

ROSA.

Name : Shrikant Machhindra Khambe Age: 38 years

Occ. Nil. R/o.Sangli.

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

Cross examination of witness by advocate Shri.Manoj

Suryawanshi for the First Party.

1. I am not aware as to when Second party union was established. I was not the founder member of the Second party union. Main office of the union is situated at Walvan, Lanavala and the same is registered with the Registrar, Under Trade Unions Act, Pune. Our union is not registered separately with the Registrar at Satara. I am not aware as to what is written in the Constitution about the members of committee of the Second party union. I am not aware as to whether any managing committee is there. Day to day affairs of the Second party union are seen by the office bearers. But I do not know as to who are the office bearers. I am not aware as to who are the office bearers from Satara District. I am not aware as to whether office bearers of the union are working. I am not aware as to whether

none of the office bearer belongs to Engineering industry. None of the office bearers of the union is from First Party Company. It is not written specifically in the constitution that employees of First Party Company can become members of Second Party Union.

2. For being member of Second Party Union one has to file his application and pay the membership subscription. I have made application with the Second Party Union for membership. Copy of said application is not filed on record. But I can file the same. I do not remember as to whether any meeting was called for taking decision on my application for membership. I have paid annual membership subscription and entrance fees. Now I am shown constitution of the Second Party Union filed below Exh.U- / . Since learned advocate for First Party Company referred this document same is marked as Exh.U- . As per this constitution monthly membership subscription is Rs.5/-. From the year 2016 till date I have paid said membership subscription. However, no documentary evidence is filed on record to show that I have paid said membership subscription. Membership Register of the union is also not filed on record. I do not

remember as to whether any letter is issued by Second Party Union informing me that membership is given to me.

3. Workers at Sr.Nos.1, 4,5,9,11,12 & 15 in the table mentioned in paragraph 3 of my affidavit are presently in the employment and are the members of the Second Party Union. Workers at Sr.Nos. 2, 7,8 & 18 in the table mentioned in paragraph 3 of my affidavit are terminated by the First Party Company. It is true to say that rest of the workers from said table have filed application stating that they do not want any benefits of present reference.

4. Second party Union has not passed any resolution authorising me to depose on behalf of all employees. I do not remember as to whether other employees have authorised me to depose on their behalf.

5. I have referred name of ACG Metal, ACG Farma Pack, Asian Paints, Alfa Laval, Tube Investment of India, Tyco Electronics and Nicrome Companies in my affidavit. However, I have not filed any document to show the date of their establishment. I have not filed any document to show that I have verified the balance sheet of the above Company. I have not studied the financial position and market share of those

Companies. I have not filed any document to show the number of employees working and turn over of those Companies.

6. I am not aware as to whether ACG Metal Company manufactures wind mill and components for Sugar mills.

7. I am not aware as to whether ACG Farmapack Company is engaged in the Pharmaceuticals. Asian Paints Company manufactures paint for industrial, commercial and domestic purposes. I am not aware as to whether Alfa Laval Company manufactures auto components. I am not aware as to whether Tube India Company manufactures tubes for motor-cycles. I am not aware about whether Tyco Electronics manufactures wire harnessing for automobiles. I am not aware as to whether Nicrome manufactures medical devices. I am not aware about Still Case Company. I am not aware as to whether Rawat Furniture Company is situated at Shirwal.

8. I have not studied the balance sheet of first party Company. I have not studied balance sheet because the same is in possession of first party Company. I do not remember as to whether I have written any letter to first party Company for balance sheet. It is correct to say that, I have made statement about the financial position of first party Company without

verifying the balance sheet. It is not true to say that, I have made false depositions about financial position so as to conceal the real financial position of Company. I cannot tell as to whether first party Company has suffered a loss of 13.15 Cr. for the year 2018–2019 and Rs. 7.5 Cr. for the year 2019–2020 and Rs. 2.62 Cr. for the year 2020–2021.

9. I do not remember as to what was my basic salary in the year 2019–2020. I do not remember as to whether my basic salary in the year 2018–2019 was Rs.9,600/-. I joined services of the first party Company in February 2015 but I do not remember the exact date. I do not remember as to whether in September 2015 my basic was increased by Rs. 750/-.

