

**Resumed on S. A.****Cross-examination by Ld. Adv. P. N. Aaokar for first party -**

15. Now I am shown document filed along with list Exh.C-4, sr. no.2, 4 and 5. Those are copies of notice of termination, cheque dtd.16/08/2017 and letter dtd. 12/08/2017. I have not received the notice of termination. But I have received the cheques dtd.16/08/2017 amounting to Rs.47,077/- and Rs.5,250/- from the opponents. I have received these amounts from the opponents. Wt. Volunteers that, I have received less amount. The copies of cheques filed at Exh.C-4 are marked at **Exh.C-5**. I have not received the letter filed at Exh.C-4, sr. no.5. I have also not received the letter dtd. 19/04/2017, which is filed alongwith list Exh.C-4, sr. no.7. I do not remember whether I have received the letter from the first party which is filed at Exh.C-4, sr. no.9.

16. The present matter is pending for reinstatement. It is not true to say that, I have wrongly mentioned that the amount towards gratuity, retrenchment, notice period, etc. as mentioned in para no.8 of my affidavit are due to me from the opponents. It is not true to say that, I am not entitled for these amounts, as this is a case for reinstatement. It is not true to say that, while I was in the employment I was paid the salary above the rates of minimum wages and other allowances. I am not aware whether the first party has closed

the company from 16/08/2017. It is true to say that, I have received the cheque from the company. It is not true to say that, I am not entitled for reinstatement and back wages as the company is closed from 16/08/2017. The calculations given in the letter dtd.16/08/2017 are correct. I do not remember whether I have received any letter dtd. 12/08/2017 sent by the first party. It is not true to say that, I have not reported for work in the company inspite of letter dtd. 12/08/2017. I do not remember whether I have received letter dtd. 19/04/2017, 27/07/2017 sent by the first party.

17. It is true to say that, I had filed the C(ULP)No.85/2017 on 22/03/2017 through union namely Bhartiya General Kamgar Sanghatan. I am not aware whether the union had withdrawn the said complaint on 08/06/2018. It is not true to say that, thereafter the company has terminated all the workers by following procedure of law. It is not true to say that, I was working with the company from 01/01/2016. It is not true to say that, I have deposed falsely in para no.2 of my affidavit. It is not true to say that, I was terminated because the company was closed. I have not filed any document on record to show that, I was getting Rs.11000/- per month towards wages. It is not true to say that, I was getting overtime wages. It is not true to say that, there was fire incident in the year 2018 due to short circuit in

the company. It is not true to say that, I have deposed falsely in para no.3 of my affidavit. I have not filed any document on record to prove the contents of para no.2 and 3 of my affidavit. It is not true to say that, the first party is not a Firm.

18. I am not aware whether the Asst. Director, Industrial Safety and Health, Kalyan has taken any steps as per the letter dtd.18/02/2017 as per Exh.U-8. It is not true to say that, there is no any company namely M/s. Ramila Ramesh Baldiya as mentioned in the letter dtd.18/02/2017 and therefore the action is not taken. I have added the names of Ramesh Baldiya, Ramila Baldiya and Sampat Baldiya in the present matter because they are the brothers and relatives of Ashok Baldiya.

**Further cross examination is adjourned at the request of Ld. Advocate for first party till next date.**

R.O.A.C.

Sd/-

(Amruta A. Patil)

Presiding Officer,

First Labour Court, Thane.

Place : Thane.

Dated : 20/12/2024

Ast/-