

ID 129/2015 (MW.1)

On 31.07.2024 witness has entered in the witness box and as taken oath

Further cross-examination by Sri. SV advocate for first party:-

16. It is not true that 104 workmen who had entered into settlement, had gone to the court expressing dissatisfaction of the settlement.

17. it is true that now record shown to me is the conciliation report of Labour Commissioner, Sub Division-I, Bengaluru submitted to the Labour Department. **It is marked Ex.W26 by way of confrontation.** It is true that I had participated on behalf of second party in the said conciliation proceeding shown in Ex.W26. It is true that dispute shown in Ex.W26 was raised by the 25 workmen, out of 104 workmen, who had entered into settlement with second party. It is not true to suggest that those 24 workmen has raised dispute shown in Ex.W26 since second party has paid to pay full amount to the workmen as per the settlement. It is true that Labour Department had referred the dispute of Ex.W26 to this Tribunal and accordingly ID 139/2017 came to be registered before this Tribunal. Already said ID No. 139/2017 is closed. I do not know the result of said ID No.139/2017. It is true that now records shown to me is the copy of Award passed by this court in ID No. 139/2017. **It is marked as Ex.W27.** It is not true to suggest that since second party did not pay remaining amount as per the compromise to those 25 workmen, they could not deposit received compensation amount to this Tribunal and due to this reason the said ID 139/2017 came to be closed. It is not true to suggest that during the talks of settlement second party had agreed to pay different quantum of compensation amount to 104 workmen, but second party paid less compensation amount to those workmen.

18. I do not know if it is suggested that above noted 25 workmen filed

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Writ Petition before Hon'ble High Court of Karnataka against the Award passed in ID 139/2017. It is not true to suggest that during the conciliation proceeding second party had agreed to pay remaining compensation amount to those 25 workmen as per the terms of settlement. I do not know the settlement made with those 25 workmen.

19. It is not true to suggest that second party failed to follow Rule 23FFA and 25FFA of ID Act -1947 before issuing closure notice. It is true that now record shown to me is certified copy of closure notice. **It is marked as Ex.W28.**

20. X. Dorairaj is Chairman of second party for both plants at Chennai and Hindupura.

21. It is not true to suggest that remaining 4 workmen of this case are entitled to get legitimate closure compensation with arrears of salary and other benefits. It is not true to suggest that second party is deliberately denying the right of those 4 workmen. It is not true to suggest that second party has deliberately violated all the rules of ID Act.

Re-examination: Nil.

(Typed to my dictation in open court)

R.O.I.&.A.C.

(JAGADEESWARA M)
Presiding Officer,
Industrial Tribunal, Bengaluru.