

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3023 OF 1997

1. The State of Maharashtra

2. The Sub-divisional Officer,
Girna Canal, Modernisation
Division No.2, Jalgaon,
Near Collector Office, Jalgaon. ..Petitioners

Versus

Hansraj Ukha Patil
R/o Anchalgaoon, Post. Amadade,
Tq. Bhadgaon, Dist. Jalgaon. ..Respondent

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AGP for Petitioners : Shri S.N.Kendre

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CORAM : RAVINDRA V. GHUGE, J.
Dated: December 06, 2016
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ORAL JUDGMENT:-

1. The petitioner is aggrieved by the judgment dated 18.3.1997 delivered by the Labour Court, Jalgaon by which application (IDA) No.181 of 1988 has been partly allowed and the respondent is granted Rs. 4602/- as over time wages along with interest @ 9% per annum.

2. This Court by order dated 15.10.1999 admitted the petition, vacated the ad-interim relief and clarified that the amount which the petitioner shall pay to the respondent in pursuance to the impugned order, shall be subject to the result in this petition.

3. None appeared for the respondent on 1.12.2016 and even today.

4. The learned AGP has strenuously criticized the impugned judgment. He has drawn my attention to the nine grounds raised by him in the memo of the petition.

5. I have considered the submissions of the learned AGP and have gone through the record available.

6. The respondent led evidence through himself and another co-worker to indicate that he was working as a Watchman on the Wireless Center of the petitioners. There were two operators along with him, who were deployed at the center. These two technicians used to work during their day time working hours and after their duty was over, used to leave the premises. The respondent was the only watchman, who used to guard the premises even during the night.

7. The petitioners could not prove before the Labour Court that a reliever or a second watchman was appointed or deployed at the wireless center so as to relieve the respondent. It was on the basis of oral and documentary evidence that the Labour Court concluded that the respondent was entitled for an amount of Rs.4602/- along

with interest, as unpaid overtime wages.

8. Considering the above, I do not find that the impugned judgment could be termed as being perverse or erroneous. This petition being devoid of merits is, therefore, dismissed. Rule is discharged.

9. In the event, the petitioners have not complied with the directions of the Labour Court pursuant to the order of this Court dated 15.10.1999, the petitioners would be obliged to pay the said amount along with interest till actually paid, as is granted by the Labour Court, to the respondent within a period of twelve weeks from today.

(RAVINDRA V. GHUGE, J.)

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