

Reference (IT) No. 8 of 2009
Resumed on S.A.

Exh. C-25 Contd..

Further Examination in chief by Adv. Shri. S.B. Malegaonkar for the First Party.

1. The contents of my affidavit are true and correct and I signed on it after reading and understanding it.

Cross Examination by Adv. Shri. P.P. Kshirsagar for the Second Party.

2. I was serving in First Party as Dy. Engineer upto year December 2004 when the work was ultimately stopped. In the year 2019, I was serving as Executive Engineer with First Party. Now the reply at Exh. C-12 and C-12 A shown to me. It does not bear my signature. In the year 2019, I was serving as Engineer in Drainage department. I do not know whether any matter between the parties in said reference is pending before Hon'ble High Court or before Hon'ble Supreme Court as mentioned in my examination in chief. I do not know that SLP No. 20102 of 2004 was filed by the First Party before Hon'ble Supreme Court which was subsequently withdrawn. I do not know that SLP No. 10197 of 2007 filed by the First Party before the Hon'ble Supreme Court and which was subsequently withdrawn. It is not true to say that all the disputes and communications on behalf of First Party used to be made with Additional Commissioner, Labour Welfare Department of First Party. The work of cleaning is required to be done everyday. It is not true to say that officers of the concerned department were required to distribute work to the members of the Second Party. I do not know whether prior to the year 2000

the work of cleaning of public toilet was done by our permanent employees. I do not know that today our permanent employees were doing cleaning of public toilet. I have no concern with the case with reference to letter dated 28.6.2004 issued by Shri. Shailendra B. Pol, Additional Commissioner of Labour. Now the document filed with Exh. C-21 i.e. copy of order dated 28.6.2004 shown to me. Its contents are correct. It is at **Exh. U-361**.

3. I do not know whether order at Exh. U-361 was declared as illegal or invalid by any Court. I do not know whether Sulabh International, M.P. Enterprises and Vishal Civil Contractor were registered under Contract Labour (Regulation and Abolition) Act, 1970. I do not know whether First Party was registered under Contract Labour (Regulation and Abolition) Act, 1970. I do not know whether in Writ Petitions filed by us against the Second Party, Sulabh International, M.P. Enterprises and Vishal Civil Contractor were made party or not. As per my information, no letters given by the workers who are shown as member of Second Party that they have not given authority to the Second Party to file complaint on their behalf. It is true to say that I was not directly concerned with the day to day work of the members of the Second Party. It is not true to say that I am deposing falsely that the officers of the First Party were not directly assigning any work to the members of the Second Party and not supervising them. It is true to say that in the year 2020 the First Party made payment to the members of the Second Party on the basis of "equal work equal pay" with interest @ 9%. I was not present at the time of any identification parade held as per order of Hon'ble Bombay High

Court. I am not aware that the Hon'ble Bombay High Court gave order that the members of the Second Party shall not be terminated. It is true to say that I was concerned with the Civil Department of the First Party. It is true to say that the members of the Second Party were concerned with the Health Department of the First Party in respect of their work. It is not true to say that I am deposing falsely that the workmen in this case are not the workmen of the First Party. It is not true to say that I am deposing falsely. I retired two months ago.

NO RE-EXAMINATION

R. O. A. C.

Date :- 02.08.2022
Place :- Pune.

(K.N. Gautam)
Presiding Officer
Industrial Tribunal, Pune.