

Further Chief Examination By Advocate Smt. Pallavi T. Kulkarni for the Applicant:-

14. Contents in the affidavit are true and correct, it bears my signature. I know Mr. Bhaskar Patro, as he was serving in Engineering Department. I was also working in the same department. Mr. Bhaskar Patro was working as a worker. I have filed on record self declaration and appointment letter of Mr. Bhaskar Patro. So also I have placed on record one letter of Mr. Bhaskar Patro regarding his joining of service dtd.01/01/2020 and 09/04/2020. Intimation letter dtd.01/11/2020 is also placed on record. The terms and conditions regarding service were the same for all workers including myself and Mr. Bhaskar Patro.

Chief examination is completed.

Cross Examination By Advocate Shri. Shivkar for the opponent:-

15. I am educated up to 7th Standard. It is true to say that, I have not taken education/qualification to operate ETP machine. It is not true to say that, 4 workers were operating ETP machine in three different shifts. It is true to say that, I have not mentioned exact time of reporting of my duty hours and leaving of my duty. It is true to say that, there were different shifts for working and we workers have to do work in different shifts. We had break half an hour for lunch and tea break for two times. It is not true to say that, actual working time was 8 hours on machine excluding lunch and tea break. It is true to say that, we had leaves for festivals and holidays. It is true to say that, I used to remain absent from duty for 1 to 2 days in a month. It is true to say that, I have not placed on record any document to show that, I was working for 12 hours every day in a company.

16. I might have submitted an application before Labour Commissioner office complaining that, company forcing me to do 12 hours duty without paying over time allowance. It is true to say that, the copy of said application is not placed on record in the present matter. It is true to say that, I have not placed on record the copy of application wherein I had claimed over time allowance. It is not true to say that, I had never worked for 12 hours every day in the company. I don't know as to whether, it is illegal to work more than 55 hours within the period of 3 months. It is not true to say that, I have illegally claimed over time allowance.

17. It is true to say that, Provident Fund law is applicable to me. It is true to say that every month provident fund was deducted from my salary. It is not true to say that, the deducted provident fund was regularly depositing by company with Provident Fund Authority. It is true to say that, I have received provident fund from the concerned authority after my retirement. It is true to say that, I have not made complaint in writing before the Provident fund office regarding non depositing extra provident fund Rs.750/- per month, which was deducted from my salary every month by the company. It is not true to say that, I have falsely claimed provident fund. It is not true to say that, as per direction of the office of provident fund the company restructure the wages and extra provident fund was deducted from my salary, the opponent also required to pay contribution in proportionate of deducted provident fund.

18. It is true to say that, the company deducted Rs.2000/- towards advances, but illegally deducted extra amount towards advances i.e. Rs.450/- per month. It is true to say that, I have no complaint against deduction of amount of advances. It is true to say that, I used to get salary every month and also getting pay slip every

month. It is true to say that, details and particulars about deduction are mentioned in pay slip. It is true to say that, I have not made written complaint to the company about the details and particulars of pay slip. It is not true to say that I am not entitled to receive any claim as prayed in my application. It is not true to say that, contents of my affidavit are false.

Cross Examination is completed.

Reexamination -Nil

R.O.A.C.

Date:17/06/2025

pps/-

Sd/-

(Dhiraj P. Kale)

Presiding Officer

4th Labour Court, Thane