

Ajitkumar Walve ..Vs.. Range Forest Officer and others**Order Below Exh. U-6**

The applicant has filed this application for production of documents. It is stated that the non-applicants have denied all the documents which are being filed with the case. The applicant wants to prove his nature of work, muster roll, payment voucher etc. The non-applicants being Government entity is required to maintain the service record of the applicant. In view of this it is prayed that the non-applicants be directed to produce muster roll of the applicant for a period from July, 2014 to 30-06-2022, payment voucher for a period from July, 2014 to 30-06-2022, seniority list of the year 2020-2021, Government Resolution dt. 15-01-1996, relevant Government Resolution regarding fees from the tourists and resolution under the minimum wages.

2. The non-applicants in their reply have stated that the application of the applicant under Sec. 30(2) of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 for interim relief was rejected by this Court on 09-02-2023. The non-applicants in their written statement have specifically mentioned that the applicant was engaged on purely adhoc and temporary basis as a seasonal labour. The non-applicants in their reply have stated that the applicant has never worked for 240 days during any calender year. The non-applicants in their written statement have stated that the applicant has worked for 42 days in 2016, 59 days in 2017, 78 days in 2018, 50 days in 2019, 40 days in 2020, 26 days in 2021 and 91 days in 2022. The wages of the complainant for the aforesaid period were directly

credited in the bank account of the applicant. The documents like muster register and other documents are not relevant for the decision of this case. In view of this, it is prayed that the application be rejected with costs.

3. The applicant in his complaint and in his affidavit of examination-in-chief has specifically stated that he is a regular employee of the non-applicants. It is stated in the application and in the affidavit of examination-in-chief by the applicant that the non-applicants have illegally, arbitrarily and in contravention of Sec. 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 removed him. Whereas, it is the case of the non-applicants that the applicant was a seasonal labour and worked only for 42 days in 2016, 59 days in 2017, 78 days in 2018, 50 days in 2019, 40 days in 2020, 26 days in 2021 and 91 days in 2022.

4. The applicant in this application has sought muster roll for the period from July, 2014 to 30-06-2022, payment voucher from July, 2014 to 30-06-2022, seniority list of the year 2020-2021. The non-applicants being Government entity must be having the said documents. The applicant can not have custody of the said documents. The said documents in opinion of this Court are necessary to decide the case on merits. Moreover, there is no difficulty for the non-applicants to produce the muster roll from July, 2014 to 30-06-2022, payment voucher from July, 2014 to 30-06-2022 and seniority list of the year 2020-2021. The non-applicants in their reply to this application have already admitted that the applicant has worked for 42 days in 2016, 59 days in 2017, 78 days in 2018, 50 days in 2019, 40 days in 2020, 26 days in 2021 and 91

days in 2022. In view of this it would be proper to direct the non-applicants to produce the said documents.

5. The applicant in this application has prayed that the non-applicants be directed to produce Government resolution dt. 15-01-1996, circular for charge in fees for tourist and circular under the Minimum Wages Act. It would be pertinent to point out here that the said documents are easily available to any citizen of this country. Therefore, it would not be proper to direct the non-applicants to produce those documents. In view of this discussion, the application is partly allowed by following order.

Order

1. The application is partly allowed.
2. The non-applicants are directed to produce muster roll for a period from July, 2014 to 30-06-2022, payment voucher for a period from July, 2014 to 30-06-2022 and seniority list of the year 2020-2021.
3. No order as to costs.

Place : Bhandara.
Date : 15-07-2024.

(F.K. Shaikh)
Judge,
Labour Court, Bhandara.