10. I cannot tell as to whether the basic salary was less than Rs. 9,600/- of the employees working with Ravat Industries and Steel Case at the relevant time.

11. It is not true to say that, I have intentionally not filed documents showing salary of the employees for September 2019 for ACG Farmapack Company, Asian Paints Company, Alfa Laval Company, Tube India Company, Tyco Electronics, Nicrome, Still Case Company. I cannot tell as to whether my salary in the year 2019 was less than or more than the minimum wages. I

cannot tell as to whether my basic salary in the year 2019 was Rs. 9,600/- and the same was more than the minimum wages. The suggestion that other Companies are not giving dearness allowance and therefore, I have not filed details of the salary paid to their employees is false.

12. I am not aware about Ravat Company and Steel Case Company. I am not aware as to whether second party Union is functioning in Steel Case Company.

13. I do not remember as to whether my House Rent Allowance in the year 2019 was Rs. 9,441/-. I do not remember as to whether in November 2019 Minimum H. R. A was Rs. 532/-. I cannot tell as to whether in the year 2019 to 2021, I was getting more than minimum wages.

14. I cannot tell the reason why I have not mentioned about where my residence (whether in rented premises or in own premises) in my affidavit. It is not true to say that, I was not in need of H.R.A. and therefore, I have not mentioned the same. I do not remember as to whether I have made any correspondence with the Company while demanding HRA as to whether I am staying in rental premises or own premises. I have not verified any documentary evidence about HRA paid to the

employees of ACG Farmapack Company, Asian Paints Company, Alfa Laval Company, Tube India Company, Tyco Electronics, Nicrome Company.

15. I do not know about Steel Case and Ravat Industries therefore, I do not know about the H. R. A. paid to the employees of those Industries. I cannot tell as to whether we were getting highest HRA in the region.

16. I do not remember as to whether I was getting education allowance of Rs. 200/- in the year 2019. Our demand for education allowance is for our children. I do not have any proper information as to how many employees were married and having children in the year 2019. I married in the year 2014. My first child born in the year 2018.

17. I have not studied about the education allowance was paid to the employees of other Companies. I cannot tell as to whether other Companies were not paying education allowance to their employees. It is not to say that, just to extract money from the Company I have demanded education allowance.

18. I cannot tell as to whether I was getting medical allowance @ Rs.500/- in the year 2019. I have not studied as to how medical expenses have increased from 2019 to 2021. I

cannot tell on what basis I have claimed Rs.1,000/- medical allowance. I have not taken any information as to how much medical allowance is paid in other establishments. I am not aware as to whether no medical allowance is paid to the employees of Rawat and Steel Case. I am not aware that I have falsely stated that company was paying medical allowance of Rs.451.61 per month as against Rs.500/-.

19. I was getting two uniforms per year from First Party Company. I cannot tell as to how many uniforms were given by the other establishments with which we are trying to compare. It is not true to say that First Party Company gives replacement of uniform & safety shoes, if the same are damaged. I have not made any correspondence with the First Party Company that uniform / shoes is refused to any employee. During the work I was not having any exposure to paints or terpenite. I have not done any research as to how many stains are caused on the uniform due to regular routine work. I have not done any assessment as to how much cost is incurred for washing uniforms.

20. I cannot tell as to whether I was getting LTA @ Rs.200 per month in the year 2019. I cannot tell as to whether I was

getting LTA @ Rs.3,000/- per month from the year 2019 to 2021.

I am not aware as to how much LTA was paid to the employees of other establishments with which I am trying to compare. I have not done any study as to on what basis I have prayed for LTA of Rs.12,000/-. It is not true to say that employees of First Party Company was getting highest LTA in Satara District.

21. I have not taken any information as to whether attendance allowance is given to the employees of other establishments. For the relevant period salary was being paid for the work performed by the employees. It is wrong to say that no any other establishment in Satara gives attendance allowance. I have not filed any document in respect of attendance allowance being paid by other establishment.

22. I am not aware as to whether I was getting salary as per minimum wages or not. I have not taken information about the inflation, consumer price index and cost of living index in the relevant period. I have not taken any information as to how much dearness allowance was paid to the employees of other establishments.

