

KAMS060001832021



BEFORE THE INDUSTRIAL TRIBUNAL AT MYSURU

DATED THIS THE 1st DAY OF AUGUST 2025

Present:- Smt. Sandhya Rao P, B.Sc.,LL.B.,
Presiding Officer,

Ref. No.79/2021

First Party: **Sri.M.Ganesh**

(In person)

-Vs-

Second Party: **The Divisional Controller,**
KSRTC., Mysuru Urban Division,
Mysuru.

(By **Sri.R.Surendra**, Advocate)

Parties to IA.II & III

First party: **Sri.M.Ganesh**

-Vs-

Second party: **The Divisional Controller,**
KSRTC., Mysuru Urban Division,
Mysuru.

ORDERS ON I.A.II, III & MEMO

The first party has filed IA.No.II & III seeking for a direction to the second party to produce Attendance registers and attendance registers maintained by the Security Department.

2. The counsel for the second party has filed objections to the aforesaid applications.

3. Heard and perused the documents.

4. In view of the rival contentions raised by both the parties, the point that arises for consideration of this Tribunal is as follows:-

“Whether the first party has made out sufficient grounds to allow IA. Nos. II & III as prayed for?”

5. This Tribunal answers the above Point ***Partly in the Affirmative*** for the following:-

REASONS

6. The first party has filed the present applications seeking for payment of overtime wages. The first party in IA.No.II & III, has specifically contended that the attendance registers and registers maintained by the Security Department contain evidence regarding the overtime work done by him and therefore, has sought for a direction to the second party to the said documents are essential for

the just decision of the present Reference. The first party has further submitted his written arguments to the aforesaid applications and categorically stated that he requires the aforesaid documents maintained at Kuvempunagara Depot for the period from 01.01.2005 to 15.02.2013, at Vijayanagara Depot, from 01.04.2014 to 05.04.2015 and at Sathagalli depot from 01.04.2016 to 10.05.2025.

7. The counsel for the second party has vehemently contended that the aforesaid documents sought by the first party cannot be practically produced before this Court, considering the fact that they are voluminous in nature. Moreover, the entire registers are not at all relevant for the fair and just decision in the present case.

8. The first party workman requires the aforesaid documents in order to establish before this Court, the fact that he had worked overtime. Therefore, the documents sought for by him are necessary to establish his case and he ought to be able to rely upon them in support of his case. However, the first party workman is seeking for documents for over a period of more than 10 years and as rightly contended by the counsel for the second party, it would not be possible to produce all the registers sought for by him before

this Court considering their voluminous nature. However, with an intention of providing a fair opportunity to the first party workman to establish his case by producing the best evidence available in his favour, it would be just and proper to permit him to examine the documents i.e., attendance registers of the concerned depots and registers maintained in the Security Department at the relevant depots and the relevant pages of the register which are identified by the workman can be thereafter certified by the second party and produced before this Court. Accordingly, this Tribunal proceeds to answer to the above Point **Partly in the Affirmative** and proceeds to pass the following:-

ORDER

The IA.No.II & III filed by the first party are hereby partly allowed.

The first party workman is permitted to inspect the relevant attendance registers and the attendance registers maintained by the Security Department for the relevant periods at the concerned depots.

The first party shall inform the second party the date on which date, he chooses to examine the registers at the concerned depots.

The second party shall provide the attendance registers maintained at the depot for inspection to the first party workman.

The relevant pages of the registers identified by the first party workman shall be certified by the second party and produced before this Court,

The first party workman shall complete the inspection of the relevant documents and registers on or before 18.09.2025.

*(Dictated to the Stenographer and typed by her over the computer directly, corrected, print out taken, signed by me in the open court on this the **1st day of August 2025.**)*

sd/-

(SANDHYA RAO P)
Presiding Officer,
Industrial Tribunal, Mysuru

