

**Resumed on S.A. on 17.03.2025.**

**Examination-in-chief by Shri R.R. Yadav, Ld. Representative for the Complainants.**

10. I have filed my affidavit-in-lieu of examination-in-chief at Exhibit U-9. It bears my signature. Its contents are true and correct. Now I am shown the documents filed on record at page Nos.6-69 alongwith list Exhibit U-4. They are the final dues bill received under the RTI Act. They are collectively marked as **Exhibit U-10**. The document at Sr.No.3, page Nos.70-80 are copies of Administrative Orders and Departmental Circulars issued by the Respondent Undertaking. They are collectively marked as **Exhibit U-11**. At Sr.No.4 (Page No.81-83) is the copy of memorandum of understanding dated 11.06.2019. It is marked as **Exhibit U-12**. At Sr.No.5 (Page Nos.84-103) are the copies of demand letters sent by the Complainants to the Respondent Undertaking. They are collectively marked as **Exhibit U-13**. Copy of the Order passed by the Hon'ble Bombay High Court in Writ Petition No. 1364/2021(Page Nos.104-115) is marked as **Exhibit U-14**. Copy of final Order passed by Member, Industrial Court, Mumbai in Complaint (ULP) No.96/2022 (Page Nos.116-136) is at **Exhibit U-15**.

**Cross-examination by Shri. Haresh Shivdasani, Ld. Counsel for the Respondent.**

11. Some of the Complainants have retired prior to my retirement and some have retired after my retirement. I know Complainant No.17 viz. Ismail Usmankhan Pathan. However, I do not know his date of retirement. He may have retired on 01.07.2018. It is

: 07 : Comp.(ULP)No.945/2024(U-9)

true to say that alongwith this Complaint, the Complainants have not filed the delay condonation application. It is true to say that other Complainants have not given me written authority for deposing on their behalf in this matter. It is true to say that this Complaint is in respect of my final legal dues bill , LTA and also that of other Complainants. The final legal dues bills involve exgratia, leave encashment and leave travel allowance from 2022 till the date of retirement. I have received the amount of provident fund. I have not received the gratuity amount. It is not true to say that the other Complainants have received full gratuity amount. Complainant viz. Siddharth Sahadeo Bhalerao has received full gratuity amount. It is true to say that Anil Karangutkar has received Rs.9634/- towards his final dues bill. It is true to say that the Complainants are praying for final legal dues bill ranging from Rs.3-7 lakhs. I do not know whether Writ Petition is pending before the Hon'ble High Court in respect of payment of legal dues of retired BEST employees. Witness volunteers that he has not received any amount. I do not know personally whether the other Complainants who have retired prior to 01.05.2024 have partly received the amount of legal dues as per the Order of Hon'ble High Court which is passed in the above Writ Petition. It is not true to say that I deposed falsely.

Cross is over. Re-Examination: Nil.

R.O.A.C

( S.G.THUBE )

Member,  
Industrial Court, Mumbai

Date :-17.03.2025.  
skn/-