

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9416 OF 2022

NANDKISHOR MADHAV WANI
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS

Mr.M.M.Bhokarika, Advocate for the petitioner.
Mr.P.S.Patil, AGP for respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
ARUN R. PEDNEKER, JJ.)

DATE : SEPTEMBER 28, 2022

PER COURT :

1. The petitioner has put forth prayer clause “B” and “C” as under :-
“B. The direction may kindly be issued against the respondents to approve chart prepared and submitted by petitioner regarding arrears of “Over Time Amount” due towards respondents and calculate arrears accordingly, after hearing petitioner.
C. The further direction may kindly be given to respondents that amount of arrears of “Over Time Amount” after calculation may kindly be paid by respondents to petitioner, with interest @ 12% per annum from the date of its arrears till the payment is made to petitioner.”
2. We have considered the submissions of the learned Advocate for

the petitioner and the learned AGP on behalf of the State. The petitioner was an employee of respondent Nos. 2 to 4.

3. The petitioner is putting forth a claim towards overtime working from January 1984 to May 1998. This petition is filed on 13.06.2022. A copy of the communication dated 19.09.2019 from the Chief Engineer of the respondent No.3 company at Bhusawal is addressed to the respondent No.4 Chief Engineer of the Distribution Company at Parali Vajinath, which indicates that wherever the petitioner had worked during the above stated period, the record is not available since it dates back to the period of 1984-1998.

4. The petitioner contends that he has maintained a personal diary, which contains the noting of his overtime working. The learned Advocate for the petitioner concedes that such material will have to be proved before a Court by leading oral and documentary evidence. He, therefore, submits that he would avail of a remedy by raising an industrial dispute under the Industrial Disputes Act for recovery of the unpaid overtime wages in the light of the communication dated 19.09.2019.

5. In view of the above, this petition is disposed off with liberty to the petitioner to raise an industrial dispute in the light of the communication dated 19.09.2019. We make it clear that we have not expressed any opinion as regards the merits of the claim of the petitioner.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)