

Reference (IDA) No. 82 of 2019

Exh.U-4

Resumed on oath.

Further cross-examination continued by Learned Advocate Shri Anaokar on behalf of the First Party :

18. The contentions narrated in my affidavit are according to my personal information. At the time of dictating said affidavit on computer, I was not there. Before filing my affidavit on record, I have gone through that. No one has assisted or guided me in preparing this affidavit. Before making this affidavit, I have made discussion with my Advocate. I am not fully aware about the contents narrated in affidavit. I am not aware any mistakes which have been made in my affidavit while preparing it. I do not find any mistake in my affidavit. My Advocate has told me about the consequences on giving false deposition. I have not added anything myself in my evidence affidavit. I cannot say what contents have been narrated in my affidavit.

19. I have my own bank account of Bank of Maharashtra since 2004 or 2005. If possible, I can produce my bank account from year 2017 till this date within coming two or three months. I have my Aadhar Card and PAN Card. I am not filling I.T. return. It is not true to say that I was raising bills on meter basis to first party. (The witness volunteers I never using to raise bills, but I was getting fixed salary from first party). This Reference has been referred for the purpose of reinstating me to the original post. Through Reference, I am claiming my rights. It is not true to say that the company has not been closed, but it is functioning presently. It is not

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true to say that I am not entitled for any relief from the hands of this court. It is not true to say that I am not entitled for reinstatement into the services of the first party. It is not true to say that due to the closure of the company, the company has not given any contract to me.

20. I have not made any application to the company for giving me work. It is true to say that I used to maintain and repair the powerloom machines of first party company. It is not true to say that for that work along with me, I used to carry other 3 or 4 persons. It is not true to say that for doing this work, I have taken the contract from the first party company. I do not aware whether the company has displayed closure notice dated 16.08.2017 on its notice board. It is not true to say that prior to referring this matter to this court, my case was pending before Government Labour Officer. Said GLO has closed my case on the ground that the company has been closed.

Question How many salary present you are getting ?

Answer Presently, I am not working anywhere, hence the question of getting salary does not arise.

21. It is not true to say that presently, I was doing work in Bhiwandi area. It is not true to say that after closing the company of first party, I have started work in companies surrounding the Bhiwandi area. It is not true to say that as I am using to raise bills of work of first party company, I am not entitled to get reinstatement with continuity of service with full back wages of first party. It is not true to say that

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being the contractor, I am not entitled to get the benefits of earned leave, gratuity, retrenchment, notice period of two months and monthly salary of August 2017.

22. I do not aware whether the companies, namely Aapar Link Fabrics, Shubh Textiles and Laxman N. Galpile, I have made party to this Reference. It is not true to say that first party no.4 to 6 are not related with this Reference. It is not true to say that I used to carry my business in the name of Rameshwar C. Kushwah. I am not aware whether Mr. Nitin Gajpure, Assistant Director has taken any action in respect of the letter dated 18.02.2017 filed below Exh.U-18.

(Further cross-examination is adjourned till next date).

Place : Thane.
Date : 18.01.2024.
VAM***

Sd/-
(Smt. D.G. More)
Presiding Officer,
First Labour Court, Thane.

Resumed on oath.

Further cross-examination continued by Learned Advocate Shri. Anaokar for First Party :

23. I cannot read and write any language. My affidavit is in English language. The contents of my affidavit are explained to me by my Advocate. My affidavit is drafted by my advocate as per the information given by me. The documents filed by me on record are received by me from the company. It is given to me by Ramu in the company. It is not true to say that, there is no any person named Ramu working in the company. I have not filed any document on record to show that Ramu is working in the company.

24. It is not true to say that I have not filed any document to show that I was working as a workman in the first party company.

**Cross examination is completed.
Re-examination Nil.**

Place : Thane.
Date : 16/07/2024
Ast/-

Sd/-
(Smt. A. A. Patil)
Presiding Officer,
First Labour Court, Thane.