

Id no 177/2020
22nd Feb 2023

Present; Shri Vijay Pal, Ld. A/R for the Claimant.
Shri Atul Bhardwaj, Ld. A/R for the Management.

This order deals with the application filed by the claimant u/o 6 Rules 17 of the CPC praying amendment of the claim petition on the grounds stated therein.

The copy of the petition being served on the Respondent a written reply has been filed supported by some documents. The matter was heard being argued by the counsel for both the parties.

The claimant has stated that the claim has been filed challenging illegal termination of his service by the mgt. A reference has been received from the appropriate Government to adjudicate on the legality and justification of the action of the mgt. in terminating his service and to adjudicate if the workman is entitled to regularization/ reinstatement into service and other remedies according to his entitlement. But while filing the claim statement for inadvertent mistakes the claim has not been detailly advanced along with the facts. The only prayer made in the claim is with regard to back wages and continuation of service. When this defects came to the knowledge of the claimant after filing of the w/s it became expedient to amend the claim petition which is necessary for just and complete adjudication of the matter. It has also been pleaded that the evidence having not started yet the respondent shall not be prejudiced by the proposed amendment.

In its reply the respondent has stated that the claimant's service was not terminated but he had resigned from service on his own request and as such his service cannot be regularized nor he can be reinstated. The proposed amendment will change the nature and character of the proceeding and thus should not be allowed.

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On perusal of the record, it is found that the issues are yet to be framed. The proposed amendment is to incorporate certain facts which are in terms of the reference received from the Government. Hence, the proposed amendment at this stage of the proceeding is neither changed the nature and character of the proceeding nor caused prejudice to the Respondent. Rather the amendment if would be incorporated, help in proper, complete and effective adjudication of the matter. The amendment is allowed. The claimant is directed to file amended and consolidated claim petition on the next date after serving copy in advance on the Respondent after which Respondent shall be allowed a change of filing amended w/s.

List the matter on 27.02.2023 for filing of amended claim statement

Presiding Officer