

REF.(IDA)NO. 261/2023

EXH.C-11

FURTHER CHIEF EXAMINATION OF SHRI. PRAMOD MANIK MAGAR WITNESS NO.1 FOR RESPONDENT BY SHRI. A.D. PATWARDHAN, ADVOCATE FOR THE RESPONDENT.

6] I have filed my evidence affidavit at Exh.C-11 and it is drafted and prepared by my Advocate as per my instructions and office record of the first party. The contents of the same are true and correct. It bears my signature. Now I am shown the documents filed at list Exh.C-10, Sr. No.1, it is copy of charge sheet issued to the applicant. The contents of the same are true and correct. It bears signature of our Director. I know his signature. Hence, marked as **Exh.C-12**. Sr. No.2 is amended charge sheet issued to the second party. It is marked as **Exh.C-13** Sr. No.3 is closure notice, it is marked as **Exh.C-14**. Sr. No.4 is closure notice issued to the appropriate Authority. It is marked as **Exh.C-15**

CROSS EXAMINATION BY SHRI. SHARMALE, ADVOCATE FOR THE APPLICANT.

7] According to me at present there are 9 units of respondent company, those are at Katraj, Wagholi, Ramtekerdi, Handewadi and Chakan respectively. It is true to say that, in the above units the production of fabrication, CO2 laser cutting machine, industrial chiller, R & D, Fibar Cutting Machine, FM Tube Machine, PCM Machine. I used to work at all Units of first party, and according to me, the machines and assets of Handewadi Unit are shifted to our godown and the services of the employees working therein were discontinued and terminated. I cannot exactly state how many years Handewadi Unit was functioning. WV states that, it was for about 3 to 4 years only. I do not know who obtained the licensee under Factories Act for Handewadi Unit. I am not concerned about said license.

8] Now I am shown Exh.C-15, it is true to say that, it is Form-1 and it bears name and signature of Mr. Sonlaki. I do not know whether prior to this license Exh.C-15, respondent was having such license. It is true to say that, in Exh.C-15, there is not mentioned about any prior license. It is true to say that, in accordance with the Form-1, Exh.C-15, we obtained license on 13.04.2023 which is filed alongwith Sr. No.4. I have no knowledge whether prior to 13.04.2023 there was any license of respondent company. WV now states that, prior to 13.04.2023 there was no any license of respondent company.

9] Now I am shown document Sr. No.4, Exh.C-15, by which true that, it is regarding License No.16450 about closure of Handewadi Unit of first party. It is true to say that, the copy of License No.16450 not filed in the matter. Now I am shown document page No.11 of Exh.C-15 by which true that,

therein mentioned License Number is different than the license number as mentioned Page No.13 of the same Exh.C-15. It is true to say that, license number as mentioned in letter at Page No.10 of Exh.C-14 is not filed in the matter till today. It is not true to say that, the license number as mentioned in Page No.10 of Exh.C-14 is not closed and therefore, the copy of the same is not filed in the matter.

10] According to me, as there was less production therefore, the Unit of Handewadi is closed and the orders which were undertook, cancelled. It is true to say that, the charge sheets at Exh.C-12 & Exh.C-13 of the same date. I do not know why the dates mentioned at Exh.C-12 & Exh.C-13 charge sheets are one and the same. It is true to say that, there is no document to show that, charge sheet Exh.C-13 was served upon the applicant and also I am not aware about the same. It is true to say that, the charge sheet at Exh.C-12, therein not mentioned particular and specific incidence/misconduct as committed by the applicant. It is true to say that, I have not personally informed and reported to my seniors about the charges mentioned in Exh.C-12 & Exh.C-13. It is true to say that, in Exh.C-12 & Exh.C-13, therein not specifically mentioned about acts of the applicants. It is true to say that, the applicant and other workers those were working required to perform their duties by physical presence in the company. It is true to say that, the employees those were appointed or doing the physical work in the company only, cannot perform their duties work from home. It is true to say that, charge sheet Exh.C-13, therein mentioned about to work from home. It is true to say that, the person who enters in the company has to make in entry at the gate and likewise make entry while going out. It is true to say that, there is no document to show that, the applicant and other workers entered in the factory premises on 26/08/2022 to 28/01/2023. It is true to say that, in Exh.C-12 & Exh.C-13 therein not mentioned about instigation by the applicant and other workers to do work slowly. It is not true to say that, the charges levelled against the applicant are imaginary, vague and baseless.

11] It is true to say that, in the year 2022, the applicant and other workers formed their union. I do not know whether the said workers through union demanded for increase in wages and other benefits or not and the management of respondent company pressurized them to leave the said union and as they did not leave said union, the management of respondent company terminated services of some of the workers without enquiry and against some of the workers, charge sheets were issued, enquiry conducted and terminated their services. It is not true to say that, premises at Handewadi Unit was on rental basis and therefore, the machinery and assets shifted to Chakan Unit. It is not true to say that, I deposed false that, due to slow down work by the workers, the respondent company sustained financial loss. I do not know whether due to close down unit at Handewadi, there was complaints lodged against the respondent company or not. It is not true to say that, I am not aware about the present matter and I deposed falsely.

12] It is true to say that, the entry enter and exit of every worker is recorded at register maintained at the main gate of the company. It is true to say that, daily production report of worker is to be maintained in our company which contains the work allotted , work done, difficulties of the workers and signature of the concerned officers. It is true to say that, such of the applicant is not filed in the matter. It is true to say that, there is no mentioned in detail about incidence, so called misconduct, the name of the officer, date, place and time in my evidence affidavit. It is true to say that, there is no mentioned in my evidence affidavit about the work that was required to be performed, the less production given and the exact loss due to low production. It is true to say that, I have not enclosed any report against the applicant alongwith evidence affidavit. It is true to say that, the worker is not permitted to carry with him the articles belonging to him while entering into the factory premises. It is true to say that, in our company there is no shop of sweet. It is not true to say that, I deposed falsely that, the applicant distributed sweet amongst the workers.

13] Now I am shown show cause notice dated 01.04.2023 filed alongwith Exh.C-12, it is true to say that, it is the same show cause notice. It is true to say that the said show cause notice does not bear signature of any officer of the respondent company. It is true to say that, all commutations that are given to the workers must be signed by the concerned authority. It is true to say that, till today, the applicant is not informed about the issuance of show cause notice which was unsigned. It is true to say that, the charge sheet Exh.C-12 is in respect of the show cause notice. It is true to say that, no report is enclosed alongwith my evidence affidavit of the concerned security guard. It is not true to say that, false charges are levelled against the applicant and I deposed falsely.

Cross Examination is Completed.

ROAC

NO-RE.

Place : Pune.

Date : 06/03/2026.

Sd/-

**(Shri. A. G. Magare.)
Presiding Officer.**

Second Labour Court,Pune.