

Resumed on S.A.

17) My name is Nana Shrirang Suradkar, aged 47 years, residing at B/102, Sadhana Tower, Govandi Buddha Nagar Co-op. Society, Govandi-43. I have filed my examination in chief by way of affidavit at Exh.UW-1. Contents therein are true and correct. It bears my signature. I have nothing to say more besides my examination in chief by way of affidavit.

Further examination in chief on behalf of complainant by Advocate Shri. Nimbalkar.

18) Now I am shown list of documents at Exh.U-4. At sr. no. 1 is the copy of office order dated 02.09.2013. I say that by this office order I am appointed as clerk cum typist with effect from 02.09.2013 which is at Exh.U-11. Now I am shown document at sr. no. 2 wherein seven copies of appointment letters issued to me by the respondent. I say that by an office order dated 17.02.2014, 02.09.2014, 01.09.2015, 03.03.2016, 06.09.2016, 10.03.2017, 12.09.2017 are the copies of my appointment orders issued at relevant time. All are at Exh.U-12 colly. Now I am shown document at sr. no. 3 in which at Exh.C-1 is the xerox copy of passbook of Kurla Nagari Sahakari Bank Ltd., Branch Govandi. At Exh.C-2 is the xerox copy of bank passbook maintained at Allahabad Bank. I say that original bank passbook brought in the court for verification if required. Document at sr. no. 3 which is at Exh.U-13 colly.

Examination in chief completed.**Cross-examination on behalf of respondents by Advocate Shri. Mahesh Shukla.**

19) It is correct to say that from 15.03.2018 I am not in the

employment of respondent. It is correct to say that respondent no. 1 is fully aided / sponsored or funded by University Grant Commission, New Delhi (UGC). It is correct to say that UGC having control and supervision over the respondent no. 1. It is correct to say that I was appointed every time for the period of six months. Now I am shown first appointment order dated 02.09.2013 which is for the period of six months only. I say that I have not raised any dispute against the terms and conditions of appointment order either to the respondent or else where. It is correct to say that the appointment order dated 02.09.2023 (Exh.U-11) is on temporary basis. It is correct to say that during the tenure of my employment, I have not challenged the terms and conditions of appointment orders issued from time to time either before the respondent or elsewhere.

20) I say that in the year 1996, I have registered my name at employment exchange. It is correct to say that my temporary appointment at respondent was not done / made by the recommendation of employment exchange. I say that at the time of initial appointment, according to me, there is one permanent vacant post of clerk cum typist at respondent. I do not know what is the procedure to fill the permanent post of clerk cum typist. It is correct to say that I have not knowledge in respect of recruitment process of permanent vacant posts at respondent. I say that I have not gone through the Standing Orders. I further say that I have no knowledge whether the Standing Orders are applicable to respondent or otherwise.

21) Now I am shown para no. 9 of my affidavit in chief. I say that I am not aware in respect of rule no. 3 and 5 of respondent no. 1. It is correct to say that as on today I have not filed any documentary

evidence to show that number of permanent vacant posts of clerk cum typist at respondent. I say that respondent has filed their written statement at Exh.C-5. I have not gone through the same. I am ready to produce the copy of bank statement/xerox of bank passbook from March 2018 onwards. I say that I do not file income tax returns. I am ready to produce the copy of PAN card on record on the next date.

22) It is not correct to say that from every order of appointment, there is no artificial break given by the respondent. It is correct to say that for the period from 2013 to 2018 my appointment was not as per recruitment procedure. It is correct to say that as per the terms of contract, from 15.03.2018 by efflux of time, my services are terminated. It is correct to say that I have filed one complaint bearing (ULP)No.105/2018 before the Labour Court at Mumbai for the purpose of reinstatement with continuity of service and full back wages. It is not correct to say that the entire contentions of my affidavit in chief are false.

Cross-examination completed.

No re-examination.

Witness discharged.

R.O.A.C.

Date: 26.04.2024.

(M. R. KUMBHAR)
Member
Industrial Court, Mumbai.

ams/-