

Further examination-in-chief by Adv. V. D'costa for second party :

Now I have been shown signature on last page of document below Exh. U-8, it is my signature. The document below Exh. U-11 at Sr. No.1 is a letter issued by me to the first party that I have not received report and findings of the enquiry conducted by Surana. It is at Exh. U-12. The document at Sr.N.2 is a copy issued to the Vice president of first party and copy thereof sent to the enquiry officer. It is at Exh. U-13. The document at Sr. No.3 is a reminder letter issued to the first party. It is at Exh. U-14. The document at Sr.No.4 is a copy sent to the enquiry officer. It is at Exh. U-15. Page No.5 is in respect of two postal receipts of letter addressed to first party and the enquiry officer.

Cross examination on behalf of the first party by Adv. M.V. Joglekar.

It is true that the my advocate gave me the understanding of the contents of my affidavit and thereafter I signed it. It is true that I have not made any statement in my affidavit that the enquiry is not held in accordance with the principles of natural justice. It is true that the enquiry is held in accordance with principles of natural justice. It is true that I have not filed any document on record to show that the letter below Exh. U-12 is posted to the first party and the enquiry officer. It is true that I have not filed any document on record to show that the document below Exh. U-12 is received by the General Secretary of my union. According to me the alleged

report and findings of enquiry officer Surana received by me on 26.12.2014. I cannot assigned any reason as to why I have not put the date below my signature on the enquiry report . Below Exh. U-8. It is false to say that in order to creat a false record, I have not deliberately put a date below my signature on Exh. U-8. It is true that there is no reference of the letter below Exh. U-12 and U-14 in the letter dated 31-12-2014, 16-1-2015 and 14-4-2015. The letter dated 31.12.2014 is addressed to enquiry officer Arun Samant, therefore I felt it is not necessary to give reference of the document below Exh. U-12 and U-14 therein. According to me I received the report and findings of the enquiry therefore I felt it is not necessary to give reference of the document below Exh. U-12 and U-14 in two correspondence dated 16-1-2015 and 14-4-2015. I have gone through the documents filed by the first party and on behalf of me. It is false to say that the report and findings of enquiry officer dated 30-10-2014 was not ready. 0..It is true that I have not filed any document on record to show that I received the report and findings of enquiry officer dated 30-10-2014 on 26-12-2014. I received letter of the company dated 25-12-2014 on 29-12-2014 and receipt of date 27-12-2014 mentioned in para 18 of my statement of claim is a typing mistake. I have just come across the said typing mistake. It is true that I have not mentioned date of receipt of report and findings of enquiry officer Surana on 26-12-2014. I cannot assign any reason as to why I have not mentioned date of receipt of report in my statement of claim. I received a message on mobile from postal authority that the letter dated 22-12-2014 delivered to the first party and enquiry officer Surana. It is false to say that

letter dated 4-12-2014 and 22-12-2014 is not received by the first party.

I called the defence representative on 25-12-2014 and thereafter he called to Surana and informed me that the report of the enquiry officer is ready. I went to receive report along with Sachine Keni, Hemant Bhujbal, Harishantra Tarekar, Lahu Patil, Ajinkya Dalavi, Nitin Gaikwad, Rajendra Saraf, Chandrakant Patil, Santosh Chorge, Raghunath Hatmode and Bhagwan Patil. It is false to say that I paid Rs.50,000/- to enquiry officer Surana and managed the report. It is true that I did not make an enquiry between 26-12-2014 to 31st December 2014 whether the first party company received report of enquiry officer Mr. Surana. I do not know whether the first party received report of enquiry officer Surana till 31st December 2014 when I filed the same in enquiry.

It is true that I have not made any statement regarding the report of enquiry officer Arun Samant that either it is not conducted in accordance with the principles of natural justice or it is a perverse.

It is true that I did not give reference of letter dtd. 4-12-2014 and 22-12-2014 in enquiry proceedings dated 31-12-2014 and 10.1.2015. It is true that I did not lead any evidence on 31-12-2014 and 10-1-2015.

Q. Why did not you write a letter to the first party that you received report and findings on 26-12-2014?

Ans. My defence representative was busy after crismas for two to three days therefore no letter is issued to the first party prior to 31-12-2014. It is false to say that contents of my affidavit are false.

Cross- examination- completed.

Re-examination- Nil.

Thane

Date : 25/04/2019.

Ddg/-

Sd/-

(R.U.Nagargoje)

Presding Officer,

Third Labour Court, Thane.