

BEFORE SHRI. ABHIJIT R. SOLAPURE, PRESIDING OFFICER,
FOURTH LABOUR COURT THANE

APPLICATION (IDA) NO. 17 OF 2020
CNR No.MHLCO4000086-2020

Sudhakar Pandurang Raut

...Applicant

Versus

**M/s. Haren Textiles Pvt. Ltd.
and Others**

...Opponents

ORDER BELOW Exh. U-9
(Passed on 02/02/2024)

Applicant has filed this application for directions to the opponents to produce documents. Applicant stated that he was working as ETP Operator from 01/01/2011 and his duty was 12 hours. He requests the directions to produce the log book of the ETP Department. So also, he requested the production of muster roll, attendance register, wage register, leave register, bonus register, PF register and ESIC register from 01/01/2011 to 30/06/2018.

2) The opponents filed say and submitted that, they have not preserved these documents which are more than 3 years old. They requested to reject the application.

3) Heard both the Ld. Advocates at length.

4) The petition is filed for recovery of legal dues by the applicant. He claims that, he was working as Operator on ETP Plant of the opponents from 01/01/2011. He has sought recovery of Rs.8,62,035/- towards the overtime allowance from 01/01/2011 to 30/06/2018. There are also submissions that illegal deductions were made from June-2014. Now the opponents appeared and filed

written statement at Exh. C-3. The admitted that the applicant was working in the company in two sections namely ETP and DAF. However, they denied the other allegations and resisted the claim.

5) So far the relations in between the parties are admitted. The claim of the applicant has to be ascertained. Now, the opponents do not deny maintenance of the documents, but they say that they have not preserved the documents from 01/01/2011 to 30/06/2018. The request to produce log book of ETP Department, muster roll, wage register and PF register for the said period is justified in view of claim raised by the applicant. However, the demand for leave register, bonus register and ESIC register is not relevant. Hence the order follows;

ORDER

- 1) Application is partly allowed.
- 2) Opponents to produce log book of ETP Department, muster roll, wage register and PF register from 01/01/2011 to 30/06/2018 till next date after thorough search. If these documents are not available with the opponents, they shall make a statement on affidavit.

Date : 02/02/2024

SSA

Sd/-
(Abhijit R. Solapure)
Presiding Officer
Fourth Labour Court, Thane