

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

911 WRIT PETITION NO.12067 OF 2022

SAGAR SHRIKRUSHNA TAMBAT

VERSUS

G. K. N. SINTER METALS PVT. LTD.  
THROUGH ITS MANAGER

...

Advocate for Petitioner : Mr Parag Vijay Barde

**CORAM : SANDEEP V. MARNE, J.**

**DATE : 2<sup>nd</sup> DECEMBER, 2022**

**PER COURT :**

1. Petitioner is challenging the order dated 11<sup>th</sup> July, 2022 passed by the Labour Court, Ahmednagar rejecting application for notice of documents.

2. Petitioner vide application below Exh. U-5 has sought following documents from the respondent :-

- (i) Muster Roll and salary slips from 2009 to 2013
- (ii) Job cards from 2009 to 2013, and,
- (iii) Seniority list from 2009 to 2015

3. The claim of petitioner before the Labour Court is about unlawful termination which is premised on putting in service of 240 days prior to termination and employees junior to him being retained in service.

4. Mr Barde, learned counsel appearing for petitioner would submit that the documents at Sr. No.1 is necessary to prove that petitioner completed 240 days service prior to termination and that the document at Sr. No. 3 would be necessary to demonstrate that petitioner was not junior most employee to be terminated.

5. The application is resisted by the management on the ground of relevancy as well as non-maintainability of old records.

6. After hearing learned counsel for petitioner, and on perusal of records, it appears that the main dispute before the Labour Court is about as to whether petitioner has been terminated from service or whether he has voluntarily left the job. First, this issue needs to be determined in the light of specific assertions of the respondent/ management that the petitioner voluntarily left the job after his transfer to Pune factory vide order dated 24.04.2013.

7. To decide this issue, none of the documents sought for by petitioner are relevant. Even otherwise, in case petitioner crosses the first hurdle in proving that he is indeed terminated, burden of proving that he rendered service of 240 days prior to termination, rests squarely upon his shoulders. Petitioner can produce his appointment orders and the respondent can be called upon to produce letters of appointment referred to in para No 5 of the written statement.

8. The order passed by the Labour Court does not suffer from any error.

9. The writ petition is devoid of merits and the same is dismissed without any orders as to costs.

**[ SANDEEP V. MARNE, J.]**

mta