

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

68) I say that I do not know how the wages are fixed by the first party. I say that whether fixation on the basis of sixth pay commission was rightly calculated or otherwise, I do not know. Now I am shown documents with list Exh.C-14. At sr. no. 1 (page no. 1 to 25) is the copy of pay fixation dated 30.09.2011. It is at Exh.C-16 collectively. It is correct to say that on the basis of sixth pay commission, my wage is fixed as per pay scale at Rs.9300-34800 per month. It is correct to say that it is implemented with effect from 01.01.2006. It is correct to say that as per the pay scale grade pay starts from Rs.4200/- per month. I do not know whether pay-scale of nurses working at Govt. hospitals and our pay-scale is similar. I do not know whether nurses working at Govt. hospitals getting Rs.4200/- grade pay. It is correct to say that I have no knowledge or information regarding pay-scale and service conditions of nurses working at Govt. hospitals. It is not correct to say that due to clubbing of senior and junior nurses, we have no loss in our pay-scale. I say that nurses of senior and junior were clubbed during the fifth pay commission. I do not know whether BMC never adopted fifth pay commission. I was working as senior nurse. I say that I am unable to tell the exact amount to which I suffered the loss due to fixation of sixth pay to the employees of BMC. It is correct to say that initially I was getting Rs.5,000/- (pay-band) as a basic wages. I say that after implementing the sixth pay commission, my pay was fixed at Rs.900-34800 basic plus grade pay.

69) Now I am shown list of documents at Exh.U-5 (Exh.U-13) copy of agreement dated 19.09.2011. It is correct to say that Mumbai Mahanagar Palika Karyalaeen Karmachari Sanghatana and Mumbai Mahanagar Palika Karmachari Mahasangh is headed by Advocate Prakash Devdas. It is correct to say that agreement dated 19.09.2011 signed with Mumbai Mahanagar Palika Karyalaeen Karmachari Sanghatana and Mumbai Mahanagar Palika Karmachari Mahasangh and its allied unions signed agreement and our union namely Mahapalika Aarogya Seva Karmachari Sanghatana is allied with above sanghatana. I say that at the time of filing statement of claim, Mr Prakash Devdas union leader as well as our Advocate, called meeting of all the nurses and thereafter filed statement of claim. It is correct to say that one complaint bearing (ULP) No. 381/2015 in respect of pay-scale is filed before this court. I do not know why C(ULP)No.381/2015 for the prayer of pay-scale filed before the Industrial Court was not mentioned in statement of claim. I do not know during the meeting any discussion is going on in respect of C(ULP)No.381/2015. I do not know whether the said case bearing C(ULP)No.381/2015 was withdrawn by the second party union or otherwise. I do not know why the C(ULP)No.381/2015 was withdrawn by the second party.

70) Now I am shown my affidavit in chief at Exh.U-4. I say that I have no knowledge regarding upgradation of wages. I do not know there is no rules in respect of upgradation of wages.

71) It is correct to say that I have no documents or filed before this court to show that the nursing staff of Govt. hospitals were getting holidays on second and fourth saturday. I do not know whether any clause / provisions made and mention in sixth pay commission regarding holiday of second and fourth saturday to the nurses of Govt. hospitals. Witness volunteers that as per discussion and on the basis of circular off hours are adjusted on second and fourth saturday. It is correct to say that there is no circular regarding holiday of second and fourth saturday. It is correct to say that in agreement dated 19.09.2011, it is not agreed between the parties in respect of granting holidays on second and forth saturday of the month to the nurses. I say that in case we work on saturday, we get compensatory holiday on any working day. It is correct to say that whenever we worked on the saturday, we got compensatory holiday.

72) I say that we have produced the document on record to show that the nursing staff of Govt. are getting special pays and allowances. I say that as per office memorandum dated 31.08.2017 issued by Govt. of India, Ministry of Health and Family Welfare Finance (Nursing Section), Govt. increased the nursing allowances from Rs. 4800/- per month to Rs.7200/- per month as per the revised rate as per Seventh CPC (Central Pay Commission). It is correct to say that memorandum / circulars are not in respect of nurses of Govt. of Maharashtra. I do not know whether there is any circular regarding nursing allowance in the year 2015. I do not know whether in respect of special allowance to the nursing staff is mentioned in sixth pay

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Exh.U-9

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commission or otherwise. I do not know whether any provision is made in the agreement signed on 19.09.2011 with BMC. I do not know at the time of signing of settlement with second party union on 19.09.2011, the comparison was made with State Govt. employees. I do not know on what basis demand in respect of special allowance was raised. It is not correct to say that the contents of my affidavit regarding demand nos. 2 to 5 are not justifiable and they are false.

Cross-examination completed.

Re-examination nil.

Witness discharged.

R.O.A.C.

Date : 23.03.2023

(M. R. Kumbhar)

Member

Industrial Court, Mumbai.

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