



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

WRIT PETITION NO. 3720 OF 2020

**BABURAO KARBHARI GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

....
Mr. V. A. Dhakne, Advocate h/f Mr. P. K. Wagh, Advocate for
Petitioner
Mr. R. S. Wani, AGP for Respondent Nos. 1 and 2
Mr. U. B. Bondar, Advocate for Respondent Nos. 3 and 4
Mr. D. A. Mane, Advocate for Respondent No.5
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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 08.02.2024

PER COURT :-

1. The contention of the Petitioner is that he did not receive salary for a few months. The contention of the employer is that the Petitioner is absent from November 2017 and did not report for duties inspite of issuance of notices.

2. These are disputed issues before us, wherein, the Petitioner's claim is that he could not report for duties as the source of water was too far away from his residence. He had

never quit employment. Whether he worked and whether the principle of 'no work no wages' would be applicable, is an issue which would require recording of oral as well as documentary evidence.

3. The learned Advocate for the Petitioner submits that the Petitioner desires to withdraw this Petition and raise an industrial dispute against the employer. In view of the said statement, this **Writ Petition is disposed off as withdrawn** on instructions with liberty as is prayed for.

4. All contentions of the litigating parties are kept open.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

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