23. It is true to say that First Party Company provided the facility of medical insurance of Rs.3.00 lakhs during the year

2019 to 2021. I have done study about increase in medical expenses, but presently I do not remember anything. I have not filed any documentary evidence to that effect. I have not studied about the medical insurance facilities of the employees in the other establishments.

24. I am not aware as to whether Group Accident Policy of Rs.10 lakhs was taken by First Party Company from the year 2019 to 2021. I have not studied about Group accident policy of the employees in other establishments. It is not true to say that First Party Company has provided highest Group accident policy to its employees. It is not true to say that my demand is completely unjustified.

25. I have not studied as to what will be the burden of our demand of extending loan facility on the First Party Company. I have not studied about demand of extending loan facility with the employees in other establishments. It is not true to say that contents in para 13 of my affidavit are wrong.

26. It is not true to say that I was getting higher bonus as per Payment of Bonus Act. It is not true to say that in the year 2019 I have received bonus of Rs.9,025/-, in the year 2020 Rs.20,820/-, in the year 2021 Rs.17,495/- as per my attendance. I

have not studied about the financial burden of our demand of Diwali Gift. I have not studied about bonus / Diwali gift paid to the employees of other establishment.

27. I am not aware as to whether I have received Rs.500 as travelling allowance. I have not given any information about where each employee was staying and how he used to travel for employment. I have not studied about travelling allowance paid to the employees of other establishment. I have not studied about shift allowance being paid to the employees of other establishment. But I do not remember anything about the same.

28. I am not aware as to whether I have made any correspondence about overtime work and overtime payment with the First Party Company. It is true to say that medical checkup of all the employees of First Party Company done once in every year. I cannot tell as to what will be the cost if said medical check up is done twice in a year. I have not studied anything about the same.

29. I have not studied about the financial burden on the First Party Company if the canteen facility is provided to the employees as prayed by us. I am not aware about as to whether contributory death relief fund of Rs.10 lakh is already provided

by the First Party Company. I know Mr. Pravin Pawar. He was working with me. I am not aware as to how much amount was given to his legal heirs after his death by way of contributory death relief. I have not studied about financial burden of our demand of death relief fund on First Party Company.

30. I do not remember as to whether 1 day earned leave for every 20 day's work performed was given to the employees with a facility of accumulating 40 days for less than 5 years work, 50 days for 5 to 10 years and 56 for more than 10 years of service. I cannot tell as to how much casual leave, sick leave and earned leave we were getting. I cannot tell as to whether we were getting facilities of paid leave, casual leave, accumulation of leave etc. facilities as mentioned in page Nos. 21 to 24 of written statement of First Party Company. I have taken information about the leave facility being paid to employees of other establishments as mentioned in para 20 to 24 of my affidavit, but presently I cannot tell anything about that. I have not taken any documentary information about the same. I have not studied about the financial burden of our prayers in para 20 to 24 of my affidavit.

31. I cannot tell as to what will be the total burden on First party company. If our demand for basic wage is allowed, I have not studied about the same. I am not aware as to whether total burden on First Party Company if our prayer for basic wage is granted will be Rs.43.20 lakhs per year and for three years it will be Rs.1,29,60,000/-. I am not aware as to whether the burden of our prayer for variable DA for three years will be Rs.24,13,152/-. I am not aware as to whether the burden of our prayer for annual increments for three years will be Rs.12,96,000/-. I am not aware as to whether the burden of our prayer for House rent allowance for three years will be Rs.12,96,000/-. I am not aware as to whether the burden of our prayer for Education allowance for three years will be Rs.6,48,000/- I am not aware as to whether the burden of our prayer for Medical allowance for three years will be Rs.6,48,000/- I am not aware as to whether the burden of our prayer for washing allowance for three years will be Rs.6,48,000 /-. I am not aware as to whether the burden of our prayer for attendance allowance for three years will be Rs.6,48,000 /-. I am not aware as to whether the burden of our prayer for Leave Travel allowance for three years will be

