

Deposition of Witness No. 02 for the petitioner

I do state on solemn affirmation that :-

My name is :- **Yashwant Pandurang Mhatre,**

Age :- **57 years** Occ.:- **Sr. Clerk, S.P. Office, Rural
Account Branch**

Residence :- **2/10, Mohammad Nafi Chawl, Haryanawala Lane,
Station Road, Kurla (W), Mumbai**

Examination-in-chief by Adv. G. A. Vinod

01] Our office received Court summons. Our office Superintendent has authorized me to depose before this Court in this case. Letter dated 15.12.2023 is now shown to me. It is the same. It bears signature of office Superintendent, Bharati Sonawane. (Letter dated 15.12.2023 is at **Exh.41**).

02] I have filed true copy of pages of service book of the deceased. Those copies are of 1st page, of 2nd page showing postings of the deceased and of 3rd page showing his salary and of last page is entry of death of the deceased. Those pages are attested by office Superintendent, Bharati Sonawane. Those also bear seal of our Office. Today, I have brought original service book of the deceased with me. (Attested copies of four pages of service book of the deceased are at **Exh.42 collectively**).

03] I have filed three salary slips of the deceased for the month of February, March and April, 2021. It bear signatures of office Superintendent and seal of our Office. (Salary slips of the deceased for the month of February, March and April 2021 are at **Exh.43 collectively**).

.....02/-

..02..

04] I have filed verified copy of my photo identity card of the Office. Copy now shown to me is the same. (Verified copy of photo identity card of the witness is at Exh.44).

Cross-examination by and on behalf of opponent no.01 by Adv. R. A Chaudhary

05] **See order below Exh.01, dated 27.07.2022.**

06] In view of order passed below petition, Exh.01, dated 27.01.2022, petition Exh.01 proceeded without written statement of opponent 01. Today also he and his counsel are absent til 12.30 p.m., whenever called out. Hence, no cross examination to this witness by and on behalf of opponent no.01.

Cross-examination by and on behalf of opponent no.01-A

07] **See order below Exh.01, dated 27.01.2022.**

08] In view of order passed below petition, Exh.01, dated 27.07.2022, it proceeded ex-parte against opponent no.01.

Cross-examination by and on behalf of opponent no.02 by Adv. A. K. Tiwari

09] I do not know whether my Department or Government has issued any circular or GR authorizing me to depose. Service book is maintained by our Establishment. I personally had not maintained it. It is true that, I have no personal knowledge about entries taken in service book of the deceased. It will be correct to say that, entries in service of the deceased have not been taken in my presence. There is no document about handing over service

.....03/-

book of the deceased by concerned Department to me for producing in today's proceeding. I have not brought appointment letter as well as terms and conditions of appointment of the deceased. Form No.16 is issued to the deceased. Today I have not brought any of Form No.16 of the deceased. I can produce office copies of Form No.16 of the deceased. I do not know, whether deceased was filing income tax return or not. I have not verified, whether any departmental inquiry was conducted against the deceased and/or any departmental action was taken against the deceased. (Witness was asked to go through entries of service book of the deceased). As per service book, on 25.07.2010 as the deceased was not found on the place of duty, warning was given to him. It is true that, as per salary slip, date of retirement of the deceased was 16.05.2021. (Witness volunteers that) 16.05.2021 is date of end of service of the deceased, as he expired on 16.05.2021.

10] For some posts, special pay is made applicable in Police Department. It is not true to say that, special pay is not fixed income. REF Allowance, i.e. refreshment allowance is for doing service for more than ten hours. It is rank-wise. It is applicable only when duty is performed for more than ten hours and if duty is performed less than ten hours, that allowance will not be applicable. It is not true to say that, I have filed false documents. It is not true to say that, today I am deposing false to help the petitioners.

.....04/-

..04..

11] In our department there is no provision of appointment on compassionate ground. Gratuity benefits and other service benefits of the deceased are already given to his family members. Benefit of GIS is given to the employee, who expired during service.

Re-examination

12] Nil

Before me

R.O.A.C.

Sd/.xxx

(S. N. Shah)

Member, M.A.C.T., Thane

Sd/.xxx

(S.N.Shah)

Member, M.A.C.T., Thane

Thane

Date :- 15.12.2023