

5IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5724 OF 1999
(Vasudeo Laxmanrao Patil Vs. The Bhusawal People's Co-operative
Bank Ltd.,Bhusawal and another)

Mr.A.G.Talhar, Advocate for the petitioner.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 08/05/2017

PER COURT :

1. This petition was admitted on 22/02/2001 and interim relief was refused by this Court.
2. None appears for respondent No.1. Respondent No.2, being the learned Labour Court, stands deleted from the proceedings.
3. The petitioner has challenged the judgment of the Labour Court dated 16/07/1999 by which his application (IDA) No.54/1985 has been rejected by the Labour Court, Jalgaon.
4. Mr.Talhar, learned Advocate for the petitioner has strenuously criticized the impugned judgment on the following grounds :-
[a] There were sufficient pleadings before the Labour Court about

the petitioner having worked for 1 hour and 30 minutes before his normal time of reporting and 1 hour after his closing work hours.

[b] The calculations of unpaid overtime wages are specifically pleaded by the petitioner and were quantified as per his claim at Rs.50,543/-.

[c] The Statement of amounts payable by the respondent towards overtime wages from 01/07/1971 till 30/06/1981 were set out in an annexure to his claim application dated 19/09/1981.

[d] Specific documents, which were in the custody of the respondents, were called for by way of a notice for production of documents dated 18/03/1983.

[e] The Labour Court granted inspection to the petitioner so as to collect the documents and the said opportunity was denied by the respondent.

[f] The petitioner has calculated his overtime wages under Section 14 of the erstwhile Bombay Shops and Establishment Act.

[g] The Labour Court has totally overlooked the specific pleadings and averments of the petitioner and has rejected the claim without proper application of mind.

5. I have considered the submissions of the learned Advocate for the petitioner. There is no dispute that the respondent/Bank was registered under the Bombay Shops and Establishment Act, as is noted by the Labour Court in its judgment below paragraph No.6 which is on page No.79 of the petition paper book.

6. It is evident from the record available that the petitioner has merely made a contention that he was working for 2½ hours over and above his normal working time. In matters of claims for overtime wages, the claimant has to specifically plead by mentioning the dates and the specific time when he has worked overtime. Such pleadings are to be then supported by documentary evidence.

7. The petitioner put forth his claim on 19/09/1981 making a claim from July 1971 till June 1981. Nowhere in the claim application, has the petitioner mentioned the specific dates on which he worked overtime and the time of his entry at the work place and the time when he left the work place. Had these pleadings been on record, the refusal by the respondent to produce certain documents would have enabled the Labour Court to draw an adverse inference and accept the claim of the petitioner.

8. Since such pleadings are not found in the claim application, it merely appears that the petitioner has made a general statement that from July 1971 till June 1981, he has worked overtime for 2½ hours every day. Such a generalized statement cannot be appreciated.

9. In the light of the above, I do not find that the Labour Court

has erred in rejecting the claim of the petitioner. The impugned judgment, therefore, does not appear to be perverse or erroneous.

10. As such, this petition, being devoid of merit, is therefore dismissed. Rule stands discharged.

11. Pending civil application, does not survive and hence stands disposed of.

(Ravindra V.Ghuge, J.)