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Ref: CPPRI/RTI/2024/06

10/05/2024

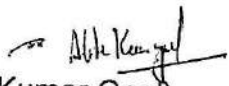
Shri Rajeev Sharma
House No. 3, Sun City Colony, Malipur Road
Saharanpur – 247001

Subject: Your RTI application dated 04.03.2024.

Dear Sir,

This is in reference to your RTI application dated 04.03.2024. Desired information is attached with this letter for your kind information please.

If you are dissatisfied, with the information provided or if you believe that your request has not been adequately addressed, you have the right to file an appeal to Dr. M.K.Gupta, Director CPPRI, Phone 0132-2714051, Ext 201, 202, Email: director.cppri@gmail.com within 30 days from the date of receiving this response.


(Alok Kumar Goel)
Scientist E-II and Public Information Officer
CPPRI, Saharanpur
Contact No. 0132-2714062, Ext.239

CC:

PS to Director



24/05/2024

(19)

Annexure -1 (1152)

NOTE:

Pending payment of M/s. Bhagwati Security Services for the period from November 2014 to February 2017 on account of classification of city of Saharanpur from Category 'C' to category 'B'

This institute is in receipt of a letter No. BSS/CPPRI/Admn/2020-21/05, dt. 7.5.2020 from M/s. Bhagwati Security Services (Placed opposite at Flag-A ante) vide which they have requested to release their above said payment. In this connection a summary of the issue is narrated below:

1. That a contract for security and House-keeping services was entered into with M/s. Bhagwati Security Services w.e.f. 1st August 2011 as a successful tenderer on the basis of tender bids invited by the institute which was opened on 9th November, 2010. The conditions of tender documents inter-alia various other conditions included
 - A) The min. wages rates as notified by the Central Government under Minimum Wages Act for different categories would be applicable.
 - B) The tenderer will be responsible and liable for the implementation of all the statutory provisions as regards security and other personnel to be deployed by him in respect of Min. Wages.
 - C) All disagreements, dispute, difference that may arise between the CPPRI and the agency which cannot be resolved through mutual negotiations shall be referred to an Arbitrator appointed in accordance with the provisions of relevant Indian Law. The venue of proceedings and Arbitrations shall be Saharanpur (UP) India. (Please see Copy of tender documents at Flag-B and copy of Contract Agreement at Flag-C in this file ante.)
2. That at that point of time when institute entered into an agreement Saharanpur city was classified as Class 'C' city.
3. That M/s. Bhagwati Security Services vide his letter No. BSS/CPPRI/Admn/2011-121/08, dt. 1.9.2011 intimated to refer the Govt. of India G.O. No. 2(14)/2010-E.II(B) dt. 15.06.2011 issued by Ministry of Finance re-classifying Saharanpur as "Y" class (i.e. B class) city for the purpose of grant of ^{House Rent} allowance etc. to the employees working in central govt. department at Saharanpur (Flag-D ante). M/s. Bhagwati Security Services simultaneously had also supplied a copy of Gazette Notification No. SO1285(E) dated 20.5.2009 published by the Ministry of Employment and Labour, Govt. of India which at page 6 & 7 under the title "Explanation" provides *that the places added or upgraded from time to time by the Ministry of Finance for the purpose of payment of House Rent Allowance to Central Government employees shall be taken to be added from such dates for the purpose of classification specified in the Annexure to this draft proposal.* (Flag-E ante).
4. That considering the above Govt. Notification dt. 15.6.2011 of the Ministry of Finance and Gazette Notification dt. 20.5.2009 published by Ministry of Employment and Labour, Govt. of India and also the request of M/s.

