

**BEFORE THE HON'BLE PRESIDING OFFICER/LABOUR COURT OF
GURGAON, HARYANA**

IN THE MATTER OF:-

Amit Kumar
Maniyarpur, PO- Varish Nagar,
Distt.- Samastipur, (Bihar) WORKMAN/PETITIONER

Versus

M/s. Magsons Exports
Plot No. 41-42, Phase-IV,
Udyog Vihar, Gurgaon,
Haryana MANAGEMENT/RESPONDENT

EVIDENCE BY THE WAY OF AFFIDAVIT

It is respectfully submitted that,

1. That the deponent **Amit Kumar**, S/o- Deepak Prasad Resident At-
maniyarpur, PO- Varish Nagar, Distt.- Samastipur, Bihar, was
employed with **M/s Magsons Export** as Sticker Man. The workman
has been appointed on dated **11-03-2011**. His last drawn salary is
INR 6,250/- per month. He was working in company_with full
honesty and integrity.
2. That on **05-09-2014**, a co-worker named Suman Mishra and In-
charge Dharam Pratap engaged into a fight. Then Suman was called
into the office of personnel department and was told that he is
terminated. Management personnel asked him to take only salary for
the last month and leave but he asked for notice payment and
retrenchment compensation also, which they denied. Suman came
back and said this to the deponent. Later the deponent, being an
active Union member, advised him to ask for other dues also. In
charge Dharamveer heard this and said "Tumko kya matlab hai is se,
Jo hisaab de rha hai, wahi milega". Later on, In charge Dharamveer
complained about the deponent's conduct and involvement to the

personnel manager Pratap, who asked the deponent, not to come for the duty from the next day onwards, citing the reason as their affiliation to workers union. He said that you are associated with the Union, so we will teach you the lesson and thus fired them abruptly. That on 05-09-2014, when shift was over around 5:45 pm, deponent along with co-worker Shravan was detained and was forced to sign on full and final settlement paper. They said "Aaj sign karo nahin to kuch bhi ho sakta hai". The deponent was also threatened of dire consequences if he resorted to any further action against the management. The deponent was under threat and very scared to report such coercive action of the management before any authority.

3. That the deponent during the conciliation proceedings vehemently denied the false allegations of the management and reiterated their claim that they were illegally terminated from the services and their signature was forcefully taken on the full and final settlement paper. They never admitted the receipt of full and final payment. This can be well proven by the report of the Assistant labor commissioner cum Conciliation officer.
4. That the deponent was earlier given an ID card bearing card number 081, copy of which is attached here as **Ex. P.W-1/A**. Further the card was replaced and new ID card was issued bearing card number 099, the same was taken away forcefully from him the day he was illegally terminated. Copy of wage slip for the month of December 2013 stating the new customer code and salary details is attached here as **Ex.P.W- 1/B**.
5. That the workman is still unemployed since he has been illegally terminated from the company by the management.
6. The facts of this case are true and correct to the best of my knowledge.
7. Copy of the pass book issued to the deponent is attached here as **Ex. P.W-1/C**.

VERIFICATION

It is verified on this 9th November 2015 at Gurgaon that the contents of my affidavit are true and correct to the best of my knowledge and on the information received and believed to be true. This affidavit has been drafted under my direction and its content has been clearly read out to me and explained in my vernacular language.

Deponent