

Resumed on S.A. on 15/07/2024

Further Examination in chief by Adv. Smt. Sareen for the complainant

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

Cross Examination by Adv. Shri. S.B. Malegaonkar for the respondent

14. I have not filed any resolution of union authorizing the filing of present complaint. It is true to say that the members in respect of which the union filed present complaints are working in hospital. It is true to say that complainant union is recognized union in Pimpri Chinchwad Municipal Corporation [PCMC]. It is true to say that PCMC established by statute. It is true to say that Government having control over PCMC. I am unable to assign any reason as to why Government of Maharashtra not made party to the present complaint.

15. PCMC gave advertisement for appointing the employees involved in present complaint for appointing them for the period of six months. The copy of said advertisement filed on record. I am unable to tell whether Municipal Commissioner having power to give appointment of six months to the employee. It is true to say that appointment of the employees involved in present complaint was made for six months. It is not true to say

...8...

that as the appointment of the employees in present complaint was for six months hence they cannot be given permanency. The oral and written examination of the employees in present complaint was taken place before their appointment. We have not demanded documents of result of oral and written examination of the employees to PCMC through Court. The roaster was followed before appointment of employees in present complaint. It is not true to say that the post on which the employees in present complaint were appointed is neither permanent nor sanctioned post. I have filed documents to show that the employees in present complaint are appointed on permanent and sanctioned post. It is not true to say that Akrutibandh not amounts to sanction. It is true to say that if the employees in the present complaint are made permanent, then salary and pension will be required to be paid to them. It is not true to say that permission of Finance Ministry of Government of Maharashtra is required before giving permanency to the employees of PCMC. It is not true to say that PCMC not having financial strength of giving salary and pension to its employees without financial support from the State Government. It is true to say that PCMC not gave any letter to the employees in present complaint that they are appointed on permanent post. It is not true to say that the Government Resolutions of the Government are binding on the PCMC. It is true to say that complainant not gave any letter to PCMC that terms and conditions mentioned in appointment orders are not acceptable. It is true to say that in appointment orders, it is mentioned that the appointment is temporary. It is true to say that in emergency situation like Covid, additional employees are

...9...

required to be appointed. It is true to say that without permission of the Government, the PCMC having no authority to give permanent appointment. It is true to say that running the hospital do not come within the basic rights of the Municipal Corporation. I am in service since last 13 years. I am not aware whether the hospitals run by the PCMC are in losses. It is true to say that Government Resolution dated 9.2.2018 is binding on PCMC. It is not true to say that there is difference in nature of work of employees in the present complaint and regular Kaksh Madatnis working in hospitals of PCMC. It is not true to say that PCMC is not industrial establishment. It is not true to say that I am deposing falsely.

NO RE-EXAMINATION

R. O. A. C.

**Date :- 15.07.2024
Place :- Pune.**

**(K.N. Gautam)
Member, Indl. Court, Pune.**