

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

IN THE MATTER OF:-

SH. SHAMSHER ANSARI

Folder, ID No. 0506
89, Saharpur, Narayanpur,
P.O.-Chainpur,
Distt.-Jamtara,
Jharkhand
PIN-825330

.....

PETITIONER

Versus

M/S V&S INTERNATIONAL PRIVATE LIMITED

Plot No.301, Phase-II,
Udyog Vihar,
Gurgaon

.....

RESPONDENT

EVIDENCE BY THE WAY OF AFFIDAVIT *on behalf of Petitioner*

I, Shamsher Ansari son of Shri Jamruddin Ansari,
resident of Vill.- Saharpur, Narayanpur, P.O.- Chainpur,
Distt. Jamtara (Jharkhand), aged about 29 years do hereby
solemnly affirm and declare as under;

1. That I joined M/S V&S International Private Limited on dated 28-11-2006. I was hired to work as a folder in the finishing and packing department. It was told by the management that you would be a casual worker and 0506 is allotted to me as V&S identification no. I was appointed in a permanent job but treated as a casual worker.
2. That in early December 2007, after successful completion of one year of service in the company I requested the Packing In-Charge, Mr. Nishar Ahmed for leave in order to take care of personal matters, including my health. Mr. Nishar Ahmed agreed to give leave. I have booked train tickets to go to village in Jharkhand and submitted a leave application on December 18 for 11 days from the dated 19.12.2007 to 30.12.2007. But at the eleventh hour Mr. Nishar Ahmed rejected my leave application, in spite of having agreed before. I have already made commitments and reservations, so left for my village on December 19.
3. That on January 3rd 2008, I returned to the V&S factory and it was told by Mr. Nishar Ahmed that you are terminated, without notice or reason and he also told me that you could collect your payment on January 30. He instructed me to return on January 10 for further discussion on payment.

4. That on January 10th 2008, I returned and was told to submit a resignation letter indicating that I have decided to resign of my own volition. Refusing to tell a lie, I have submitted a letter in which I requested to know why I have been terminated without any reason. Mr. Nishar Ahmed refused to receive the letter. When I asked him to mark the letter to indicate that he would not receive it, Then Mr. Nishar Ahmed marked the letter with a cross. After that that marked letter was forcefully taken by the personnel department of the company.
5. That I became frustrate and shock due to my illegal termination without any reason and notice, because I have no other means of survival except working in the factory.
6. That I was last paid for October, during the last week of November. I have not been paid at all for November and December 2007.
7. That I regularly worked overtime but did not get paid the government's prescribed double rate. For the first three months (December 2006-February 2007), I was told that as a new worker, I would get paid only basic rate (single rate) for overtime. Since July 2007, that is after the new

Haryana Government's rates began to apply, It was told that I would get double the basic rate for first two hours of overtime in a day, and single for the rest of the overtime hours.

8. That I never paid the full amount according to the Haryana Government's rate for basic pay for semi-skilled worker. Since June 2007, Haryana Government's new rate began to apply. I began getting the new rate only in September 2007 and was told that ^{ca} casual workers would not get arrears for July and August 2007.

9. That I did not receive even one day off per week throughout this employment. I was forced to work double shifts. No food allowances I received during overnight stay.

10. That I have been paid Rs. 53884/- during the period of this employment which includes basic and overtime pay. This is far short of the Government's prescribed basic and overtime rate, totaling Rs. 1,71,480/-.

11. That I received no pay slip for wages at any time and did not get Provident Fund and ESI.

12. That my payment was delayed regularly. The basic for the month worked would be given usually towards the last week of following month. Overtime have been paid separately only after two months of having done the work.

13. That company has no grievance mechanism that he could use it for solving his problems, and company force to seek external legal help.

14. That my copy of voter Id card is exhibited as CW.Ex.-1/A, Id card provided by the company is exhibited as CW.Ex. - 1/B, copy of application form for opening Bank Account attested by the company management which has not been opened is exhibited as CW.Ex.-1/C, copy of the payment calculations of Shamsheer Ansari during work period at V&S International is exhibited as CW.Ex.-1/D respectively.

