

Resumed on S.A.

11. My name is Shri Navduri Nageswara Rao, aged 58 years, residing at Nerul, Navi Mumbai. I have filed my examination in chief by way of affidavit at Exh.C-8. 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 Respondent by Advocate Smt. Priya Baria :-

12. Now I am shown list of document at Exh. C-12 at sr. no.1 is the xerox copy of letter dated 02.11.2023 received from University Grants Commission (UGC) to the Respondent No.1. I say that today I have brought the original copy of letter dated 02.11.2023 for verification. I am ready to produce on record if required. The contents therein are true and correct **which is at Exh C-14.** Document at sr. no.2 is the circular dated 23.05.2018 issued by Government of India, Ministry of Finance, Mumbai regarding abolishing of posts lying vacant for more than five years. The circular is obtained from website of Government of India. I have separately filed affidavit at Exh C-13 under section 63 of Bharatiya Sakshya Adhinyam 2023. The contents of affidavit are true and correct **which is at Exh C-15.** Document at sr. no.3 are the xerox copies of attendance register of the temporary staff for the period September, 2013, March and September, 2014, 2015, 2016 and 2017. **They are at Article "A"**. I say that original attendance register is submitted before 3rd Labour Court, Mumbai bearing Com (ULP) No. 105/2018. I have made application for certified copy before Labour

:6:

Court, Mumbai. After receiving the same I am ready to produce before this court.

Examination in chief completed.

Cross-examination on behalf of Respondent by Advocate R. A. Nimbalkar :-

13. I say that since 1997 I joined Respondent No.1 as a Technical Officer. I say that since 2005 I was promoted on Senior Technical Officer-1 Post. I was promoted twice. I was promoted second time as a Technical Officer-2. I say that now I am working as Senior Technical Officer-2 and In charge Deputy Registrar of Respondent No.1 namely Western Regional Instrumentation Centre, Mumbai. I say that there is no post namely Registrar at Western Regional Instrumentation Centre, Mumbai. I say that the Deputy Registrar is administrative post of Respondent No.1. Thereafter Assistant Registrar for administration. I say that one Mr. G. D. Patil, In charge Assistant Registrar prior to me working with Respondent No.1. It is correct to say that for the year 2016-2017 Mr. G. D. Patil was In charge Assistant Registrar of Respondent No.1. I say that one Miss Mohini Thackeray, In charge Deputy Registrar of Respondent No.1 prior to Mr. G. D. Patil, In charge Assistant Registrar was working till 14 November, 2014.

14. Now I am shown list of document at Exh U-4. At sr. no. 1 (Exhibit "A") - Exh U-11 is the copy of Office order dated 02.09.2013 is signed by Miss Mohini Thackeray, Then In charge Deputy Registrar of Respondent No.1. Document at page no.2 (Exhibit B-1) – Exh U-12 colly is the copy of Office order dated 17.02.2014 and (Exhibit B-2) is the copy of Office order dated 02.09.2014 signed by Miss

:7:

Mohini Thackeray, Then In charge Deputy Registrar of Respondent No.1. Now I am shown Document at page no.4 (Exhibit B-3) is the copy of Office order dated 01.09.2015. Document at page no.5 (Exhibit B-4) is the copy of Office order dated 03.03.2016. Document at page no.6 (Exhibit B-5) is the copy of Office order dated 06.09.2016. Document at page 7 (Exhibit B-6) is the copy of Office order dated 10.03.2017 and document at page no.8 (Exhibit B-7) is the copy of Office order dated 12.09.2017 bears signature of In charge Assistant Registrar namely Shri G. D. Patil. It is correct to say that Miss Mohini Thackeray, In charge Deputy Registrar and Mr. G. D. Patil, In charge Assistant Registrar of Respondent No.1 are administrative head of Respondent No.1 at relevant time. It is correct to say that Respondent no.1 is the Government autonomous body. It is correct to say that separate rules and regulations for administration prepared by Respondent no.1. I say that for the employees of Respondent No.1 there are rules and regulations of employees as well as terms and conditions are governed by governing council of Respondent No.1. Witness volunteers that Respondent No. 1 is 100% funded by University Grants Commission.

Question :- The rules and regulations applicable to the employees of Respondent No.1 are not certified under model standing order ?

Answer :- The model standing orders are not applicable to Respondent No.1. Respondent No.1 is autonomous institutions for education, training and teaching technical staff and teachers staff.

15. I say that the nature of work of Respondent no.1 - imparting training to teachers and technical staff, maintenance of instruments and providing instruments maintenance services and

:8:

research and designed instructions providing internships to students in engineering. It is correct to say that total 36 employees are working with Respondent no.1 at the time of filing affidavit in chief before this court. I say that total 60 sanctioned post at inception of Respondent No.1. It is correct to say that there are four post of typist cum clerk of Respondent No.1. As on today two employees working as typist cum clerk at Respondent No.1. It is correct to say that at the time of appointment of any employee Respondent No.1 use to take approval from UGC from Class II position onwards. I again say that from Class III onwards. It is correct to say that the salary of complainant was paid monthly by Respondent No.1. It is correct to say that Respondent No.1 use to maintain attendance register of Complainant.

16. At this stage as per oral request of Advocate R. A. Nimbalkar cross examination is deferred till next date.

R.O.A.C.

Date :-14.02.2025
HSG/

Sd/-
(M. R. KUMBHAR)
Member,
Industrial Court, Mumbai.