

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

85) I say that I have not gone through the Sixth Pay Commission report. Now I am shown my affidavit in chief para no. 83 (in cross-examination). It is correct to say that as per circular issued in the year 2011 salary is fixed. I further say that circular issued in the year 2011 is challenged before the court. I do not know in which court circular of 2011 was challenged by the second party union. I do not know the progress of said case. It is not correct to say that circular issued in the year 2011 is not challenged before the court. I do not know whether any papers are filed before this court. It is correct to say that in view of circular issued in the year 2011 and agreement signed dated 19.09.2011 all wages are fixed. Now I am unable to tell the exact salary including basic, HRA and other allowances and grade pay fixed in the year 2011. It is correct to say that first party used to credit our salary through bank. I say that I never seen or checked my bank passbook where salary is credited by the first party. I say that before fixation of salary in the year 2011, I was getting wages / salary of total Rs.14,500/- per month. Now I am unable to tell exactly how much amount is increased in my salary after fixation in the year 2011. I say that approximately Rs.20,000/- wages were increased. I say that we raised the grievance against the fixation of wages and submitted form to that effect. It is correct to say that we have not filed the said form before this court.

86) It is correct to say that the two complaints filed by second party union bearing (ULP)Nos. 328/2011 and 411/2011, both were dismissed by the Industrial Court regarding the fixation of wages. I do not know whether judgment and order passed in

Compln. (ULP)Nos. 328/2011 and 411/2011 neither quashed and set aside, nor stayed by the higher court. It is correct to say that after fixation of wages in the year 2011, we get the time bound promotion in the year 2017. It is correct to say that after giving the time bound promotion, wages are fixed on the basis of circular issued in the year 2011. It is correct to say that we have not challenged the time bound promotion and fixation of wages before any court of law.

87) Now I am shown para no. 84 of my cross-examination. I say that I have not gone through the notification dated 22.04.2009 issued by Govt. of Maharashtra. I say that I do not know what is the notification dated 22.04.2009 issued by the Govt. of Maharashtra. I again say that I got information from my counsel in respect of notification dated 22.04.2009 issued by the State Govt. I received information that the pay fixation made by the first party is wrong. I again say that I have not gone through the notification dated 22.04.2009. I do not get any information regarding the terms and conditions of the notification issued on 22.04.2009. I do not know whether in respect of notification dated 22.04.2009 was mentioned in the agreement dated 19.09.2011 signed between first party and second party. I say that I never made any application in respect of notification to the first party. I say that second party union submitted the application regarding terms and conditions of notification dated 22.04.2009 in the year 2011. However, I do not see the application. I say that the said application was filed / submitted by Mazdoor Union. I do not know whether second party union had submitted any application or otherwise. I am unable to tell the names of office bearers of Mazdoor union and the full name of Mazdoor union. I am unable to submit the copy of application

which was filed by the Mazdoor union to the first party. It is not correct to say that our salary is fixed as per Sixth Pay Commission. The J.J. Hospital is the State Govt. hospital. I say that I am working as a staff nurse. My grade pay is Rs.4300/- whereas grade pay of staff nurse working in J.J. Hospital is Rs.4600/-. I say that after fixation of wages my pay band is Rs.5000-9800/-. Whereas the staff nurse working at J.J. Hospital, the pay band is of Rs.5500-10050/-. It is correct to say that we have not filed copy of payslip issued by J.J. Hospital to their staff nurse. It is not correct to say that there is no difference in salary of staff nurse of J.J. Hospital and the first party corporation.

88) Now I am shown document at Exh.C-16 colly. page no. 16. It is not correct to say that since 01.01.1996 the wages of staff nurse is fixed Rs.5000-8000/-. It is correct to say that I have wrongly stated the fixation of wages of Rs.5000-8000 as per circular in the year 2011. Witness volunteers that this wages is fixed as per Fifth Pay Commission. It is correct to say that as per Sixth Pay Commission since 01.01.2006 for the staff nurse, fixation of wages of Rs.9300-34800/- plus grade pay. Witness volunteers that the said fixation is made wrongly. My earlier statement regarding grade pay of Rs.4300/- is wrong. Whereas my grade pay since 01.01.2006 is of Rs.4200/-.

As court time is over, cross-examination is deferred till next date.

R.O.A.C.

Date: 06.08.2024

(M. R. Kumbhar)

Member

Industrial Court, Mumbai.