

Resumed on S.A. on 30.01.2026**Further cross-examination on behalf of second party by Advocate Shri. P. Devdas.**

17) It is correct to say that I have not produced the record of year 1992 onwards regarding backlogs of reserved posts. (The witness volunteers that I can produce the same on the next date.) It is correct to say that because of circular the nurses concerned in present reference have been kept temporary on adhoc post. It is correct to say that I have not produced the details of vacancies of nurses from 1992 onwards. I mean 'certain period' referred in para 5 of my evidence affidavit that is of five years i.e. from 1992 to December 1996. It is correct to say that the concerned nurses have been appointed as per the procedure prevailing at that time. It is correct to say that I have not filed on record the recruitment rules of corporation. It is correct to say that in retirement benefit, the benefit of temporary period is not given and accordingly the concerned nurses are not entitled for that benefit. It is correct to say that the increment and other benefits available to other nurses are not given to the concerned nurses during that period i.e. from 1992 to December 1996. (The witness volunteers that after confirmation, I will produce the record.) It is correct to say that all concerned nurses were given the employee code given to other permanent nurses. Now I am shown the contents of para no. 5 of my evidence affidavit. Therein, I noted that 'therefore, they were not affected in any way.' It is not correct to say that said sentence is incorrect. It is not correct to say that the further statements i.e. 'having paid all benefits as applicable to permanent employees/permanent staff nurses, the second party union cannot

have any grievance about their permanency etc.’ It is correct to say that the issue of permanency of the concerned nurses is continuously in discussion before Dy. Municipal Commissioner, Additional Municipal Commissioner and Commissioner. It is correct to say that only in 2015, the demand of concerned nurses was rejected by Corporation. I do not know whether the union had made demand i.e. to make permanent these concerned nurses before BMC and conciliation officer. It is correct to say that the Hon’ble Bombay High Court has given the order stating that Model Standing Orders are applicable to the employees of BMC. I have no any idea about the provision of Model Standing Order i.e. after the completion of 240 days, the employee should be made permanent. (The witness volunteers that it is correct that for the period 1992 to December 1996, concerned nurses were not made permanent, but out of them certain category belonging to certain caste were made permanent after 01.01.1997. Now I am shown the order of regularization dated 08.08.1994 issued by BMC to nurses whose names have been mentioned in that order. The witness states that it is not the order of regularization, but it is an order on temporary basis. It is correct to say that as per this order, these nurses were given all the benefits applicable to permanent employees. The enlisted employees were not given the probation period.

18) It is correct to say that in para no. 7 of my evidence affidavit, I have stated that ‘some union has filed Complaint (ULP)No.278/2011 before Industrial Court, Mumbai for permanency.’ But I do not know the members of that union, Brihanmumbai Mahapalika Paricharika, Pathyanirdeshika

Association, were adhoc or temporary. It is correct to say that this union was not from main union of nurses. I do not know whether the nurses in present reference are covered in Complaint (ULP)No.278/2011 or not. Now I am shown list Exh.U-63. It is correct to say that on said document, the signature of Divisional Labour Officer of BMC is seen. Therein total members 111 are shown. I cannot say confirmly without verification that in said list, other employees other than nurses are covered. Now I am shown page no. 3 of said list, exhibited as Exh.U-66 colly.

As per oral request of Shri. P. Devdas, Ld. Advocate for second party, cross-examination stands deferred.

R.O.A.C.

Dated: 30.01.2026

(Dr. Dhanashree G. More)
Member
Industrial Court, Mumbai.

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