

**IN THE COURT OF CONTROLLING AUTHORITY UNDER PAYMENT OF
GRATUITY ACT 1972, LABOUR COURT AT AKOLA.**

(Presided over by : D. S. Paikrao, Judge)

PGA No. 282/2025

Kurumdas Waman Gaikwad

Versus

Kulsachiv, Dr. P.K.V.Akola

ORDER BELOW EXH. U-5
(Delivered on 06/03/2026)

The application has been filed by applicant for production of documents from the non-applicant as per the provision of law.

2. It is submitted that the application has been filed by the applicant for amount of Gratuity under the provisions of Payment of Gratuity Act, 1972. In this matter, the non-applicant appeared and filed written statement before this court and disputing the total period of service and last drawn salary of the applicant for which the applicant is entitled for gratuity from the non-applicant. The non-applicant are employer of the applicant and the documents are in the custody of the non-applicant to prove the length of service, and last drawn salary therefore, following documents may pleased be called from the non-applicant.

- i. Year wise working chart of the applicant from 01/01/1976 to 01/07/2021.
- ii. Information for difference of wages as per the order of Hon'ble High Court in respect of equal pay for equal work and increase payment of gratuity from 01/01/1976 to 31/07/2021.
- iii. Receipt of gratuity paid to the applicant and order to send payment in that regard statement of bank.

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3. The applicant submit that the no prejudice or hardship would be caused to the non-applicant to produce the above documents, and lastly prayer that direction may kindly be given to the non-applicant to produce fallowing documents on record in the interest of justice.

4. The non-applicant has strongly opposed the said application and submitted that said application is against the provision of law. The applicant failed to disclose the relevancy of the documents so sought to be filed. It is submitted that the document No. 1 to 3 are not required for just decision of the said matter and most of the documents are in possessions of the applicant therefore, there is no need to decide the said matter. The application is nothing else but fishing and roving inquiry and it cannot permitted to improve his case in such manner. He lastly prayed that the said application may kindly be rejected with heavy costs.

5. I have heard argument Ld. Counsels of the both parties. It is the case of the applicant that the non-applicant has not paid the gratuity amount to the applicant as per the provisions of law. It is a contentions of the learned counsel of the applicant, the non-applicant has denied length of service and last drawn salary of the applicant therefore, to prove the same the said documents are essential and direction may kindly be given to the non-applicant to produce the same. On the contrary, it is a contentions of the learned counsel of the non-applicant, most of the documents are in possessions of the applicant and there are no need for decisions the matter of the gratuity therefore, the said application may kindly be rejected.

6. I have minutely perused the present proceeding, the applicant has filed present application for payment of gratuity amount from the non-applicant. In the said application, the non-applicant appeared before this court and filed reply at Exh. C-3 and denied the length of the service and last drawn salary of the applicant. Considering the contentions of learned counsel of the applicant, it is directed to produce document No. 1 & 3, on record. Considering the same, document No. 1 & 3 are essential to prove the

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claim of the applicant. Therefore, it is directed to the non-applicant to produce the same on record. Considering the argument of the learned counsel of the document No. 1 & 3 are produce before this court. Hence, I pass the following order.

ORDER

1. The application is hereby allowed.
2. The non-applicant is directed to produce document No. 1 & 3 on record before this court.
3. No cost as to order.

**Sd/-
(D. S. Paikrao)
Judge,
Labour Court, Akola.**

Date : 06/03/2026.