

Further examination in chief on S.A. by Ld. Advocate Shri. Kulkarni for second party :

9. while filing affidavit inadvertently the second party has failed to mention the name of Sharad Dilip Hiwrale Sr.No.18 of Annexure-A. I say that, said employee is working on Gear Motor Department.

10. The witness has deposed in para (6) of affidavit at Exh.U-27 about the documents produced along with Exh.U-28. After going through the said documents it appears that, these documents are original. Therefore said documents are marked as Exh.U-33, U-34, U-35, U-36, U-37. [Though the documents are exhibited but relevancy of said documents has to show by second party. Further both parties are having liberty to refer the documents.]

Cross-examination on S.A. by Ld. Advocate Kaware for first party No.1

11. Present affidavit is filed in the capacity of employee involved in the present reference. It is not correct to say that said affidavit is restricted only to me. I mean to say that, I am deposing on behalf of all the concerned workmen who are involved in present reference particularly employees whose names are mentioned in para (1) of my affidavit No authority has been given by other employees to depose on behalf of them. It is not correct to say that, I am not executive member of union. I have not produced any document on record to show that I am executive committee member. It is correct to say that, union has not given to authority letter to depose in the present matter. It is not correct to say that, said affidavit is false and bogus without having any authority.

12. It is correct to say that, Union formation letter was sent to the management but I am not aware about the date 18/06/2019. It is not

correct to say that since 18/06/2019 I am member of second party Union. It is correct to say that, on dated 11/06/2019 second party union has given letter to Labour Commissioner officer. I do not know that, prior filing application dt.11/06/2019 the Union has not given any letter to first party No.I. It is correct to say that, along with said letter list of 64 workmen was given. It is correct to say that, on the date of admission of dispute there were 64 workmen. I do not know that, second party has brought or not before Labour Commissioner Office for identification. I do not know that whether second party has produced membership documents before the Labour Commissioner Office by second party union. It is correct to say that after admission of dispute second party has added more workmen. I do not know that, whether added members has no relevancy to present dispute or not. We were working under the contract therefore the first party No.2 to 4 was impleaded in the conciliation proceeding.

13. For getting employment I have applied to the first party No.I company but copy of such application is not produced on record. I do not know that, I have produced any details about 64 workmen to show that, which workman was employed by which contractor. I do not know that, before the Labour Commissioner Office above exercise has been done or not. It is not correct to say that, concerned employees who are involved in present reference had applied for employment to first party No.2 to 4. It is not correct to say that, the said contractor appointed the concerned workmen as per their Rules and Regulations. It is not correct to say that, we accepted the rules and regulations of contractor i.e. first party No.2 to 4. I was working through the contractor namely Omsai Man Power Services Ltd. I do not know that, whether I have produced or not any document showing that since when I was

working through the contractor. I do not know that, whether I have produced or not any document to show that since when I was working through the contractor. I cannot tell that, since when I was working through the contractor even after going through the file of present proceeding. It is not correct to say that, I cannot tell what kind of work was performed by me in the first party No.1 company. It is correct to say that, I have not filed documentary evidence to show that, how much days in the year I worked with the first party No.1 company. It is not correct to say that, I have not filed any document to show that, I was working in first party No.1 company. Now I am shown file of present proceeding. After going through the file I say that, the documents available on record at Exh.U-33 page No.10, 13, 15, 74, 76, 82 to justify the above question. It is not correct to say that, as per these documents I worked for only 7 days in 2017. It is not correct to say that, in respect of other workmen no record is available on file of present proceeding. I cannot tell how much record is produced at Exh.U-33. It is correct to say that, in addition to documents produced at Exh.U-28 we have not filed any document to show that, we worked with first party No.1 company. At present I am unable to submit the list of concerned workmen who were working through the contractor.

