

**Resumed on S.A.****Cross-Examination by Adv.N.M. Jagdale for Respondent**

27. I have studied upto 8<sup>th</sup> Std. I have gone through my affidavit and I understood the same. I joined the respondent Corporation as Driver since 07/01/1998. Every year the Drivers of Corporation used to be checked up regarding eye sight. It is true to say that my medical examination done at J.J. Hospital, Mumbai and it was certified that I was having colour blindness. It is true to say that due to my colour blindness I was recategorised as Security Guard since 20/12/2013. It is not true to say that though an employee working as security guard his eyes are checked every year through medical officer. It is true to say that on 29/07/2016 the Corporation has issued Circular regarding action to be taken in the case of employee found in colour blindness. It is applicable throughout Maharashtra. It is not true to say that the said circular can be challenged only by union and I have no locus standi to challenge the same. As to the question that the union has challenged the said circular in the Industrial Court, Mumbai, I would say that the said matter has been decided in favour of security guards. It is true to say that in pursuance to said circular I was asked by respondent Corporation to approach J.J. Hospital in order to check my eye sighte. It is true to say that I went for medication examination and on examination certificate dt.21/09/2016 was issued by J.J. Hospital to the Corporation. It is not true to say that as per report of

J.J. Hospital it was informed to the respondent Corporation that I am not having colour blindness. It is not true to say that after receipt of report from J.J. Hospital I was again sent by the respondent Corporation for checking fitness of the post of Driver on 20/04/2017 to J.J. Hospital. It is true to say that I was directed by the respondent Corporation to approach Civil Hospital and to get the whole medical examination is done. It is true to say that I have filed one complaint in the Labour Court, Sangli bearing Comp.(ULP) No.13/2017. It is true to say that the said complaint was partly allowed. It is true to say that during pendency of complaint before the Labour Court I have filed this complaint in the Industrial Court. It is true to say that there is no interim relief granted in my favour in this case. It is true to say that I have approached the Hon'ble High Court against the order of this court and obtained stay order. It is true to say that till today I have not approached the Civil Hospital for medication examination. Witness volunteers that I have not received letter dt.8/08/2017 from the respondent Corporation. It is true to say that my salary of driver is protected.

Q.) I put it to you that since you have not approached the Civil Hospital for medical examination no action could have been taken against you ?

Ans. I have not received the letter of medical examination from respondent Corporation hence I have not approached the Civil Hospital.

28. It is not true to say that an employee working as security guard is not eligible for the post who is having colour blindness. It is not true to say that on 5/04/2017 I have again informed to approach Civil Hospital for re-medical examination. Since I have not received the said letter I did not get myself examination at Civil Hospital. It is not true to say that my prayer for quashing the Circular dt.29/07/2016 is illegal and cannot be granted. It is not true to say that my prayer regarding quashing of letter dt.05/04/2017 is also illegal and cannot be granted. It is true to say that in prayer clause-c of my complaint and affidavit I have prayed to quash and set aside the letter dt.05/04/2017 issued by respondent Corporation. It is not true to say that I am aware about the said letter. I am not willing to work as driver hence I filed this complaint. It is not true to say that I have filed false affidavit and I am deposing false.

Cross-examination completed.

No Re-Examination.

Sd/-

Sangli.

Date : 23/06/2023.

(D.M. Patil)  
Member,  
Industrial Court, Sangli