

Comp.(ULP) No.15/2017.
Exh.C-10.
Date : 31/03/2022.

Examination in chief by Advocate Shri U.S. Deshmukh for the Respondents.

7] I have filed affidavit Exh.C-10 before this court. It bears my signature. I identifies the same. The contents of the affidavit are true and correct.

Cross-examination by Adv. Shri D.B. Gawande for Complainant.

8] I have entire knowledge of this case. I am deposing on behalf of all the respondents. The complainant is working since 1989 with the respondents. It is not correct to say that on 5.02.1994 he was terminated from the services. I have knowledge that he has challenged the termination before Ld. Labour Court. Our department has appeared in that case. In that case the termination order was quashed and set-aside. It is not correct to say that I am deposing false that he was not terminated from service by order dated 5.02.1994. We have challenged the Judgment and order of Ld. Labour Court up to the High Court. Hon'ble High Court confirmed the order of Ld. Labour Court.

9] We have to arrange grant from the Government for paying remuneration to the complainant. Accordingly from that grant the complainant is paid. We have made correspondence to the

Construction Department, executive engineer regarding the rates of payment. The Executive Engineer replied that letter. It is filed with list Exh.U-10. The document is marked as **Exh.U-36**. Document No.3 is muster roll of labour. It contains the name of complainant. Below that name it is mentioned as रोजंदारी कर्मचारी कुशल. The document is marked as **Exh.U-37**. I cannot say certainly that whether according to this document the complainant is working as a skilled labour.

10] As per the Government sanctions the complainant is paid under Minimum Wages Act. It is correct to say that the choukidar, peon and labour covers under the unskilled labours. It is not correct to say that the persons who are clerk or doing office work are within the category of skilled labours. It is not correct to say that initially the complainant was doing work of typing. I have not perused the last page of muster roll since 1989. I have knowledge from the year 2020 about the muster roll and I do not have knowledge prior to that about the nature of work of complainant.

Que : You have no knowledge about the nature of work of complainant since 1989 to 2020 ?

Ans : I have knowledge according to the documents perused by me.

11] Since 1989 the complainant is working at Amravati. As per document Exh.U-17 our office has sent information to Upper

Mukhya Sachiv Water supply Department, Mantralay, Mumbai. According to this document it is mentioned that the complainant working at Yavatmal is correct contention. The contents of this document are correct. I have no knowledge whether the labours in our department are regularised in the other places of Maharashtra. A labour can be discharge from the services if the work is not available. According to the orders of court the complainant is working presently. I have not filed any document pertaining to stay regarding that. It is not correct to say that I am deposing false that the case of complainant is time barred. It is not correct to say that I am deposing false that the complainant is under litigious employment.

12] According to the Government Rules our department appoint the labours and wages are to be paid as per rules and we get done the work through that labours. It is not correct to say that without having knowledge of this case I am deposing false against the interest of complainant. It is not correct to say that I am deposing false that the complainant is not a 'workman' and our department is not an 'industry'.

Cross-examination is over. No re-examination.

R.O.A.C.

Place : Amravati.
Date :- 31.03.2022.

(D. N. Surwase)
Member,
Industrial Court, Amravati.