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

26 WRIT PETITION NO. 1395 OF 2024

JALBA UKANDI BHARADE

VERSUS

THE STATE OF MAHARASHTRA, THROUGH ITS
COMMISSIONER AND DIRECTOR AND OTHERS

....

Mr A. B. Chalak, Advocate for Petitioner;

Mr S. B. Narwade, A.G.P. for Respondent No.1

Mr S. S. Bora, Advocate for Respondent Nos.2 & 3

CORAM : RAVINDRA V. GHUGE

AND

Y. G. KHOBRADE, JJ.

DATE : 5th February, 2024

PER COURT:

1. A sheet placed before us at page No.10 indicates the dates on which the 'daily wagers' have been offered work. Their dates of birth are also mentioned. Their castes and religions are also mentioned. Their current age then, when they were granted work as 'daily wagers', is also mentioned. The Petitioner's date of joining as a 'daily wager' is 28/09/1990. His date of birth is shown as 17/10/1945. His age is shown to be 44 years, then. He concedes that, he retired as a 'daily wager' in the year 2014. If this be true, he was 69 years of age when his work as a 'daily

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wager', was stopped. The order of payment of gratuity indicates his date of birth as 29/04/1959.

2. There are many disputed issues before us and there could be a rowing enquiry to find out which of the dates of birth would be correct.

3. The learned Advocate for the Petitioner submits that, he would raise an industrial dispute and prosecute the issue before the appropriate Industrial Court or any such Court, as is permissible in law, even for the claim of his gratuity.

4. In view of the above, **this Writ Petition is disposed off.** If the Petitioner avails of any remedy, the same may be considered in accordance with the statutory provisions, as may be prescribed.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk