

ROSA.

Name : Abhay Manohar Pendase Age: 60 years

Occ. Service R/o. Shirwal

I have filed my affidavit of examination in chief below Exh.U-9. Same bears my signature. Contents of the same are true and correct.

Date: 09.01.2026

(S.V.Suryawanshi)

Member,

Satara.

Industrial Court, Satara.

**Further examination in chief of witness by advocate
Shri.Manoj Suryawanshi for Complainant.**

1. Today I have brought original of documents copies of which are filed at Sr.Nos.1 to 25 of Exh.C-4. Witness produced original documents for verification. (Original documents returned to witness after verification.) Documents are marked as Exh.C- to C- respectively. At Sr. No.26 there is a pen drive. The same is marked as Article A for identification.

**Cross examination of witness by advocate Shri.D. S. Patil for
the respondent.**

1. Presently I am not in the employment of the Complainant. A union named Lawkin Kamgar Sanghatana is functioning in the Complainant company from prior to the year 2017 till date. Prior to June 2017 all the employees of

Complainant were the members of said union. It is wrong to say that in the year 2017, Respondent No.1 union was formed in the Complainant company. It is not true to say that said union sent a letter of formation of union. It is not true to say that 137 members of said union accepted the membership of Respondent union by submitting their resignation of membership. Question of pressurizing the workers to resign from the membership of Respondent union does not arise since the Respondent union was not at all formed in the Complainant company. Question of issuing notices to the workers to pressurize them for resigning from membership of Respondent union does not arise since the Respondent union was not at all formed in the Complainant company. I am not aware which employees of our company became member of Respondent union. There were discussions with the Respondent Union before the Assistant Labour Commissioner. It is not true to say that on 01.05.2019 charge sheet was issued against 54 workers. Charge sheet was issued to 18 workers only, that too in October 2019. It is wrong to say that, in May 2019 we refused 54 workers to join the duties. Till 2nd August 2019, those 54 workers were not present in the company. It is true to say that Complaint ULP No.93/2019 was

filed for those workers before this Court. Said complaint was settled by consent. It is not true to say that there was a clause in consent terms to waive all the grievance against each other prior to 2019. It is not true to say that I am deposing falsely. It is not true to say that we have made false allegations against the Respondent union since the Respondent union was formed in the year 2017. It is not true to say that Respondent union has not committed any unfair labour practice as alleged in the complaint. It is not true to say that Respondent Union has not committed any misconduct from 08.04.2019 in the Complainant company. From the year 2019 also none of the worker of the Complainant is the member of the Respondent Union. We have not raised a separate reference for declaration of illegal strike against the Respondent since they have withdrawn the strike notice. It is not true to say that all my contentions in the complaint are false and I am deposing falsely.

Adjourned on request of learned advocate for Respondent.

Date: 09.01.2026
Satara.

(S.V.Suryawanshi)
Member,
Industrial Court, Satara.

ROSA. Cross continued.

Resumed Cross examination of witness by advocate Shri.D. S.

Patil for the respondent.

2. Anup Suryawanshi and Arjun Chavan are not the employees of the Complainant. It is true to say that Respondent has withdrawn notice of strike dated 18.03.2019 by letter dated 03.04.2019. It is true to say that none of the workers of the Complainant went on strike after 12.03.2019. It is not true to say that none of the workers have done any kind of *gherao* or protest as mentioned in my affidavit. Now I am shown consent terms filed in complaint (ULP)No.93/2019. Contents therein are correct. The same is taken on record and marked as Exh.U- . It is true to say that in said complaint a pursis was filed by the Respondent union on 08.04.2019. It is not true to say that from 08.04.2019 Respondent union has not committed any kind of agitations, strikes or misconduct. It is not true to say that we have not filed any evidence on said aspect in this matter. It is not true to say that I am deposing falsely that Respondent union has committed misconducts after 08.04.2019. It is not true to say that notices filed in this matter are false. It is not true to say that norms for each product in each shift were not decided in the

settlement. It is wrong to say that norms for 59 workers were decided for the first time in the consent terms filed before this Court. It is correct to say that in the consent terms norms for 58 workers were decided as mentioned in annexure to the consent terms. These 58 workers resumed duties w.e.f.03.08.2019. It is not true to say that after resuming the duties for 4 to 5 months these workers have given production as per norms. It is true to say that out of those workers 18 workers are terminated by the Complainant after issuing charge sheet. Those workers challenged their termination by filing references before the Learned Labour Court. Said references are awarded by the Learned Labour Court. Against said awards both parties approached before Hon'ble High Court by filing writ petitions. Respondent Union was never in existence in the Complainant undertaking. It is false to say that since none of the employees of the Complainant are the members of the Respondent Union, this complaint has become infructuous. It is not true to say that I am deposing falsely.

Cross complete. Re-examination Nil.

Date: 23.01.2026

Satara.

(S.V.Suryawanshi)
Member,
Industrial Court, Satara.