



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 11067 OF 2024

Executive Director L And T Finance Limited And Another

VERSUS

Adinath Sangramappa Hengne

...

Mr. A. G. Vasmatkar, Advocate for the Petitioners

Mr. S. V. Gundre, Advocate for Respondent

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CORAM : AJIT B. KADETHANKAR, J.

DATED : 09TH MARCH, 2026

ORDER :-

. The respondent/complainant in Complaint (ULP) No.61 of 2024 was appointed in the L and T Finance Ltd. vide appointment letter dated 25.10.2017 as Area Collection Manager. While the candidate was working at Latur, he came to be transferred to the State of Orissa at Jeypore bye-pass road.

2. Feeling aggrieved by the transfer order, the complainant lodged the complaint/U.L.P.No.61 of 2024 in the Court of learned Member, Industrial Court, Latur. An application below Exhibit-U-2 was filed by the complainant seeking stay to the execution and operation of the transfer order. On the other

hand, the present petitioners/respondents in the complaint filed an application below Exhibit-C-6 challenging maintainability of the complaint.

3. Both the applications were heard together by the learned Member, Industrial Court by giving an opportunity of hearing to the respective parties. At the conclusion, the learned Member of the Industrial Court found that the petitioners utterly failed to demonstrate as to how the respondent was not covered by the definition of workman under the Industrial Disputes Act, and also opined that the transfer of the complainant from Maharashtra to Orissa was unjustifiable *prima facie*. Both the applications came to be decided on 03.09.2024. To be specific, the application filed by the complainant below Exhibit U-2 came to be allowed while the application filed by the employers/petitioners below Exhibit C-6 came to be rejected. As against that, the employers/original respondents are before this Court vide the present Writ Petition.

4. During the course of hearing, Mr. A. G. Vasmatkar, Learned Counsel for the petitioners would submit that the trial

of the complaint is in progress and issues have been framed and the evidence has also commenced. He would submit that the petitioners are also aggrieved by the issues incorrectly framed in the trial. He would further submit that the petitioners want to challenge those issues and want to get the issues re-framed correctly. After arguing the matter for some time, on instructions Mr. A. G. Vasmatkar, learned Counsel for the petitioners would submit that the petitioners do not press this petition and prays for liberty to prove before the learned Industrial Court that the complaint was not maintainable. He would further submit predominantly that the objection of the petitioners was that since the respondent/complainant was appointed as Area Collection Manager, he could not be covered by the definition of workman, and hence the complaint was not maintainable.

5. Needless to mention, in view of the statement made by the learned Counsel for the petitioners on instructions from his client, the petition is disposed of with liberty to the petitioners to file an appropriate application in terms of law for recasting the issues.

6. In the event if the issue as regards to maintainability of the complaint is framed by the learned Trial Court, the petitioners/employers shall be at liberty to prove their objection with appropriate and adequate evidence with an opportunity to the complaint to object the same.

7. Writ Petition is disposed of.

(AJIT B. KADETHANKAR, J.)

Rushikesh/2026