Rs.6,48,000/-. I am not aware as to whether the burden of our prayer for Paid holidays for three years will be Rs.1,62,000/-. I am not aware as to whether the burden of our prayer for leave encashment for three years will be Rs.5,13,000/-. I am not aware as to whether the burden of our prayer for Medical policy for three years will be Rs.3,60,000/-. I am not aware as to whether the burden of our prayer for Loan facility for three years will be Rs.40,00,000/-. I am not aware as to whether the burden of our prayer for Diwali Bonus for three years will be Rs.19,44,000/-. I am not aware as to whether the burden of our prayer for Dry fruit box/ gift for three years will be Rs.1,08,000/-. I am not aware as to whether the burden of our prayer for Canteen facility for three years will be Rs.12,96,000/-. I am not aware as to whether the burden of our prayer for Transport facility for three years will be Rs.3,78,000/-. I am not aware as to whether the burden of our prayer for Shift allowance for three years will be Rs.24,30,000/-. I am not aware as to whether the cumulative burden of all our demands for three years will be Rs.2,80,36,268/-.

32. It is true to say that persons at Sr.Nos.1,2,4,5,7,8,9,11,12,15 and 18 in para 3 of my affidavit have

not given application for deletion from the present proceeding. It is true to say that persons at Sr.No.8 and 18 of para 3 of my affidavit are terminated from the services in the year 2021 and they have not given any application for deletion from the present proceeding. It is true to say that person at Sr.No.7 of para 3 of my affidavit is terminated from the services in the year 2021 and they have not given any application for deletion from the present proceeding. I am at Sr.No.7 in para 3 and I have also not submitted any application for deletion from present proceeding. Mr. Pravin Pawar at Sr.No.34 of para 3 of my affidavit is expired in 2019. It is true to say that person at Sr.No.2 of para 3 of my affidavit is terminated from the services in the year 2023 and he has not given any application for deletion from the present proceeding.

33. It is true to say that apart from the persons mentioned in above paragraph, First Party Company has given all the benefits of wage rise towards full and final settlement to the other employees after deletion from the present reference. I am not aware as to whether said wage rise is given as annual performance evaluation and management remuneration package. I am not aware as to whether said wage rise is given on

the basis of current cost to the company, market value, consistent performance, potential, criticality of position, attitude, behaviour and discipline and adherence to company values.

34. I am not aware as to whether average wage rise given to the other employees who have accepted full and final settlement for 2019 Rs.3061/-, for 2020 Rs.Nil and for 2021 Rs.3204/- per month. It is true to say that nature of work performed by us and nature of work performed by persons who have settled their demands is the same. We are not ready to accept same wage rise at par with the other employees, even though the First Party Company is ready and willing to give the same with arrears on today.

35. Prior to my employment with First Party Company I was working with Siemens India Ltd. Said company was closed. Litigation of said closure is initiated by union. I am not aware about the present status of said litigation. I am also not aware as to what relief is prayed by us in said litigation. I do not remember as to what was my salary at the time of closure of Siemens Company. At the time of joining employment with First Party Company my take home salary was Rs.17,000/- to 18,000/-.

36. I am not aware as to where Mr. Sushant Rakate was working previously. I am not aware as to whether he was recruited from WOL. I am not aware about his last salary. I am not aware about his initial salary.

37. I am not aware as to where Mr. Vallabh Ghadge was working previously. I am not aware as to whether he was recruited from Mark Enterprises. I am not aware about his last salary. I am not aware about his initial salary.

38. It is not true to say that I have not studied anything about for justifying our demands. I have not filed any documentary evidence to show wage structure of other companies. It is not true to say that I have not studied about the same that is why I have not produced any evidence. I have not studied about financial burden of our demands and financial capacity of First Party Company to bear the burden. I have not filed any data about cost of living index and consumer price index for Shirwal region. It is not true to say that I have not studied about the same that is why I have not filed the same. I have not filed any evidence about the other comparable concerns in Shirwal region. It is not true to say that I have not studied about the same that is why I have not filed the same.

39. It is not true to say that in wood working and furniture industry at Shirwal First Party Company is paying highest salary to its employees. It is not true to say that out demands are completely unjustified. It is not true to say that we have raised this reference to extract money from First Party Company that is why we have refused to accept the offer of the company. It is true to say that other employees and the union have not given me authority to depose on their behalf. It is not true to say that I am deposing falsely and I have filed false affidavit.

Cross complete. Re-examination Nil.

DATE :- 09/09/2025.

SATARA.

(S. V. Suryawanshi)
Presiding Officer,
Industrial Tribunal, Satara.