

Resumed on S.A.**Cross-examination by Adv. Shri. G.R. Naik for respondent nos. 1 and 3:-**

16) It is not correct to say that the provisions of Mumbai Industrial Relations Act (MIR Act) are not applicable to BEST undertaking since 26.7.2019. The notification dated 26.7.2019 is not stayed by any court i.e. the Hon'ble High Court or Supreme Court is correct. It is not correct to say that the complaint is barred by limitation. It is not correct to say that the complainant union is not representing the employees of the MCGM. It is true to say that the complainant union was representative union for the BEST undertaking for the transport industry and common administration department of BEST undertaking. Witness volunteers that that complainant union is still representative of undertaking. It is correct to say that provisions of MIR Act, 1946 are not applicable to the MCGM employees. The service conditions of MCGM and BEST undertaking are different is correct. Municipal Service Rules are applicable to the employees of MCGM is true. It is true to say that appointment letter to employees of MCGM is issued by the Commissioner of Municipal Corporation and appointment letter for the employees of BEST is issued by the General Manager. It is true to say that services of the employees of BEST undertaking and MCGM are not transferable in between them.

Q. The MCGM is not signatory to the MOU at Exh.U-15 dated 11.6.2019?

A. The MOU is signed by the General Manager of the BEST undertaking who is one of the officers of the MCGM. And he has signed the MOU on the directions of the Municipal Commissioner.

We have the prayer against the MCGM also. It is the responsibility of MCGM also to maintain the fleet of 3,337 self owned buses with the BEST undertaking. It is not correct to say that the complaint is not maintainable against the respondent nos. 1 and 3 as we are not representing the employees of respondent no. 1 MCGM. The contents of my affidavit and the allegations against the MCGM are false, is not correct.

Cross-examination by Ld. Adv. for respondent nos. 2 and 4 & 5.

At the request of Ld. Advocate, matter is adjourned to 15.03.2022.

Date: 14.03.2022

(R.N. AMBATKAR)
Member
Industrial Court, Mumbai