incorporated by the employee would be considered on merits while deciding the complaint. I find that the Industrial Court has properly and consciously exercised the jurisdiction and has not committed any error by allowing the application (Exh. No.U-20) filed by the employee and permitting the employee to incorporate the proposed amendment. Hence, I see no reason to interfere with the impugned order. The writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

Tambaskar.