ADH
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- Bhagwati Security Services the then Director, Dr. R.M. Mathur approved the proposal submitted by the Administration duly recommended by Dr. S. Panwar, the then Security In-charge for payment of security agency by taking into account the category of Saharanpur city as Y (B) class. (Ref. copies of note sheet No. 1 to 3 of this file). The institute had since then been making the payment of wages and all other statutory liabilities like ESI, PF, Service tax etc. accordingly.
5. That later while processing the bill of security agency for the month of November, 2014 an observation came from the then Director-in-charge regarding classification of Saharanpur as Y (B) class as by that time name of Saharanpur was not displayed in the list of cities attached as Annexure to the order/Notification vide which rates of min. wages are revised by the Deptt. Of labour, govt. of India time to time (Ref. copies of note sheet No. 5 to 12 of this file).
6. That in order to comply with the remarks of the then Director-in-charge on note sheet No. 8, to resolve the issue, the institute sought clarification vide its letter No. CPPRI/Sec/1/2015, dt. 30.01.2015 (Flag-F) from the office Dy. Chief Labour Commissioner (Central), Dehradun under whose jurisdiction CPPRI falls and with whom the Institute is registered, appraising them with the complete factual position. Who in turn vide their letter No.D-35(23)/2014/LEO-II, dt. 5th March, 2015 replied that 'since notification regarding inclusion of Saharanpur city in B class, on the basis of OM No. 2(14)/2010-E.II(B) dt. 15th June, 2011 of Ministry of Finance classifying to Saharanpur as Y class city (i.e. B class) for the purpose of HRA to the Central Govt. employees and the Gazette Notification No. SO-1285(E) published by Ministry of Labor & Employment, Govt. of India. However, in light of the above wages(i.e. as per 'B' class city) being paid by CPPRI to the staff engaged through contractor is rightly paid in accordance with the relevant provisions'. (Flag-G).
7. That on receipt of reply from the office of Dy. Chief Labour Commissioner, Dehradun, the same was processed and put-up to Director for his kind perusal and approval whereupon the then A.O. put his remarks to which Director approved that *matter has been discussed with Director and we may release payment to the party as per 'C' class city at present and difference will be paid as per notification as & when received* (pls refer copy of Note sheet No.13 & 14 in this file). Since then although the Security Agency had been submitting its bills as per 'B' class city but as approved by the then Director in-charge Institute had been making its payment of bills as per 'C' class city. However, Institute subsequently sent a letter No. CPPRI/Admin/Estate/Pyt/ dt. 3.2.2016 to M/s. Bhagwati Security Services to submit its monthly bills as per the rates of wages applicable to 'c' class city only instead of 'b'-class city as till then Saharanpur was not covered under 'B' class city according to the list of classification of cities published by the Ministry of Labour, Govt. of India (Flag-H). M/s. Bhagwati Security Services in reply vide his letter No. Nil dt. 4.3.2016 had inter alia intimated that statutory compliance of disbursement of wages and contribution amount of EPF and ESIC of the staffs have been deposited with

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(23)

Annexure - 1 (3/5)

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the concerned departments in compliance of above mentioned notification and in accordance with the wages of only class -B rates applicable for the staff deployed by our agency in CPPRI so far and now therefore it is stated that we being under protest are raising our bills according to 'C' class city from February 2016 onwards as referred by your above letter (Flag-I).

8. Later when the name of Saharanpur city existed in the Annexure of Notification whereby the list of cities classified as 'B' class was issued by the Department of Labour, the Institute on the basis of that started paying the bills as per the wages applicable for B class city w.e.f. the payment of bill for the month of March 2017. However, the issue of releasing payment of difference according to B & C class city remained pending from November, 2014 to Feb. 2017.
9. That the Institute had entered with a new contract agreement with M/s. Bhagwati Security Agency w.e.f. 01.09.2015 which lasted upto 30.4.2020. In this Agreement also it was provisioned that *"the contractor shall be paid wages as per prevailing Minimum rates of wages for the concerned categories specified in the notification issued by the Central Government as applicable for Saharanpur(UP) region under the provisions of Min. Wages Act(Central) and as revised from time to time by them"*. (Ref. Clause No. 5(A) of the agreement). Further, Clause No. 9 of this agreement further laid down binding on the contractor that *"Agency will be solely responsible for the payment of wages to the staff deployed by it subject to receipt of payment of wages etc. from the institute and will ensure that wages paid to the security staff are as mentioned in clause No. 5 aforesaid."* (copy of Agreement is available ante at Flag-J)
10. That meanwhile the Agency had been pursuing its case for release of the above payment on account of difference of B&C class city for the period from November, 2014 to Feb. 2017 on earlier submitted grounds that:
 - Govt. of India vide its G.O. No. 2(14)/2010-E.II(B) dt. 15.06.2011 issued by Ministry of Finance has re-classified Saharanpur as "Y" class (i.e. B class) city for the purpose of grant of allowance etc. to the employees working in central govt. department at Saharanpur and that
 - Gazette Notification No. SO1285(E) dated 20.5.2009 published by the Ministry of Employment and Labour, Govt. of India provides at page 6 & 7 under the title 'Explanation' that the places added or upgraded from time to time by the Ministry of Finance for the purpose of payment of House Rent Allowance to Central Government employees shall be taken to be added from such dates for the purpose of classification specified in the Annexure to this draft proposal and further that
 - Office of the Dy. Chief Labour Commissioner (Central), Dehradun vide their letter No.D-35(23)/2014/LEO-II, dt. 5th March, 2015 has intimated that 'since notification regarding inclusion of Saharanpur city in B class, on the basis of OM No. 2(14)/2010-E.II(B) dt. 15th June, 2011 of Ministry of Finance classifying to Saharanpur as Y class city (i.e. B class) for the purpose of HRA to the Central Govt. employees and the Gazette Notification No. SO 1285(E)

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published by Ministry of Labor & Employment, Govt. of India. However, in light of the above wages (i.e. as per 'B' class city) being paid by CPPRI to the staff engaged through contractor is rightly paid in accordance with the relevant provisions.