15. That the facts of this case are true and correct.

EX-CW1/A

—————
|
|
|

Loban *officer*

9.

Shamsheer
Ansari
DEPONENT

5/9/011

VERIFICATION

It is verified on 5th day of September 2011 at Gurgaon that the contents of my affidavit are true and correct to the best of my knowledge and on the information's received and believed to be true.

Shamshy Ansmi
DEPONENT

5/9/01



ELECTION COMMISSION OF INDIA

भारत निर्वाचन आयोग

IDENTITY CARD

FFD1953465

पहचान पत्र



Ex. 1/A

Elector's Name Shamsheer Ansari

मतदाता का नाम शमशेर अंसारी

Father's Name Jamiruddin Ansari

पिता का नाम जमीरुद्दीन अंसारी

Sex Male

लिंग पुरुष

Age as on 1.1.2005 23

१.१.२००५ को आयु २३

Address

FFD1953465

89 SAHARPUR, NARAYANPUR
P.O. CHAINPUR, DIST- JAMTARA
PIN- 825330

पता

८९ शहरपुर, नारायणपुर

पो० चैनपुर, जिला- जामताड़ा

पिन- ८२५३३०

Facsimile Signature
Electoral Registration Officer
निर्वाचक निबंधन अधिकारी

For 9 - Jamtara

Assembly Constituency

९ - जामताड़ा

विधानसभा निर्वाचन क्षेत्र

Place Jamtara

स्थान जामताड़ा

Date 16.08.2005

दिनांक १६.०८.२००५

03/046/0563



SHAMSHER ANSARI

0506



Ex. 1/B

0506



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For Office Use Only

CUSTOMER COPY (Customer Information Form)

CII070014455

Please quote this reference no. for any future communication

CII070014455

Instructions

1. Please fill the form in BLOCK LETTERS and in BLACK INK only
2. All fields marked * are mandatory
3. This is a MACHINE READABLE form and will pass through a SCANNER
4. Account facility shall be at sole discretion of Deutsche Bank AG, India

Date:

D D M M Y Y Y Y

Branch official: FA W/C

CII070014455

CUSTOMER INFORMATION FORM

For Resident Individuals (To be filled by applicant only)

Deutsche Bank



Customer ID No.

Branch GURGAON

Date: 17 09 2007
D D M M Y Y Y Y

Personal Details

For Bank use Only

Title Mr. Ms. Mrs. Others (Please specify) _____

*Name SHAMSHER ANSARI
First name Middle name Last name

*Date of Birth 14 05 1983 *Gender M F
D D M M Y Y Y Y

Nationality INDIAN *Mother's Maiden Name HAFIZAN BIBI

Minor Yes (please provide Guardian Details) No Senior Citizen Yes No PAN/GIR No. _____
(If not available, please attach Form No. 60611)

Passport No. _____ Date of Issue _____ Date of Expiry _____
D D M M Y Y Y Y D D M M Y Y Y Y

Current Details

Mailing Address

*Address Line - 1 VRS - INTERNATIONAL - PVT - LTD - PLOT - No - 262 - PHASE - 4

*Address Line - 2 UDYOG - VIHAR

*City GURGAON *PIN Code 122016

*State HARYANA *Country INDIA

Landline No. 2399161 Mobile No. 9910670813
STD Code

Permanent Address (Only if it is different from the mailing address - Mandatory for Payroll Accounts)

*Address Line - 1 89 - SAHARPUR - NARAYANPUR - PO - CHAINPUR DIST - JAMTA

*Address Line - 2 RA

*City JAMTARA *PIN Code 825330

*State JHARKHAND *Country INDIA

Landline No. _____
STD Code

Guardian Details (In case of minor, please submit copies of identification and address document for the guardian)

Name of Parent/ Guardian _____ Date of Birth _____
D D M M Y Y Y Y

Relationship with minor Father Mother By Court Order (if yes, please attach a copy) Others (Please specify) _____

I shall represent the minor in all transactions of any description in any account opened with Deutsche Bank AG, India ("Bank") till the said minor attains majority.

