

Examination in Chief by Adv. V. K. Singh for Second Party -

15. The contents in the affidavit are true and correct. (The document at sr. No.1 & 2 with list Exh.U-5 are the copies of reminder and demand letter issued by this witness. Hence they are given **Exh.U-6 & Exh.U-7**)

Examination in chief completed.

Cross Examination by Advocate A. M. Joglekar for first parties :-

16. It is true to say that, the letter at Exh.U-6 was posted on 05/04/2021 by me. Now, I am shown Exh.U-7. It bears my signature. Now, I am shown Exh.U-2. It bears my signature. Now, I am shown the document at Sr. No.1 & 2 with list Exh.C-3. They do not have my signatures. Now, I am shown document at Sr. No.3 with list Exh.C-3. It bears my signature. Now, I am shown the document at Sr. No.4 with list Exh.C-3. It bears my signature. Hence, these documents are given **Exh.C-4** and **Exh.C-5**.

17. I had been to the work lastly on 30/09/2020. It is not true to say that, my last date on work was 31/10/2020.

Question : What were you doing from 30/09/2020 till sending the letter dtd.01/04/2021 at Exh.U-6?

Answer : I was waiting for 2 months that, I will be called for work. I had been to my native place after two months till 01/04/2021.

Question: It is written in Exh.C-4 that you had tendered your resignation on 31/10/2020?

Answer: It is wrong.

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It is true to say that, the first party had paid Rs.51000/- to me by cheque. It is true to say that, I had got encashed the said cheque. It is not true to say that, as I had resigned from job I did nothing from September/October -2020 till April-2021.

Question : Why did you stop reporting to duty?

Answer: I did not stop and I was refused any work.

Question: Why you did not write any letter to the first party immediately?

Answer : I was informed that there is no work and I was waiting for the work.

Question: Did you ask anything in writing as to why you were being paid Rs.51000/-?

Answer : I did not write any letter.

It is not true to say that I had resigned from the job on 31/10/2020 and received Rs.51000/- as full and final settlement.

18. I was getting the benefit of ESI scheme. It is not true to say that I was working for 8 hours daily. I worked with the first party for 23 years. There is an union of the workers in the firm. Myself and union had given a letter to first party asking the reason for 12 hours duty. I can not produce the said letter as it is with union. I have not filed any independent proceeding in respect of over time wages.

Question: You were getting weekly offs?

Answer: I was getting weekly off but, my wages were deducted for that. It is true to say that, I was getting wages on per day basis.

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19. First party No.2 had orally asked me not to report to duty. It is true to say that, first party No.2 looks after the business of the firm. It is true to say that, I used to sign voucher and register after getting wages.

Question: You were getting wages as mentioned in voucher and register ?

Answer: I was getting wages as mentioned in voucher. The amount in the register was different.

I had complained about this with Labour Commissioner. I can not produce the said document. I can not tell number of that communication. It is not true to say that the firm was functioning in 3 shifts. The firm is there at the same place where it used to be. I do not know whether there are only two workers on the roll at present.

20. There was work of casting and welding. I do not know whether most of the work was from Nitin Casting Company. I do not know whether Nitin Casting Company shifted to Gujarat. There were about 40 workers when I was working with the firm from year 2002 to 2020. I had been to the first party after 10 to 15 days from 30/09/2020. I went to my native place after 15 days from 30/09/2020. It is not true to say that, first party No.2 paid me the said amount of Rs.51000/-. It is not true to say that, there were only 3 workers in September-2020.

Cross Examination is deferred till next date.

R.O.A.C.

Date :30/09/2024

pps/-

Sd/-
(Abhijit R. Solapure)
Presiding Officer
Fourth Labour Court, Thane