

On solemn oath the witness states that :

Name : **Dilip S/o Hanmantrao Suryavanshi,**

Age : 69 years,

Occu. : Retired,

Residence : Aurangabad.

**Examination-in-chief of witness of first party by Advocate Shri R. R. Pitekar holding for Shri S. V. Dankh Advocate for first party :**

1] The contents in the affidavit are true and correct. It is recorded as per my narration and read over to me. It bears my signature.

**Cross-examination of witness of first party by Advocate Shri N. L. Dhobale for second party :**

2] The document at Exh. U-15 page No. 33 is shown to the witness. It is true to say that the deceased Vivek Wagh had performed 3 terms in the company.

3] As per the Standing Orders age of retirement for workman is 58 years. I am not retired from service. My retirement as per staff rule is 60 years. I have not filed copy of staff rule before this Court. I have completed age of 69 years in June 2026. As the management has granted extension for one year therefore, I am in service for one year. I have not filed copy of extension order before this Court. I have not filed authority letter before this Court. It is not true to say that, in absence of authority letter I have no power to file said affidavit before this Court.

4] Initially I was appointed as a Senior Assistant to Personnel Department in 1985. Production of company started from 16/05/1985. In Personnel Department there were 45 persons

working. Organization Charts are already prepared for staff. I have not filed organization chart before this Court. In Organization Chart sanctioned posts are mentioned as per requirement. Staff means Clerk, Supervisors, Managers and General Manager. In 1985 strength of staff is mentioned in the organization chart. I do not know till 1990 how much times the said charts were renewed. I do not know how many staff were mentioned in the organization chart in 1990. For workmen chart is not prepared by the company. As per the production the workmen were appointed. It is not true to say that, there is no any planning for employment of employees. It is not true to say that as per the production workmen were engaged by the company. I can not remember the production of company in 1985. I cannot tell number of permanent workmen at that time and also about the number of temporary workmen. I do not remember how many permanent workmen were employed in 1990 in the company. I cannot remember the number of temporary employees working in the company in 1990. It is not true to say that as the production increases, therefore, we have appointed temporary employees in the company.

5] I have not filed certificate to show that Bajaj Company is incorporated company. In 1990 there were two factories of the said company. After 1997-98 two factories were added in the list, one is at Chakan and second is at Uttarakhand / Pant Nagar. In 1990 there were production of scooter in the company at Aurangabad. Except scooter no any other vehicle is prepared in Aurangabad factory. In the year 1991 production of rickshaw, in 1996-97 production of motorcycle were started. It is true to say that

all the vehicles such as motorcycle, rickshaw and scooters were prepared in the company. It is not true to say that for obtaining said production we have one factory in Aurangabad. It is not true to say that for production of these three vehicles we have no different factory.

Question : How many factories are in Aurangabad ?

Answer : Three plants are in Aurangabad city.

Question : Whether you have obtained license under the Factories Act ?

Answer : Yes.

Lay out is also approved by the Government.

Question : What is meant by premises ?

Answer : Plot allotted by the M.I.D.C. is called premises.

Question : Plot allotted by M.I.D.C. is not called factory ?

Answer : It is not correct.

Question : How much area is allotted to your company ?

Answer : I cannot give exact area of the said plot.

It is true to say that for three plants we have not obtained three different licenses under the Factories Act.

6] It is not true to say that, these three plants are part of one factory. It is true to say that I am working as Personnel HR for these three plants. It is true to say that management of three plants is one. Administration and control of three plants are done from one place. It is true to say that for different statutory licenses, these three plants are having single license. Man power for three plants is provided from one administrative place. It is not true to say that, as the production increases, therefore, we have opened new

factories at Chakan and Uttarakhand. It is not true to say that identical production is done from these factories. I cannot tell production of Uttarakhand factory and in Chakan factory. At this stage, Advocate of the first party objected to said answer as it is not pleaded by the second party. Same cannot be allowed. It is decided at the time of final Judgment.

7] Approximately 32 shops are in existence in the Aurangabad company. I cannot tell number of man power requires for these shops in the year 1995. As per the Certified Standing Orders Employees of one shop are transferable from one shop to another shop. All these recruitment is under one administrative head. We have production and planning department. It is not true to say that we have man power planning department. Man power is decided as per the production. Production Department intimated me about increase or decrease of production. It is true to say that, production department intimated me increase of man power on the basis of increase in production or decrease the man power as the production decreases. Production Department orally intimated me about the said things and we do not maintain written record in respect of it. It is true to say that we have not maintained the record of each shop in respect of man power.

8] The production department orally intimated me about the production increase as there is recruitment of employees. On the basis of application we recruited employees. I have not given advertisement of recruitment. I cannot say whether advertisement was given for the recruitment in the company. It is not true to say that we have given advertisement for the recruitment of employees

in the company. It is not true to say that we published advertisement for recruitment of sanctioned posts.

9] The procedure of first party recruitment :

Production department orally terminated me for which trade workmen were required. As per the applications, previous recruit persons informed by telegraphically, permanent employees were also put up applications of their friends or relatives for the recruitment and thereafter we gave appointment letter to them. It is true to say that we take practical test of these candidates. It is not true to say that all the tests were conducted at the time of first appointment. I have filed documents in respect of tests of the candidates. I have not filed test papers of the candidate in this file. Second party was appointed for 4 times and 4 times appointment letters were issued against the second party. I have not filed papers relating to the tests in respect of tests of candidate. It is not true to say that all these tests are conducted at the time of first appointment. It is not true to say that we have not conducted tests against the said candidate. It is not true to say that I have not filed tests papers. At the time of giving 3 appointments to the second party, for the first appointment its papers are filed.

