

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 7027 of 2018**

K. K. Sinha S/o Late Mahar Singh Sinha, Aged About 63 Years, R/o Kali
Mandir, Sorid Ward, Jagdalpur Road, Dhamtari, District Dhamtari
Chhattisgarh

---- Petitioner**Versus**

1. State Bank Of India Through Its Chief General Manager, Hamidiya
Road, Bhopal, Madhya Pradesh
2. The Deputy General Manager, S.B.I. Raipur, District Raipur
Chhattisgarh
3. The Assistant General Manager, S.B.I. Regional Office, North Bastar
Kanker, Chhattisgarh

---- Respondents

For Petitioner : Ms. Sharmila Singhai, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****25/10/2018**

The dispute raised by the petitioner in the present writ petition is the order passed by the respondents refusing to honour the claim of the petitioner seeking overtime wages.

2. The order of the respondents in refusing to accept the claim of the petitioner was on the ground that there was no substantive material produced by the petitioner to establish the claim that he has made for.

3. Prima facie, this Court is of the opinion that the matter raised by the petitioner is a disputed question of fact and which needs evidence to be taken note of for the purpose of proper adjudication. Moreover, the

petitioner has since retired. The claim of the petitioner would be one which could be raised by way of either a reference under the provisions of the Industrial Disputes Act or by moving an appropriate claim application under the provisions of Section 33 C 2 of the Industrial Disputes Act as the case may be. This Court in exercise of its power under Article 226 of the Constitution of India would find it difficult to adjudicate upon the disputed question of fact particularly when there is a categorical denial so far as the claim of the petitioner by the respondents is concerned.

4. Given the said facts, reserving the right of the petitioner for approaching the competent authority for availing the remedy available under the provisions of the Industrial Disputes Act, the writ petition in its present form stands disposed of.

**Sd/-
(P. Sam Koshy)
JUDGE**