

APPLICATION(PGA) NO.119 OF 2022
EXH.U-5

FURTHER EXAMINATION-IN-CHIEF ON OATH OF SHRI. HEMCHANDRA HARI NARKHEDE, APPLICANT BY SHRI. KURAPATI, ADVOCATE

7] I have filed my evidence affidavit at Exh.U-5 and it is drafted and prepared by my Advocate as per my instructions. The contents of the same are true and correct and it bears my signature. Now I am shown the documents at list Exh.U-4. Since the documents at Sr. No.1 to 6 are admitted by the Ld. Advocate for the opponent, hence those are marked as **Exh.U-6 to Exh.U-11** respectively.

CROSS-EXAMINATION BY SHRI. D.V. JADHAV, ADVOCATE FOR OPPONENT.

8] I was suspended from the service by the opponent company due to lodging of one case by ACB about demanding bribe by me. It is true to say that, I have not mentioned in my application about the said case. It is true to say that, Crime No.215/2022 was registered against me at Manchar Police Station by ACB and it is pending before Additional Sessions & District Court, Rajgurunagar.

9] I was working as a Executive Engineer in the opponent company. I do not know about Administrative Circular No.197 dated 26.12.2008. It is true to say that, pursuant to the aforesaid case, departmental enquiry was conducted against me by the opponent company and I was held guilty and awarded fine of Rs.21,000/-. WV states that, he was superannuated on 30.06.2022 after departmental enquiry and he has paid fine of Rs.21,000/-.

8] Now, I am shown document at Exh.U-8, the contents of the same are true and correct. It is true to say that, in Exh.U-8 there is mentioned about Administrative Circular No.197 of dated 26.12.2008. I do not know how many employees of opponent company were terminated pursuant to aforesaid circular dated 26.12.2008 and likewise not recollect by me about issuing suspension letters to employees of the opponent company. It is true to say that, the punishment was awarded to me in the departmental enquiry by affording reasonable opportunities.

9] I do not recollect whether by MSDECL Employees Regulations, 2005, if any employee found guilty in the case of any misconduct of taking bribe or awarded punishment in the departmental enquiry, then not entitled for gratuity amount and the said can be seized by the company. I used the aforesaid Service Regulations of opponent company many times during my service tenure. It is true to say that, when the aforesaid case of bribe registered against me, then at that time it was published in widely circulated newspapers and due to the same reputation of opponent company was damaged.

10] It is true to say that, the opponent company has deposited amount of gratuity in the office this Court under protest and subject to outcome of the aforesaid criminal case. Now I am again shown Administrative Circular No.197 of dated 26.12.2008, by which it is not mentioned about withholding amount of gratuity, if any such criminal case pending against the employee. It is not true to say that, as the criminal case is pending against me, the amount of gratuity cannot be paid to me which is deposited in the court.

Cross Examination is completed.

**No-Re.
ROAC.**

Place : Pune.

Date : 20.08.2025

**Sd/-
(Shri. A. G. Magare.)
Competent Authority under PGA &
Judge, Second Labour Court,Pune.**