

Resumed on S.A.**Further cross-examination on behalf of first party by Advocate Shri. B.D. Birjadar:-**

70) I say that I do not know the exact number of nurses working with first party. I further say that I do not know the exact number of hospitals run by the first party. I say that initially I worked at Bhardawadi hospital, by request, I was transferred to Bhagwati Hospital at Borivali and thereafter I was transferred at Pandit Madanmohan Malavia Govandi Shatabdi Hospital as a staff nurse. It is correct to say that the services of staff nurse are transferrable.

71) I say that other staff nurse involved in the present reference are not authorised to me to depose on their behalf. Witness volunteers that written authority letter not given. I was authorised orally. I say that I have evidence in respect I was authorised to depose on behalf of staff nurses. It is correct to say that I have not produced any document to show that I was authorised by the staff nurses. I say that in the present reference, is in respect of 830 staff nurses. I say that list of 830 staff nurses is filed on record. I say that out of 830, 500 staff nurse authorised me to depose on their behalf. I say that I was not personally met with 500 staff nurse. Witness is shown A File of the proceeding. I say that I have no exact knowledge, out of 830 how much staff nurses are the member of Mahapalika Aarogya Seva Karmachari Sanghatana i.e second party. I know exchange of letters between second party union and the Assistant Labour Commissioner, Mumbai. (On behalf of second party Smt. Vidula Patil, Advocate taken objection for the said question). I say that I have no knowledge in respect of contents of letter

issued to the conciliation officer under I.D. Act. I say that I have no knowledge whether the second party union raised dispute on behalf of 266 staff nurses at Assistant Labour Commissioner against the first party.

72) I say that I was appointed in the year 1994 as a staff nurse. I was made permanent in the year 1997. During the period 1994 to 1997, I have not raised any grievance, any complaint in respect of appointment orders, the terms and conditions mentioned therein. Witness volunteers that we used tell/inform to second party union. I say that I have idea whether at the relevant time i.e. from the date of appointment till extending the permanency other staff nurses, whether raised any grievance to the corporation or otherwise. I say that since 1992 staff nurses used to work on adhoc basis. I say that since 1994 other similar staff nurse, whether they raised any grievance in respect of appointment on adhoc basis to the corporation, I have no idea. I say that after my appointment, I raised grievance to my union in the year 1994. I say that since 1994, I was member of Mumbai Mazdoor Union upto 2018-2019. In other words, from last prior to six years from today, I was the member of Mumbai Mazdoor Union. It is correct to say that I do not know in respect of membership of other staff nurses. It is correct to say that after we raising the grievance to our union (Mumbai Mazdoor Union), the union never raised grievance to corporation about the staff nurses. I say that since last two years, I am the member of second party union. I do not know other staff nurses, are members from which date to second party union.

73) I say that I might have been gone through the statement of claim, right now I do not remember the contents of statement of claim. I say that affidavit in lieu of examination in chief is prepared after going through the statement of claim.

74) It is correct to say that prior to present one, our union filed complaint regarding grievance of payment, fixation. I say that in the year 2017, our union filed complaint, however, I do not remember the exact case number. I do not know whether 460 staff nurses filed complaint through second party union. I again say that I do not remember the case number filed in the year 2015 on behalf of 400 staff nurse. (460 individually filed complaint regarding grievances and pay fixation.) I do not know about that case filed for grievances and pay fixation. It is correct to say that I never asked in respect of the complaints filed in the Industrial Court nor the office bearers of union informed in respect of that case. I again say that I have no knowledge regarding the individual cases filed by staff nurses.

75) Now I am shown my affidavit in lieu of examination in chief at para no. 2. I say that Ramnath Jha Committee was not appointed for the grievance of staff nurses. I do not know whether second party union has mentioned the appointment of Ramnath Jha Committee in the statement of claim. I cannot give any reason why the appointment of Jha Committee is not mentioned in the statement of claim and why it was mentioned in the affidavit in chief. Now I am shown para no. 1, demand no. 1 in affidavit in chief wherein I have mentioned "I say that Model Standing Orders of the Industrial Employment (Standing Orders)

Act 1946 are applicable to the employees of the first party.” I have knowledge regarding the Model Standing Orders. It is correct to say that there is no mention about the word “adhoc” in the Model Standing Orders. It is correct to say that since 1994 to 1997, I was appointed on adhoc basis as staff nurse.

Q. You were not appointed as temporary or probationer for the period 1994 to 1997?

A. I was appointed on adhoc basis.

I say that other employees of corporation get the benefit of permanency after completion of probation period such as head clerks, auditors, account assistants etc. Therefore, we claimed permanency. I say that on behalf of second party union, we have filed documents regarding the appointment of head clerks, account assistants and auditors and on what basis they were appointed at first party corporation. I say that these employees i.e. head clerks, account assistants and auditors were extended the benefits as per the Ramnath Jha Committee recommendations. It is correct to say that the second party union raised grievances / demands for extension of permanency from 1994 demands raised in the year 2015.

Due to weakness of witness, further cross-examination is deferred till next date.

R.O.A.C.

Date: 08.04.2024

(M. R. Kumbhar)
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