

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

WRIT PETITION NO. 12125 OF 2015

Shri Satyen Dilip Turki.

.. Petitioner

Vs

General Manager Padmaja
Packeging Industries Ltd.

.. Respondent

Mr.D.V.Sutar, for the Petitioner.
None for the Respondent.

***CORAM: N.M. JAMDAR, J.
Wednesday, 13 January 2016***

Oral Order :

The Petitioner challenges the order passed by the Labour Court, Kolhapur dated 16 July 2014 rejecting the IDA Application No.4 of 2009 filed by the Petitioner under Section 33C(2) of the Industrial Disputes Act, 1947.

2. The Petitioner had claimed overtime wages from 1 January 2000 to 31 May 2005. The Labour Court had rejected the claim on the basis that the Petitioner had not proved on facts that such a claim was justified.

3. The learned counsel for the Petitioner submitted that the Respondent was directed to produce original muster on record and since it was not produced, the Labour Court ought not to have

drawn a conclusion against the Petitioner, but ought to have drawn it against the Respondents. The Petitioner had produced photo copy of muster register below Exhibit U-11 at serial no.1. According to the Petitioner the photo copy was of the muster roll maintained. The Labour Court examined the photo copy and found that it did not bear any seal and signature and it did not appear to be bonafide as there were various doubtful entries such as 31 days in June when it should have been 30. The Labour Court also doubted the entries regarding the overtime work. The photo copy was produced by the Petitioner himself. According to the Petitioner the photo copy was of the original. It being a photo copy it would have shown if it was bearing seal and signature. The original would only show what the photo copy already depicted. Therefore, having produced the photo copy of the original which was found to be not believable the Petitioner cannot now turn around and fault the impugned order on the ground that the original was not produced. Since on the basis of lack of documentary evidence, fact regarding actual working, the entitlement to overtime wages is rejected, no fault can be found with the impugned order. Writ petition is accordingly **rejected**.

(N.M.Jamdar, J.)