14. Our wages used to pay by concerned contractor of concerned employee. It is correct to say that, our salary used to pay on month to month basis by Account Payee. It is correct to say that, there was no grievance about the payment. It is correct to say that, the first party No.1 company never paid wages to the concerned employees. It is correct to say that, our wages used to be paid by contractor on the basis of attendance. It is correct to say that our attendance was used to be maintained by contractor. It

is correct to say that, our ESI , PF contribution was deducted and remitted to the concerned authority by contractor. P.F. Contribution was withdrawn by some employees. The ESI benefits availed by the concerned workmen. It is not correct to say that, our leave application was submitted to the contractor. Witness says that, we used to apply for leave to the production supervisor. We have not produced any leave application on record. It is correct to say that, leave was granted by contractor. It is not correct to say that, the contractor used to give warning and used to take disciplinary action against the concerned workman in the event of any misconduct committed by workman. It is correct to say that, at no point of time the first party No.1 has issued warning letters or taken disciplinary action against the concerned workman. It is correct to say that, at any point of time no grievance was made by concerned workman to the first party No.1 in writing. The bonus used to pay by contractor and also monthly salary slip used to give by contractor. The over time wages also used to pay by contractor. Identity card used to issue by contractor.

Cross-examination deferred till recess.

Place: Aurangabad

Date:- 18/03/2026

kad/-

sd/-

(S. D. SURYAWANSHI)

Presiding Officer,

Industrial Tribunal, Aurangabad

further Cross-examination resumed on S.A. by Ld. Advocate Kaware for first party No.1

15. If any grievance about my work I was reporting to the supervisor. It is not correct to say that, said supervisor was contractors. It is not correct to say that, said supervisor was reporting to contractor and contractor used to make grievance to the first party No.I about grievance

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raised by supervisor. It is correct to say that, supervisor of contractor used to remain present in the company It is not correct to say that supervisor of contractor was allotting duty or work to concerned employees. It is not correct to say that, if failed to discharge duty the contractor was having power to initiate action against the concerned workman. It is not correct to say that as per exigency of work manpower was deployed by contractor. It is not correct to say that if work is not available in that event the contractor used to send the concerned workman any other establishment. It is not correct to say that the supervisor of contractor was adjusting manpower within company. It is correct to say that first party No.1 never issued appointment order to concerned workman It is correct to say that, we never demanded to the first party No.1 to grant permanency by giving specific written letter or application. It is not correct to say that, the contractors were used for gardening, housekeeping and material handling in first party No.1 company. It is correct to say that no any other contractor was appointed by first party No.1 to perform work of housekeeping, gardening and material handling. It is not correct to say that, concerned workmen were not working for work of housekeeping and gardening. However the work of material handling was performed by some concerned workmen. For the housekeeping and gardening other contractors were appointed by first party No.1 but I do not know name of such contractor. It is not correct to say that in the production activities permanent workers are employed by first party. In the production activities we also involved along with permanent employees of first party No.1 company.

16. It is correct to say that firstly vendor provide the material to the inward section thereafter said material used to segregate and thereafter as per requirement the material used by production department. It is correct to say

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that, on the said material jobbing process is done and thereafter said material used to send to heat treatment department and thereafter said material used to send outside diameter process[OD] and inside diameter process[ID]. It is correct to say that, after that said material is used to send quality department and thereafter said material used to send store department. It is correct to say that after product is ok then used to send said material to assembly department. It is correct to say that, after completing assembly said material used to send testing department and thereafter used to send said product to paint department. It is correct to say that all departments are independent. It is not correct to say that, for the material handling employees are employed. I do not know that, whether first party No.1 has employed any employee for the work of material handling. I do not know that, how much employees are required for material handling. However it is correct to say that, for material handling work force is required. It is not correct to say that, for material handling the concerned employees are engaged through the contractor. It is not correct to say that, for material handling first party No.1 has engaged contractors i.e. first party 2 and 3. I do not know that whether first party No.1 has given contract to first party No.2 and 3 for the work of housekeeping and gardening. I do not know that, for the work of housekeeping, gardening and material handling the contractor possess license. I do not know that whether any agreement signed between contractor and first Party No.1 to execute work assigned to them. The first party No.1 company might have been paying monthly bill pertaining to the wages of the contractor employees. It is correct to say that, after getting the bill from the first party No.1 the contractor was paying wages to the concerned employees.

17. Since 2020 I am not in the employment. As on today I am unemployed. I do not know 80% concerned employees are working and their

PF deduction is made by concerned employer. It is not correct to say that, without having authority I came before the Tribunal and deposed falsely.

Cross Examination by First Party No.1 is completed.

Adjourned for cross examination by First Party No.2 to 4.

R.O.A.C.

Before me

Place: Aurangabad

Date:- 18/03/2026

kad/-

sd/-

(S. D. SURYAWANSHI)

**Presiding Officer,
Industrial Tribunal, Aurangabad**