

Resumed on S.A. on 17.03.2026**Further cross-examination by Ld. Advocate Shri P. Devdas on behalf of second party.**

22) Now I am shown appointment order of Khaple Sulabha Pandurang filed at sr. no. 2 of list Exh.U-75. It is correct to say that said order has been issued by BMC. This document is exhibited as U-79. It is not correct to say that the working of Government of Maharashtra staff nurses is 40 hours per week and monthly working hours are 160 hours. It is correct to say that the nurses of corporation were given 8 off duty system in the year 2020. It is correct to say that except KEM Hospital, Nair Hospital and Sion Hospital, in other medical institutions the said system was discontinued. It is correct to say that the working hours of KEM Hospital, Nair Hospital and Sion Hospital and other hospitals are different. It is correct to say that the same pattern which was continued in 2020 is continued till today for above mentioned three hospitals. It is correct to say that on 31.05.2024 one order has been issued by Additional BMC Commissioner that the above mentioned 3 hospitals should go with the pattern which was prevailed before 2020. It is correct to say that said order has been challenged by unions before Industrial Court. It is correct to say that the Industrial Court has granted stay order in said case and that case is still pending before Industrial Court. It is correct to say that after 2024 the system of 8 offs is applied for nurses of Kasturba Hospital. It is correct to say that when the salary of nurses of Kasturba Hospital were also deducted on the ground of 8 off system not applicable, they approached Industrial Court by filing complaint

(ULP)No.172/2025. It is correct to say that as per the direction of court in C(ULP)No.497/2024 a committee was constituted for resolving the dispute of 8 off in a month. It is correct to say that one meeting has held by that committee in which I was participated. Now I am shown page no. 91 to 116 of list Exh.U-73. In the said meeting, Mr. Sharad Ughade was chairman of that committee. The list of these documents i.e. from 91 to 116 has been forwarded to union through me. Now I am shown page no. 115. There is a remark of Additional Commissioner of Western Suburb. It is correct to say that as per the remark of Additional Commissioner of Western Suburb, representative of union has not been taken as the committee member. It is not correct to say that we have not followed the directions of committee. Now I am shown page no. 12 and 13 of list **Exh.U-80**. It is correct to say that by notifications dated 20.05.1991 and 15.12.1979 the working hours of State Govt. nurses are regulated. (Witness volunteers that now subsequently it is changed, however, I have not filed any document in regard to this in present matter, but filed the relevant document in other corresponding matter.) (Witness further volunteers that on the next date I will produce the concerned document before this court.) The above notifications are exhibited as **U-81** and **U-82**. It is not correct to say that by not giving permanency or regularization, the concerned nurse in this reference, the first party has committed misconduct. It is not correct to say that having same conditions of service of nurses of State Govt. and BMC, by denying less working hours as per the State Govt. pattern, the first party has committed injustice to the nurses of BMC. It is true to say that the workload of

nurses in Mumbai city is more than other cities in India. I do not know whether there was any provision in the agreement/settlement in long term settlement about working of nurses prior to 2011 agreement. I do not know whether management has made demand to the union about the insertion of provision regarding working hours of nurses in said agreement or settlement. The working hours of nurses for State duty is 160 hours in 4 weeks and for circle duty /shift duty 198 in a month. Pay-scale of these two types of nurses is same. (Witness volunteers that as per the seniority their grade will be increased.)

Cross-examination completed.

No re-examination.

Witness discharged.

R.O.A.C.

Dated: 17.03.2026

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

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