

ORDER BELOW EXH.U-6 IN APPLICATION (PGA) NO.76/2023
(Date:- 16/04/2025)

1. This is an application taken out by Applicant for direction to produce certain documents from the custody of Opponents. It is stated that proposed documents are necessary and being relevant to decide the issue of payment of gratuity. Applicant seeking direction to produce documents such as attendance sheet and salary certificates. Those documents are necessary to decide issue between the parties. On the contrary application is strongly opposed by Opponent No.1 and 3 by filing reply at Exh.C-8. It is stated that application is file afterthought. It is further stated that Applicant cannot demand documents from the Opponent No.1 and 3. There is no existing right in favour of Applicant. Therefore, prayed rejection of application.

2. Heard both side, perused entire record. This is an application of claiming gratuity amount from the Opponents. From the record it shows that Applicant herself stated that she was employee of Opponents. From the pleading itself it shows that Opponent No. 3 being an immediate employer having custody of the documents. Opponent No. 1 and 2 don't have custody of the documents of employment because of Head of the Department. Further being an employer it is presumed that having custody of important and necessary documents of employment.

3. Applicant on the basis of her employment tie with

Opponents claiming gratuity amount. Applicant being an employee wants to prove tenure of service and last drawn salary. Under Payment of Gratuity Act, length of service and last drawn salary being an important factor. Without which entitlement and calculation cannot be carried out. Opponent No. 3 being an immediate employer is an under obligation and responsibility to produce documents. Hence, following order is passed.

ORDER

1. Application is allowed.
2. Opponent No.3 is directed to produce documents as sought.
3. No order as to costs.

Date : 16/04/2025
Kolhapur.

(K. B. Kamgauda)
Controlling Authority Under
Payment of Gratuity Act & Judge,
Second Labour Court, Kolhapur.