

**Reference (IT) No.4/2016****Exh. C-10****Resumed on S.A. today on 15.10.2018****Cross-exam. by Ad. Todkar for Second Party**

190. I am aware about the 26 members of the union who are fighting the present reference. I am aware about the facts of the present reference. In our Shirwal Plant we used to manufacture the furniture components including wooden and steel. It is true to say that we are using machinery for manufacturing the furniture components. I am unable to say whether 40 to 50 machineries installed in our plant for the manufacturing of furniture components. But it may be about 40 to 50 machines. It is not true to say that the machine used to operate by the operators. Volunteers that the machineries are automatic. It is true to say that the names of some of the machineries are Holzma, HKL, Weeke, Vantage, Hp, AG 500, Baz, Skipper, BHX, Punching machine, LVD, Hydraulic Bending, Tile Folding, Fascia Folding, CNC Machine, Spot Welding Machine, etc.

191. It is true to say that we are having Forklift Machine for the movement of material. It is true to say that the Forklift Machine operated by the Driver. It is true to say that in order to operate above mentioned machines, one person is required on each machine to operate the same. It is correct to say that one person

is required to supervise each machine to see its proper functioning.

192. It is not true to say that one person is required to operate Holzma and HKL wood board cutting machine. It is true to say that lipping is fixed on the wooden cutting pieces. It is not true to say that while the company manufacturing the components of furniture, one has to do the programming and setting. It is true to say that a person is required for setting of machine. It is true to say that the person is required to check the manufacturing product to verify the dimensions. It is true to say that some of the products required drilling. It is true to say that the routing, grooving is required for some of the wooden components. It is true to say that labeling and packing is required to be done regarding the finished products. I am not aware whether the work of diasettings and punch settings is required while manufacturing the products. I do not agree with the suggestion that the 26 workers who are representing the present reference are doing the above mentioned jobs in our plant.

193. It is true to say that the workers of Shirval Plant are doing the work in three shifts. It is true to say that the timing of the shift is 7.00 a.m. to 3.40 p.m., 3.40 p.m. to 12.00 a.m. and from 12.00 a.m. to 7.00 a.m. It is true to say that the 26 workers of the present reference are working in our Plant in one of the shift as per the direction of their superiors. It is true to say that in our Plant we have introduced the band system. In our plant, we have

introduced six type of bands i.e. K, A, O, P, T & E. It is true to say that the lowest band is “K” band. It is true to say that all the 26 workers of the present reference are working in “K” band category. About 70 persons may be working in our plant in “K” band category. It is true to say that about 50 persons are working in other categories of bands. It is not correct to say that the persons who are working in “A” band used to call as Supervisor. Now again say it is correct. It is true to say that the persons working in “O” band category are generally Engineers and the persons working in “P” band category are the Managers. The persons working in “T” band category are called as AGMs and DGMs. The person working in “E” band category is called as General Manager. It is not correct to say that the persons working in “K” band have to work under the supervision of the persons from E, T, P, O & K band categories. The instructions to the persons working in “K” band are given in shift plan. The persons working in “T” band and “P” band are preparing the shift plans. It is correct to say that out of 26 workers representing the present reference, 25 workers are the ITI. I am unable to say whether the last one is only 10<sup>th</sup> pass worker. It is correct to say that except the persons working in “K” band, the other persons working in the rest of the bands, are having their individual email IDs. It is not correct to say that the persons working in “A” band category are preparing the designs of furniture components. It is correct to say that none of the person working in A, O, P, T & E band categories are actually operating any of the machines of our plant. It is correct to say that none of the 26 workers of the present reference is authorized to

recommend, sanction or cancel the leave application of any one from the plant. Volunteers that the leave is sanctioned by the departmental head. It is not correct to say that none from the 26 workers is empowered to take any policy decision regarding the Shirval Plant. I have not produced any document to show that anybody from 26 workers took any policy decision of Shirval Plant till date. It is correct to say that none of them out of 26 ever took any policy decision of Shirval Plant. Therefore, we have not produced any documentary proof in that regard. It is correct to say that none from the 26 workers is empowered to give approval of increment in wages of any worker of Shirval Plant. It is correct to say that none of 26 workers is empowered to appoint or terminate the services of any one from Shirval Plant. Also they have not empowered to issue show cause notice, to initiate any departmental inquiry or to issue charge sheet to any worker of Shirval Plant. I am unable to state whether the persons working in "K" band category, are getting lowest wages/remuneration than the persons working in rest of five bands mentioned above. I am ready to furnish the information in this regard on the next date.

194. There are nine departments in our Shirval Plant mainly Production, Quality Control, Maintenance, Stores, Finance, Purchase, H.R., Planning and Safety. It is correct to say that the 26 workers of the present reference are working only in Production, Quality Control, Maintenance and Stores Departments of our Plant. It is not correct to say that except 70 persons working in "K" band and 50 persons working in rest of the bands,

noone else is working in our plant. The Factory Act is applicable to our plant. It is correct to say that it is mandatory to maintain the muster-roll of the workers working in our plant as per the Factory Act. We are maintaining the punching card system for marking the attendance of the persons working in our plant. In the month of August and September 2018, the punching card system was in force. I have no hurdle to produce the attendance record of the persons working in our plant for the month of August & September 2018 on record. It is correct to say that the CCTV Cameras are installed in our plant.

195. It is true to say that in the appointment letters of the 26 workers of the present reference, there is no mention about the nature of their duties.

As per oral request deferred till 26-10-2018

ROAC

(D. A. Dholakia)  
Member,  
Industrial Court, Satara.

Date : 15/10/2018  
SATARA.