I shall fully indemnify the Bank against any claim of the above minor for any withdrawal/transaction made by me in his/her account.

Guardian Signature _____

Introduction Details

Introduction by existing Deutsche Bank Account Holder

Customer Name _____ Account No. _____

Customer ID _____ I confirm that I am an account holder with Deutsche Bank for over six months. I confirm that I personally know the applicant's details herein for more than six months and confirm his/her identity, occupation and address.

Introduction by Employer for Staff Payroll Account

This is to certify that Mr./Ms. SHAMSHER ANSARI is working with our organisation. We certify that he/she has pasted the latest photograph and the permanent address provided is as per our records.

For V & S International (P) Ltd
[Signature]
Manager

(Introducing customer Signature/ Authorised Signatory with common seal on behalf of the Employer)
Location GURGAON Date _____

Signature Verified By (Name) _____
Signature Verified By (Signature) _____
Employee ID _____
Date of A/c opened _____
D D M M Y Y Y Y

NOTE: THIS FACILITY/ SERVICE IS NOT AVAILABLE FOR RESIDENTS OF CERTAIN COUNTRIES.

- Visit our bank branches
- Call our 24 hour Phone Banking at 6001 8601**
- Log on to www.deutschebank.co.in
- Email us at customer.care@db.com

Direct Banking Channel Request

I request the Bank to issue me Internet Banking and Phone Banking Password as applicable.
 * Note: Issued to all the individual customers by default except to accounts with Joint operations. Using the Internet and Phone Banking services, you may view and transact on your account including transfer to external Bank Account. In case you do not wish to avail of these services, please call on our 24 hour Phone Banking.

Communication with Customer

In future Deutsche Bank AG India ("Bank") reserves the right at its discretion to: i) E-mail the Statement of Account to your e-mail ID provided. ii) Send Account related alerts through SMS & e-mail. iii) Replace certain monthly paper statements with e-mail statements. iv) Send carefully selected promotional offers as letters to your mailing address and through e-mail & SMS.

Other Details

Educational Qualification Undergraduate Graduate Postgraduate (General) Postgraduate (Professional)
 Marital Status Married Unmarried No. of Dependents Adults: 0 / Children

Banking Relationships (with other Banks)

Bank Name (1) _____ Account No. _____ Overdraft facility Exist : Yes/ No
 Bank Name (2) _____ Account No. _____ Overdraft facility Exist : Yes/ No

Employment Details

Occupation Salaried Self-employed/ Professional Business Retired Student Housemaker

Name of the Company _____
 (N.A. for Student, Housemaker and Retired)

If salaried, employed with Public Limited Company Private Limited Company

Grade Clerk Officer Junior Management Middle Management Senior Management

If self-employed/ profession CA Engr. Doctor Trader Lawyer Consultant Others _____

If in business Public Limited Private Limited Proprietorship Partnership

Annual household income < Rs. 250,000 Rs. 250,000 – 500,000 Rs. 500,000 – 1,000,000 > Rs. 1,000,000

Which are the other products offered by Deutsche Bank that you are interested in _____

Declaration

I/We have read and understood Bank's General Business Conditions (a copy of which has been sent to me/us in my possession) governing the business relationship with the Bank and those special conditions relating to various services including but not limited to Accounts, ATM, Phone Banking, Debit Card, Internet Banking, Bill Payment etc. I/We accept and agree to be bound by the said Bank's General Business Conditions including those excluding/limiting the Bank liability. I/We understand that Bank may as its absolute discretion, discontinue any of the services completely or partially without any notice to me/us. I/We agree that Bank may debit my account for service charges as applicable from time to time. I/We authorize the Bank to keep providing me/us the information on or relating to my/our account(s) with the Bank to any other branch of the Bank and any of its subsidiaries or affiliates or to any Authority or third party without specific consent. The Bank's General Business Conditions, the receipt and acceptance of which I/We herewith confirm, and all other rules and conditions of the Bank including any amendments thereto as notified by the Bank shall apply to each of the accounts and all documentation in relation thereto.