Though the issue could not be resolved, yet:

12. On request made by the security agency vide its letter No. BSS/CPPRI/Admn/2017-18/ dt. 9.8.2017, that it is necessary compliance to deposit GST of Rs. 2,25,387/- on the pending payment of his bill in question, the Institute has released a sum of Rs. 2.25 lakhs to the agency as part payment (Pls. see Note sheet No.15). However, later on 5.2.2018 on a note dt. 15.1.2018 submitted by the then Estate Officer Shri B.K. Negi vide which he processed the pending payment under reference of the security agency, the Director approved to ask the security agency to submit the arrear bills for the period from 19.1.2017 to 28.2.2017 but the point about the advance of Rs. 2,25,000.00 paid to security agency towards payment of GST and also about the payment processed on account of difference of "B" Class and "C" class city for the period from Nov. 2014 to 19th Jan. 2017 remained salient. (Pls. see Note sheet No.17 & 18)

M/s. Bhagwati Security Services has time and again reminding about his above payment and now also he has submitted his letter referred above vide which he inter-a-lia various other facts & figures mentioned to inform him the ground of withholding his payment abovesaid, allegedly by condemning the approval of our own Director during 2011, not abiding the Gazette notification dt. 20.5.2009 and setting aside the clarification given by the Deputy labour commissioner office Dehradun on 20.2.2015.

A careful perusal of the whole happenings of the case reveals that the issue is pending for a long time which needs to be resolved on merit at our end so as to not to indulge or to invite any litigation.

Since the issue involves various aspects of legality hence it would be in the fitness of things to have a ~~have~~ proper legal opinion on the issue to act accordingly and resolve the issue so as to avoid any Arbitration proceedings or litigation in the Court of law at a later stage. As regards obtaining of legal opinion on the issue, we may approach to the Asstt. Solicitor General of India (ASGI) designated in the Allahabad High Court by the Union of India, who is the highest law officer from Central Govt. side in the state of UP posted in Allahabad High Court.

Submitted for kind perusal and orders please.

(A.K. Saxena)
Admn. Officer
04.06.2020

DIRECTOR


Dr. A.K. Dixit may please
see the file before
the same to Director
2/6/2020

07-05-24

Sub: Advice on payment of wages according to classification of City to M/s. Bhagwati Security Services for the period from 2011 to 2016. —Regarding.

Further to Note sheet No. 25

As discussed, a letter addressed to Ministry of Labour & Employment on the above issue has been drafted. The draft letter is placed ante for kind perusal and approval please.

INCHARGE  ADMINISTRATION

DIRECTOR


07-05-24

Special order

Annexure-2 (1)

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Ref: CPPRI-Sec. 1/2015-2282

Date: 30.01.2015

2-2

Dy. Chief Labour Commissioner (Central)
IDT Complex, ONGC, Opp. Dr. Ambedkar Stadium,
Kaulagarh Road,
Dehradun.

Sub: Clarification regarding payment of wages to the staff engaged through contractor.

Dear Sir,

This Institute (CPPRI) is an autonomous organization under Ministry of commerce & Industry, Deptt. of Industrial Policy & promotion, Govt. Of India, New Delhi and is registered with your office for the purpose of engagement of security and other staff through contractor.

We would like to have a clarification on the issue of wages being paid by CPPRI to the contractual staff engaged by this institute through contractor.

In the year 2011, the contractor through which we have engaged security and other housekeeping staff has represented for payment of wages as applicable for Saharanpur considering it as 'B' class city. The request was supported with a copy of Gazette Notification No. S.O. 1285(E) published on 20th May, 2009 by the Ministry of Labour & Employment, Govt. of India. In this Gazette Notification on page No. 17(English version) it has been provisioned that "THE PLACES ADDED OR UPGRADED FROM TIME TO TIME BY THE MINISTRY OF FINANCE FOR THE PURPOSE OF PAYMENT OF HOUSE RENT ALLOWANCE TO CENTRAL GOVERNMENT EMPLOYEES, SHALL BE TAKEN TO BE ADDED FROM SUCH DATES FOR THE PURPOSE OF CLASSIFICATION SPECIFIED IN THE ANNEXURE TO THIS DRAFT PROPOSAL" (copy enclosed herewith as Annexure-A). Further, Ministry of Finance, Department of Expenditure, Govt. of India vide its OM No. 2(14)/2010-E.II(B), dt 15th June, 2011 (copy enclosed herewith as Annexure-B) has re-classified to Saharanpur as 'Y' class city (i.e. B class) for the purpose of House Rent Allowance to the Central Govt. employees and made this order effective w.e.f. 1.6.2011. Since, the Gazette Notification No. S.O.1285(E), dt. 20.5.2009 has a proviso with respect to its implementation as mentioned above therefore, taking into consideration this gazette notification and the abovesaid order of Ministry of Finance (re-classifying to Saharanpur as 'Y' class city), this Institute has started paying wages of contractual staff applicable for 'B' class city w.e.f. 1.8.2011. But it is observed that name of Saharanpur is not shown under Area-B in the list displayed on the website of Ministry of Labour & Employment as yet. Due to this confusion prevailed whether the wages being paid by CPPRI is rightly paid in accordance with the relevant provisions.

