

Resumed on S.A on 22.06.2023.

Further cross-examination by Smt. Tanuja Tadvi, Ld. Advocate for the Respondents.

38. It is correct that from 15.10.2018 to 27.10.2018, I was holding the charge of Colony Officer on oral order. I now say that I was incharge of the post of Colony Officer as per the written order. It is correct that I have not filed the written order by which I was given the charge of Colony Officer. I can produce that document in the Court. I was given the charge of Colony Officer on the leave application of Vanmali, who was Colony Officer at that time by the Sr. Colony Officer, Ward Officer and Assistant Commissioner (R-Central Ward). It is correct that I was not given separate office-order of the charge of Colony Officer.

39. It is correct that hierachy of the officers is followed in BMC. It is correct that any letter from the CMO Office is first received by the office of Municipal Commissioner and thereafter it is received by the Ward Officer through Dy. Municipal Commissioner zone-wise. It is correct that the reply to the letter from the CMO Office is given through Assistant Commissioner. It is correct that I had sent the reply to the letter to the CMO Office with my signature without signature of the Assistant Commissioner. It is correct that in the reply sent to the CMO Office, I had admitted that I had sent that reply without bringing the letter to the notice of Ward Officer and Sr. Colony Officer. It is correct that this was the third enquiry initiated by the BMC against me. It is not correct that all the three enquiries were initiated on the similar type of misconduct. It is correct that the

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punishments awarded in the earlier enquiries were challenged by me and the writ proceedings related to those enquiries are pending before the Hon'ble High Court. It is correct that I have not filed the Circular dated 03.04.2000 in the record of the case. I don't remember whether it was the policy of the Corporation to apply the Municipal Service Rules to the employees. It is not true to say that Model Standing Orders are not applicable to me. It is correct that opportunity to submit my reply was given by me by the BMC in the present enquiry and accordingly I was heard by the enquiry officer. It is correct that I was awarded punishment for the misconduct under Rule 3(1) of the Municipal Service (Conduct & Discipline) Rules by the enquiry officer. It is not correct that I have unnecessarily filed this Complaint though I was guilty of misconduct and the punishment awarded to me was proper.

Cross is over.

Re-Examination: Nil.

R.O.A.C.

(S.B. PARATE)

Member,

Industrial Court, Mumbai.

Date:-22.06.2023.

Skn/-