Question : Whether you have filed interview papers before this Court ?

Answer : For that purpose witness pointed out temporary orders as interview papers. It does not bear signature of any authority.

Question : Have you filed said documents to mislead this Court ?

Answer : No.

Medical fitness papers is not filed before this Court. Practical test paper is also not filed in this Court. I have not filed tests papers of remaining three appointment orders.

10] It is true to say that, after completion of test joining report is provided in our format. It is true to say that, at the time of joining standard form is also filled by the applicant. It is true to say that thereafter appointment letter is issued against the said candidate. It is true to say that, text of appointment letter is similar in respect of all the temporary candidates. It is true to say that, after completion of date mentioned in appointment letter we issued termination order against the temporary employee. The format of temporary termination order is of similar nature. It is not true to say that, seven months period is mentioned in all appointment letters.

11] Witness now shown, the appointment letters. It is mentioned that, the said appointments are for the period of seven months. As per the Certified Standing Orders the said appointment was given for seven months. Witness now shown the Certified Standing Orders. It is not mentioned in the said Standing Orders the period of appointment is for seven months. It is not true to say that in order to avoid complete 240 days continuous service of employees we have given appointment for period of seven months only. I have not filed any document to show that, said production was for the said period of seven months only. I have not filed production fluctuation document before this Court. I am unable to file all the documents relating to fluctuation of production during the above said period. I have not filed production details for the period from 1990 to 1997. I cannot tell the production for the

period 1989-1990 was of 2,89,374 vehicles for Aurangabad factory. I do not remember whether the production for the period of 1997-98 was of 6,46,462 vehicles. The detail data for the production is maintained yearwise by our factory. I am able to file the said data before this Court also. It is not true to say that, the production increases year-wise from 1995 onwards till today. It is not true to say that, turn over of the factory is also increased from 1990 onwards till today. I have not filed the market fluctuation details before this Court. I have not filed market share documents before this Court also. I am unable to give the exact percentage of spare parts production and sale. It is true to say that, we export the regular vehicles and spare parts. The said production is from Aurangabad factory. It is true to say that, after 1997 we use outsources for production in our Aurangabad factory. It is true to say that, we also outsource semi finished material and assemble in Aurangabad factory. It is true to say that, near about 1000 to 1500 files were filed against Aurangabad factory before the Hon'ble Industrial Court. Some matters were settled before the Hon'ble Supreme Court and in some matters those were not settled Hon'ble Court granted compensation in favour of the workman. It is true to say that, after that we have created the vendors and outsources.

12] It is not true to say that, I have prepared the seniority list for temporary workmen. The witness now shown Com ULP No. 360/1997. It is mentioned in my affidavit that, we maintained the seniority list for periodical employees and not maintained tradewise seniority list. The said affidavit is at Exh. U-11. The periodical employee means his date of joining and date of

termination is mentioned. The word temporary is used for periodical employees.

13] I can not say near about 5000 permanent employees were working in 1990. Today near about 3086 permanent workers are employed in Aurangabad factory. It is true to say that, near about 2000 employees were reduced from 1990 till today. I cannot tell growth of production and turn over is increased near about six times than 1990. It is true to say that, after 1996 onwards no employee was employed by us as a permanent employee. It is not true to say that, after terminating one workman we appointed on the same place another workman in the factory.

14] It is true to say that the second party workman was appointed as Helper in our factory. One Bevale Ankush is not junior to second party workman. Bevale was appointed on 09/10/2006. I have not received demand notice of the workman. It is not true to say that I have appointed many junior workman after the termination of the second party workman.

15] We have also appointed job trainee. The period from job trainee is about 6 months or 12 months. It is true to say that after completion of training period we are not appointed them on probation or confirmation. The object of appointing trainee is only to provide training to them.

Question : Are you running Institute ?

Answer : As per our Standing Orders we appoint job trainee.

It is not true to say that we appoints all persons as job trainee. We provide training to those persons who apply. It is true to say that in 1989 we appointed some persons as job trainee and

after that they are on probation and became confirmed employee. It is true to say that after successful job training we appoint them on probation. If the training is not successful, they relieved from training. That training is in practical as well as theoretical. Theoretical training is as per job requirement. Practical training is at shop. Second party was not appointed as a job trainee. He was appointed as temporary for the period of seven months. Training was not given to the second party. Second party was called for interview of job trainee. He was not appointed as job trainee. I have not given reason for not appointing him as job trainee. It is not true to say that second party is not fit for job trainee then also he was appointed as temporary workman.

16] It is true to say that on 24/10/1990 Sapkal was appointed on the same post. Witness again says that he was appointed in different department.

17] All the temporary workmen were transferable from one section to another section in the factory premises. It is not mentioned in the appointment letter that the appointment is due to increase in production. It is not true to say that, notice was not issued or notice in lieu of payment was not given to the workman at the time of termination. I have not filed the papers in respect of international market before this Court. It is not true to say that, I have not followed the 'last come first go' principle while terminating the workman. It is not true to say that, without any personal knowledge I have filed false affidavit before this Court.

Cross-examination – completed.

Re-examination – Nil.

R. O. A. C.

**(D. S. Khedekar)**

Judge,

Labour Court-1, Aurangabad

Date : 27/01/2026