In view of the above, it is requested that your good office may kindly confirm the position as enumerated above.

Thanking you,

Yours faithfully,

(Anil Kumar)

Administrative Officer.

a/c

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07-05-24

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Annexure-3 (1/1) 100

Regd. Post (ack. due)

Government of India
Ministry of Labour & Employment
Office of the Dy. Chief Labour Commissioner (Central)
I.D.T Complex ONGC, Opp. Dr. Ambedkar Stadium,
Kaulagarh Road, Dehradun

No.D-35(23)/2014/LEO-II

15 MAR 2015
Dated:- 20.02.2015

To,
Director
Central Pulp & Paper Research Institute,
Paper Mill Road, Himmat Nagar
Saharanpur, U.P.

Central Pulp
Director
09 MAR 2015
Saharanpur
(U.P.)

Sub: Clarification regarding payment of wages to the staff engaged through contractor.

Dear Sir,

Please refer to your letter No. CPPRI/Sec./I/2015/2787 dt. 30.01.2015 /2.2.2015 on the above subject.

In this context it is intimated that since notification regarding inclusion of Saharanpur city in B class, on the basis of OM No. 2(14)/2010-E.II(B), dt 15th June, 2011 of Ministry of Finance classifying to Saharanpur as 'Y' class city (i.e. B class) for the purpose of House Rent Allowance to the Central Govt. employees and the Gazette Notification No. S.O. 1285(E) published on 20th May, 2009 of Ministry of Labour & Employment, Govt. of India, has to be made by Ministry of Labour & Employment, Govt. of India. However, it is intimated that in light of the above the wages being paid by CPPRI(as mentioned in your letter) to the staff engaged through contractor is rightly paid in accordance with the relevant provisions.

Yours faithfully,



(Arun Kumar)
Labour Enforcement Officer (Central),
Dehradun

प्रमाणित किया जाता है

प्रमाणित किया जाता है
09/03/2015

प्रमाणित किया जाता है
07.05.24

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Annexure-4 (1/2)

Note :

Kindly refer letter no. BSS/CPPRI/arrear/2020-21/ dated 05.02.2021 received from M/s Bhagwati Security Services, Saharanpur requesting to release their long pending payment (for the period from Nov. 2014 to Feb. 2017). The same is placed opposite.

The matter is discussed with the Director and it is decided that we may constitute a committee of senior officers of the Institute for examination of the demand of the security agency. The committee will submit its recommendation to Director for their consideration.

The proposed committee is as under :

1. Dr. A K Dixit, Scientist F / Head, Administration (General)
2. Ms Anuradha V Janbade, Scientist E-2 / Head, Administration (HR)
3. Dr. Sanjay Tyagi, Scientist E-2 / Head, Finance & Accounts Divn.
4. Sh. N K. Naik, Technical Officer E-1, Incharge, Security Affairs.

Submitted to Director for approval please.

[Signature]
30/06/21

(N K Naik)

Incharge, Security Affairs

[Signature]
30.6.21
Head
Administration (General)

DIRECTOR

The committee is
advised to submit remarks
along with recommendations within a
period of one month positively.

[Signature]
30.6.21

1/c Security Sh. N. K. Naik for ya l. *[Signature]*

[Signature]
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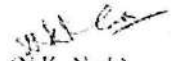
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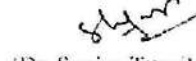
Annexure - 41(2/2)

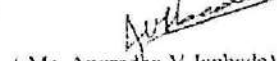
Further to Note sheet No. 29:

The committee as constituted vide note sheet No. 29 has gone through the issue of pending payment of difference of wages on account of re-classification of Saharanpur city under Y-Class(B-class area), (for the period from Nov. 2014 to Feb. 2017) claimed by M/s. Bhagwati Security Services, Saharanpur, and concluded the discussion with its considered opinion that "it would be in the fitness of the issue if an 'advice' of DPIT is obtained before further proceedings in the case". For this purpose a Draft letter addressed to the DPIT has also been prepared with the facts and figures of the case which is placed in the file for approval please.


Submitted for kind perusal and approval of Director.


(N.K. Nank)
Tech. Officer E-I


(Dr. Sanjay Tyagi)
Scientist-E-II


(Ms. Anuradha V Janbade)
Scientist-E-II


(Dr. A.K. Dixit)
Scientist-F


DIRECTOR

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