

**Further examination in chief of Witness No.1 by Adv. S.M. Rathi, Advocate for Opponent :**

The contents of my affidavit are true and correct. It bears my signature. We have filed documents below Exh.C-7. I have filed calculation sheet along with Pension documents which are jointly **Exh.C-15**. I have filed documents list below Exh.C-11. I have filed copy of Namuna No.64. It is marked at **Exh.C-16**. I have filed copy of detailed Ahwal and report. It is marked at **ExhC-17**. I have filed Letter to Brach Manager Central Bank of India, Branch Achalpur. It is marked **Exh.C-18**. I have filed copy of Bank Statement it is marked **Exh.C-19**. I have filed appointment order of Applicant it is marked at **Exh.C-20**. I have filed the copy of Commissioner order along with list of class-III employees of Municipal Council Achalpur. It is jointly **Exh.C-21**.

**Cross Examination of Witness No.1 by Adv. M.B. Chopde for Applicant :**

It is true to say that the present Affidavit is filed by me is prepared by my Advocate and I signed it. It is true to say that muster of daily wages of our employees is in the custody of our office. It is true to say that Applicant has filed documents under the Right to Information Act (RTI). The signature on the document filed below Exh.U-9 is not signed by our superior. It is true to say that the Written Statement filed below Exh.C-5 has shown to me it does not bear the signature of the Chief Officer. I do not know whose signature are there below Exh.C-5. It is true to say that in the present matter the Chief Officer is the only party

to the proceeding. It is true to say that on document filed below Exh.C-15 there is no signature of Applicant. It is true to say that while preparing the pension papers, our office has to make the signatures in the place where Applicant has to make signature. It is true to say that accordingly, on these documents our office has make the signature where Applicant has to make a signature. It is not true to say that we have taken signature of the Applicant on black pension papers. I do not know whether daily wage workers were made regularized in the year 2002 but there was an appointment in the year 2002.

**Que.-** In the document below Exh.U-21, point No.1 states that "या आदेशान्वये रोजंदारीवरील कर्मचा-यांना विशिष्ट परिस्थितीत एकावेळेची विशेष बाब म्हणुन सामावून घेण्यास मान्यता दिलेली आहे". The question is that is this order in respect of daily wage workers?

**Ans.-** The order is correct, I do not know about it.

**Que.-** Whatever you stated earlier regarding the appointment order of the Applicant is stated to be false by you?

**Ans -** It is an Appointment letter.

It is true to say that I came here to depose on behalf of Opponent. It is true to say that I have not filed any authority letter deposing on behalf of Opponent. It is not true to say that I have no authority to depose on behalf of Opponent. I have not reviewed the record of daily wage workers. It is true to say that I have not seen the records of daily wage worker and therefore I do

not know when Applicant was appointed. It is true to say that the muster of daily wages worker is in the custody of Opponent. I do not know whether Applicant was appointed a daily wage worker since March 1985. As it is an old record I have not filed the same on record. It is true to say that we have not counted daily wages service while making the calculation of gratuity amount of the Applicant. It is true to say that we paid amount of gratuity in January 2015. It is not true to say that we have paid less amount of gratuity. I cannot assign any reason that we have filed applicant has received a wage of ₹38,600/-. It is not true to say that last salary of Applicant i.e. basis pay + D.A. is ₹53,250/- and therefore we have not filed any documents for this purpose. It is true to say that we have not filed any document to show that Applicant worked with the Opponent 20 years, 9 months and 10 days. It is not true to say that as service of the Applicant is more than 39 years hence, we have not filed any documents for these. It is not true to say that we have not filed any document on record to show that Applicant has worked less than 240 days in each year. It is true to say that in calculation sheet below Exh.C-7 there is no calculation of daily wages service. It is true to say that pension and gratuity are two different things. It is not true to say that as per the Gratuity Act it is compulsory to pay gratuity within period of One month after retirement. It is true to say that Government has not given any exemption to Opponent for non-payment of gratuity to employees of Opponent. It is not true to say that Applicant is entitled to receive gratuity amount of ₹11,98,125/- from Opponent. It is not true to say that we have

not paid the gratuity amount as per rules. It is not true to say that as there is delay in payment of gratuity amount from Opponent to Applicant and therefore Applicant has complied to file the present application. It is not true to say that I have deposed in my affidavit that Applicant has joined 26/03/1985. It is not true to say that the entire information of my affidavit is a false one. It is not true to say that I am deposing falsely.

**Re-examination : Nil.**

( N. S. Nisal )

Judge,

Date : 26-09-2025

Labour Court, Amravati