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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

C.P. NO.428/2004
in
O.A. NO.2617/2002

This the 18th day of August, 2005.

HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

1. Fateh Singh,
Post Office Nimbi,
Zilla Mahendragad (Haryana).
2. Ved Pal S/O Bola Ram,
H-526 Sarojini Nagar,
New Delhi-110023.
3. Ranbir Singh S/O Roop Chand,
VPO Bayanpur Sonipat,
Haryana-131002.
4. Jai singh S/O Roop Chand,
VPO Dobh, distt. Rohtak,
Haryana-124418.
5. J.C.Khatri S/O Amir Singh Khatri,
VPO Panchi Jatiyan Distt. Sonapat,
Haryana.
6. Narinder Kumar S/O Risal Singh,
VPO Bhalout, Distt. Rohtak,
Haryana-124401.
7. Sant Kumar S/O Chander Pal Singh,
Village Kharak Khurad,
P.O. Kharak Kalan,
Distt. Bhiwani, Haryana.
8. G.U.Khan,
Mahavir Enclave, Patr-III,
Near Qureshi STD,
Uttam Nagar, New Delhi.

... Applicants

(By Ms.Anita Sharoha, Advocate)

versus

1. Dr. Masselkar, Director General,
Council of Scientific & Industrial Research,
Anusandhan Bhawan, 2 Rafi Marg,
New Delhi-110001.

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2. Sudhir Kumar,
Joint Secretary (Administration),
CSIR, Anusandhan Bhawan,
2, Rafi Marg, New Delhi-110001.

3. Inderjeet Singh Walia,
Security Incharge,
CSIR, Anusandhan Bhawan,
2, Rafi Marg, New Delhi-110001.

... Respondents

(By Ms. K.Iyer, Advocate)

ORDER (ORAL)

Hon'ble Shri V.K.Majotra, Vice-Chairman (A):

OA No.2617/2002 was disposed of vide orders dated 15.7.2003 with the following observations/directions:

"12. As regards regularisation is concerned, the same is to be done in accordance with rules as the applicants are ex-servicemen. If they confirm to the eligibility criteria on their applications their cases would be considered for regularisation and for that they have to be amenable to the selection process meant for the post.

13. As regards the revised wages are concerned, as the applicants have preferred a representation in the event they produce before the respondents proof of their being sponsored through DGR their name for revised wages would be considered by the respondents. With the aforesaid observation both the OAs are disposed of. No costs."

2. Through this petition, applicants have alleged that respondents have passed orders dated 30.12.2003 (annexure P-V) relating to wages, which are not in accordance with the entitled wages of security guards, and further that respondents have not taken any action towards regularisation of their services. Thus, it has been alleged that respondents have deliberately and contumaciously disobeyed the directions of the court and in the process committed contempt of court.

3. Respondents, on the other hand, have stated that the names of applicants were not sponsored through the Directorate General of Re-settlement



(DGR). Applicants' names had been merely forwarded by DGR. The learned counsel explained that there is a difference between sponsorship and mere forwarding the names. The DGR sponsors the names of only those persons who are registered with the security agencies. As such, this petition should be dismissed. The learned counsel further stated that applicants have been paid wages at the rate of Rs.3000/- per month (plus over-time allowance) on the recommendations of an expert committee in the year 1997. These wages were revised to Rs.4055/- per month w.e.f. 15.7.2003. As applicants are receiving their pension as well besides the wages, they are being paid more than the minimum wages as applicable in the NCT of Delhi.

4. The learned counsel of applicants filed TR-1 dated 21.5.1999 written by CSIR to applicant No.1 asking him to appear for interview on 4.6.1999 with various documents including a certificate of registration with the DGR and discharge certificate. The learned counsel maintained that applicants had produced these documents to respondents and as such they were interviewed and engaged and they are entitled to the revised wages as also regularisation of service in terms of Tribunal's directions.

5. The learned counsel of respondents stated that applicants have been paid at the rates approved by the DGR and that the minimum wages as applicable to the NCT of Delhi are not payable to applicants. With these contentions, the learned counsel maintained that respondents have not in any manner disobeyed Tribunal's directions.

6. As per compilation – India 2004 (A Reference Manual) compiled by Research, Reference and Training Division of the Ministry of Information and Broadcasting (TR-2), the DGR registers/sponsors security agencies for providing security guards to various Public Sector Undertakings and industries in private sector. The related scheme offers self-employment opportunities to retired

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Defence officers and employment opportunity to ex-PBOR. The Department of Public Enterprises had issued instructions to PSUs to get security personnel through DGR-sponsored security agencies. TR-1 dated 21.5.1999 issued by CSIR to applicants indicates that DGR had forwarded applicants' names to CSIR for employment under security arrangements. Various documents had been asked for from applicants including registration certificate with DGR and discharge certificate. On the basis of this, applicants had been interviewed after submission of various documents with CSIR. Respondents have not been able to explain the distinction between forwarding of names of persons registered with DGR and sponsorship of such person by DGR. Once DGR had forwarded the names of applicants to CSIR, it had to be accepted by CSIR that applicants' names had been sponsored by DGR. In any case, CSIR had interviewed and employed applicants after accepting certificates produced by applicants including the registration certificate with DGR and discharge certificate. The distinction being drawn by respondents between forwarding and sponsorship of names is superficial and cannot be accepted. If DGR had any objection against employment of applicant they should not have forwarded the names of applicants to CSIR. It has to be accepted that applicants had been sponsored by DGR. How would the recruiting organization know that even though the names of applicants had been forwarded by DGR for employment, they are not sponsored for employment! Forwarding of names by DGR cannot have any other import than sponsorship through DGR. In this backdrop, respondents would not be able to give wages to applicants other than fixed under official notification issued by the Labour Department of Government of NCT of Delhi and circulated by DGR, Ministry of Defence dated 30.4.2002, on the ground that such wages are applicable only to the security agencies sponsored through DGR.

7. The learned counsel of respondents stated that these applicants would be regularized as per rules when vacancies arise. As such, respondents shall

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consider regularisation of these applicants as per rules when vacancies arise. These applicants shall also be granted revised wages as per notification issued by the Labour Department of Government of NCT of Delhi and circulated by DGR, Ministry of Defence dated 30.4.2002 treating applicants as having been employed as sponsored through DGR.

8. With the above observations, the contempt petition is disposed of and notices to respondents are discharged.

S. Raju
(Shanker Raju)
Member (J)

/as/

V. K. Majotra
(V. K. Majotra)
Vice-Chairman (A) 18.8.05