

Resumed on S.A.**Further cross-examination by Ld. Adv. R.A. Nimbalkar for respondents:**

17) Now I am shown two original attendance register filed by respondent company below list Exh.C-17. These attendance registers are from March 2013 to July 2016 and August 2016 to September 2016. These documents are exhibited as **C-19 colly.** and **C-20 colly.** It is correct to say that the name of the complainant Shri. Nana S. Suradkar is seen both these registers. It is correct to say that complainant was appointed on 02.09.2013 vide appointment letter 02.09.2013 hence his name was inserted in muster register on 02.09.2013. It is also correct to say that in said register his designation is noted as 'clerk cum typist.' Now I am shown appointment letters filed below list Exh.U-4 from Exh.U-11 and Exh.U-12 collectively. It is correct to say that in said appointment letters the terms and conditions relating to leaves have not been mentioned. Now I am shown above-mentioned attendance register. In said attendance register, one separate column is there with remark about his CL taken by complainant. It is correct to say that in said attendance register, the complainant has signed. It is correct to say that the rules regarding to CL applicable to regular employee is same applicable to complainant. Now witness has shown the attendance registers. It is not correct to say that the complainant has completed continuous and regular 240 days' service with respondent institute. The witness states that the complainant was given the appointment letter of 180 days only. It is correct to say that I am not aware about the definition of 'continuous service' given under the provisions of the Act. It is not correct to say that the breaks of one day shown several occasion in

muster register is artificial and the complainant actually worked on these days. It is correct to say that the amount of PF has not been deducted from the salary of complainant. It is correct to say that the respondent institute has not prepared or made the PF account of complainant. It is correct to say that the complainant was not paid gratuity or other legal dues. It is correct to say that the complainant was never issued any memo, chargesheet or show cause notice during his service tenure. It is not correct to say that no enquiry has been conducted against the complainant and he was arbitrarily terminated from services. It is correct to say that in respondent institute, the post of clerk cum typist is still vacant. I cannot say that as still that post is vacant, the complainant is entitled for permanency. It is not correct to say that the respondent institute used to pay the complainant from the grant received from UGC. It is correct to say that in my evidence affidavit I have not stated anywhere about the fund from which the complainant was paid. It is not correct to say that my statement i.e. respondent institute used to pay the complainant from the grant received from UGC, is wrong and false. It is not correct to say that the respondent institute has intimated to UGC about the employment of complainant as clerk cum typist. (The witness volunteers that it is not necessary to inform about the temporary or adhoc appointments to UGC.) It is correct to say that in support of this statement, I have not filed any document on record. It is not correct to say that today I am deposing falsely before this court.

Cross-examination completed.

No re-examination.

Witness discharged.

R.O.A.C.

Date: 06.03.2026.

ams/-

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