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In the Labour Court at Kalaburagi

REF.No.1 of 2018

Name: T.N. Chandrashekar

Mw.1

Father's Name: Narasimhamurthy

Duly sworn on : 19-06-2019

Age: 36 Years

Occupation : Manager.I.R. KPTCL, Bengaluru

Place: Bengaluru

Examination in chief by Sri S.B. for the Respondent No.1 & 2:

1. I state on oath that whatever I have stated in my affidavit filed today are true to the best of my knowledge, information and belief. I have gone through its contents and affixed my signature on each page thereof.

2. I have produced circular dated 20-02-2003 to show that there is bifurcation of companies. It is marked as **Ex.M.1.**

3. Cross examination by Sri S.B.W. for 1st party: Since 16 years I am working in KPTCL and know the facts of this case. We had submitted our reply before the Conciliation Officer. We had not raised the defense of delay, before the Conciliation Officer. I do not know the meaning of terms successor and therefore not able to state whether the five

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Corporations/companies are successors in interest of KPTCL or not. It is correct to suggest that even after formation of five companies mentioned in Ex.M.1, service conditions, mode of employment, working conditions etc., have remained the same.

4. I do not know to what posts the first party workmen were appointed, but the approval was given for appointing Ledger Clerks. I do not know the number of posts for which the approval was sought and given. Approval was given on 30-04-2002, but I do not exactly know the date on which such approval was sought. It is correct to say that the Corporation will have correct information and documents with regard to the date on which the approval was sought, the number of posts for which approval was sought and given. It is correct to say that on what basis the first party workmen were appointed and the period for which their services were approved, will be available with the Corporation. There is no impediment to produce those documents before the court. It is not correct to suggest that I have not produced those documents to avoid drawing of adverse inference against the Corporation.

5. It is true to suggest that the work of ledger maintenance is given to Junior Assistants, Assistants and Senior Assistants. When suggested that minimum educational qualification for appointing the Jr. Assistant is SSLC, witness states that no such minimum qualification was fixed at the time of granting approval. We have not mentioned the educational qualification of the candidates in the approval order. It is correct to suggest that during 2002,

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minimum qualification for Jr. Assistant was SSLC. When suggested that except 3rd claimant Ravindranath other claimants were more qualified, the witness states that the same is forth coming from Annexure-B, which is a part of the claim petition.

6) I do not know if the first party workmen were engaged by us for more than 9 to 13 years. When questioned if the first party workmen were given one appointment order or they were periodically appointed, witness states that approval was given periodically. It is not to correct to suggest that to victimize the first party workmen and to take advantage of their less bargaining capacity, we were displaying periodical appointment orders on the notice board. It is not to correct to suggest that sanctioning the post is in the hands of KPTCL, witness volunteers to states that the said power is with the respective Corporations/companies.

7) As and when the Chief Engineers seek approval for engaging Gangmen, Ledger Clerks we had given approval. When suggested that services of 7528 Gangmen who had put in 6 years of service on temporary basis were regularized, the witness states that those temporary Gangmen who had put in 6 years as on 01-04-2003 were regularized as per Government approval dated 25-02-2004. I do not know if the services of Jr. Engineers was also regularized in similar manner. It is not correct to suggest that with the assurance of regularizing the services of first party workmen in a phased manner, we prevented them from discharging the duties as well as raising dispute. I do not know whether there was no delay on the part of the

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first party workmen in raising the dispute.

Re-examination : Nil

(Typed to my dictation in the open Court)

R.O.I & A.C

**P.O, Labour Court
Kalaburagi**