Information pursuant to Anti-Money Laundering

I/We are the beneficial owner of all assets run through my/our own account.
 The beneficial owner of some/all assets runs through the account is/are (name and address of person for whom the account(s) are maintained) _____

The Branch of the Bank in _____ (State/Country) where my/our account/s is kept (the "Accountable Branch") is the sole branch of account for repayment of any credit balance in the account and any interest accruing thereon which will only be made at the Accountable Branch and in the currency in which the credit balance is denominated. Accordingly, the Bank shall not be required to repay any such credit balance or interest at its head office or any branch other than the Accountable Branch for so long as and to the extent that the Accountable Branch cannot repay the balance or interest due to (a) an act of war, insurrection or civil strife; or (b) an action by the government or any instrumentality of or in (State/Country) (whether de jure or de facto) preventing such repayment. The competent court within whose jurisdiction the Accountable Branch is situated shall have exclusive jurisdiction in respect of any claims against the Bank. However, this will not effect the Bank's general lien and right of set-off over all my/our account/s at all branches of the Bank and for this purpose the Bank shall be entitled to combine and consolidate all or any of such accounts.

FOREIGN EXCHANGE MANAGEMENT ACT, 1999 (FEMA)

I/We hereby declare that the transactions relating to foreign exchange routed through your Bank do not involve, and are not designed for the purpose of any contravention or evasion of the provisions of the aforesaid Act or of any rule, regulation, notification, direction or order made thereunder. I/We also hereby agree and undertake to give such information/documents as will reasonably satisfy you about the transactions in terms of above declaration.

Customer Signature (Sign within the box and use black ink for signature)

Signature: Shamsher Ansari Date: 17/09/07

Name: SHAMSHER ANSARI Date: 17/09/07

For V & S International
 Manager

For Bank Use Only

Customer Category Private Banking Private Banking Payroll Business Banking Personal Banking

Lead Generated By Customer Sourced By

Customer Managed By

Private Banking Team Code Promotion Code Valid up to D D M M Y Y Y Y

(Only in case of Private Banking Customer)

Customer Risk Profile Very Conservative Conservative Moderate Aggressive Very Aggressive

Payroll Company/ Promo/ Campaign Code Sol Id WWIC Code

Deutsche Bank Staff Deutsche Bank Group Staff Deutsche Bank India Staff Employee ID

Expanded initial of Name for PCR _____

Branch Manager/ Service Manager Signature Employee ID Date D D M M Y Y Y Y

ANNEXURE A

SHAMSHER ANSARI PAYMENT CALCULATIONS DURING PERIOD WORKED AT V&S INTERNATIONAL, GURGAON

MONTH	OFFICIAL PAY/SEMI-SKILLED	OT HOURS	OFFICIAL OT OWED	OFFICIAL TOTAL PAY	PAY GIVEN	OWED
Dec-06	2850	227	6219.8	9069.8	4850	4219.8
Jan-07	2850	227	6219.8	9069.8	5250	3819.8
Feb-07	2850	227	6219.8	9069.8	4650	4419.8
Mar-07	3640	227	10787.04	14427.04	6350	8077.04
Apr-07	3640	227	10787.04	14427.04	5800	8627.04
May-07	3640	227	10787.04	14427.04	8150	6277.04
Jun-07	3640	227	10787.04	14427.04	4480	9947.04
Jul-07	3640	227	10787.04	14427.04	424	14003.04
Aug-07	3640	227	10787.04	14427.04	3750	10677.04
Sep-07	3640	227	10787.04	14427.04	4840	9587.04
Oct-07	3640	227	10787.04	14427.04	5340	9087.04
Nov-07	3640	227	10787.04	14427.04	0	14427.04
Dec-07	3640	227	10787.04	14427.04	0	14427.04
				171479.8	53884	117595.8

FB