



भारत का राजपत्र

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No. 49] NEW DELHI, DECEMBER 2—DECEMBER 8, 2007, SATURDAY/AGRAHAYANA 11—AGRAHAYANA 17, 1929

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)
नई दिल्ली, 22 नवम्बर, 2007
क्र.आ. 3422.—केंद्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय अन्वेषण ब्यूरो के निम्नलिखित अभियोजन अधिकारियों को विचारण न्यायालयों में दिल्ली विशेष पुलिस-स्थापना (क.अ. ब्यूरो) द्वारा संस्थित मामलों और किसी राज्य अथवा संघ शासित क्षेत्र में, जिन पर उक्त धारा के उपबंध लागू होते हैं, विधि द्वारा स्थापित पुनरीक्षण अथवा अपील न्यायालयों में इन मामलों से उद्भूत अपीलों, पुनरीक्षणों अथवा अन्य विषयों का संचालन करने के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है :-

- सर्वश्री
1. तजस्वी प्रकाश नेगी
 2. पंकज गुप्ता
 3. एन. नागेंद्र
 4. मनमोहन शर्मा
 5. सितांशु शंखर मिश्रा
 6. सतीश चंद्र जायसवाल
 7. नरेंद्र प्रताप श्रीवास्तव

8. सुरेश कुमार श्रीवास्तव
9. श्रीमती नीलम सिंह
10. सुश्री डी.एस. पूर्णिमा
11. संजीव कुमार यादव
12. मनोज शुक्ला
13. अरविंद कुमार मिश्रा
14. प्रणीत शर्मा
15. ब्रजेश सिंह
16. सुश्री पद्मिनी सिंह
17. अतुल कुमार
18. प्रवीण श्रीवास्तव

[सं. 225/33/2006-ए.वी.डी.-II]
चंद्र प्रकाश, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC
GRIEVANCES AND PENSIONS
(Department of Personnel and Training)
New Delhi, the 22nd November, 2007

S.O. 3422.—In exercise of the powers conferred by
sub-section (8) of Section 24 of the Code of Criminal

examined the doctor to prove whether was examined or not by the doctor about his sickness. There is finding of the respondent that the petitioner set-exparte as he failed and attended substantiate the pleas by leading cogent evidence. Moreover nothing has been shown to me to take a contrary view in this regard. In view of the above discussion in my opinion, the respondent has not committed any error which apparently found on the face of the record and as such, there found no prejudicial irregularity committed by the respondent and the findings given by the respondent is not perverse and baseless. Therefore from all the aforesaid reasons and in the facts and circumstances of the case and also in view of my above discussion with regard to the various facts of the case. Having absented himself unauthorisedly without prior intimation or permission from duty the respondent have put-forth the plea that as the petitioner had been declared as an absconder. The unauthorized absence or non intimation to the concerned authorities would not only cause dislocation of work, but also causes great hardship to the company. It is not a case where the absence was beyond his control. The health of fever sickness problem faced by the petitioner are not so serious and also failure to produce the medical certificates, so as to disable him to intimate his absence well in advance or during the course of absenteeism. While considering the totality of the facts and circumstances, the respondent found that the act of misconduct unauthorized absence for a period of 274 days without prior intimation and permission by the petitioner was serious in nature. I am of the clear view that the petitioner herein has failed to make out any case in his favour and that therefore, there is no need for any interference with the order in this petition. Thus the petitioner fails and the same is liable to be dismissed for want of merits.

38. In the result, the petition is liable to be dismissed and is accordingly dismissed. But in the circumstances, no costs.

Typed to my dictation directly by Typist, corrected and pronounced by me in the open court on this, the 18th day of August, 2007.

M. SHANMUGAM, Chairman-cum-Presiding Officer

Appendix of Evidence

Witnesses Examined

For workman	For Management:
-Nil-	-Nil-

EXHIBITS

For workman :

EX.W-1 Dt.16-8-96 Mercy petition of petitioner

EX.W-2 Dt.31-5-95 Lr.addressed to the Asst. Commissioner @ Mancherial by petitioner

EX.W-3 Dt.5-3-97 Failure report of conciliation and minutes of conciliation proceedings

EX.W-4 Dt.8-2-93 Lr. Addressed to the Medical Superintendent Area Hospital, RG-I, by S.O.M., GDK-No.2 Incline

EX.W-5 Dt.21-9-95 Accident Report (Xerox)

For Management :—

EX.M-1 Dt.17-5-95 Charge Sheet

EX.M-2 Dt.31-5-95 Undelivered returned postal covers with Acks.

EX.M-3 Dt. 25-7-95 Charge Sheet published in Andhra Jyothi Telugu News paper

EX.M-4 Dt.16-8-95 Office Order

Ex. 5 Dt. Enquiry Report

EX.M-6 Dt.31-12-95, 1-1-96 Lr. Issued to the petitioner by General Manager, Ramagundam Area-I

EX.M-7 Dt.8-2-96 un-delivered postal returned cover with Ack.,

EX.M-8 Dt.13-1-96 Paper publication of Andhra Jyothi Telugu newspaper notifying the petitioner to collect a copy of Enquiry Report

EX.M-9 Dt.16-2-96 Dismissal letter issued to the petitioner.

नई दिल्ली, 16 नवम्बर, 2007

का. आ. 3456.—कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 1 की उप-धारा (3) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा बीस या उससे अधिक व्यक्ति नियोजित करने वाले निम्नलिखित प्रतिष्ठानों को सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तिथि से प्रतिष्ठानों की उस श्रेणी के रूप में विनिर्दिष्ट करती है जिस पर उक्त अधिनियम लागू होगा अर्थात् :-

(i) भारतीय जीवन बीमा निगम के अलावा जीवन बीमा वार्षिकी इत्यादि प्रदान करने वाली कम्पनियां,

(ii) निजी विमानपत्तन और संयुक्त उद्यम विमानपत्तन

(iii) निजी क्षेत्र की इलेक्ट्रॉनिक मीडिया कम्पनियां; और

(iv) लॉजिंग हाउस, सर्विस अपार्टमेंट्स और सह-स्वामित्व वाले भवन।

[फा. सं. एस-35012/4/2007-एसएस-II]

गुरजोत कौर, संयुक्त सचिव

New Delhi, the 16th November, 2007

S.O. 3456—In exercise of the powers conferred by clause (b) of sub-section (3) of Section 1 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby specifies the following establishments employing twenty or more persons as the class of establishments to which the said Act shall apply, with effect from the date of publication of this notification in the official Gazette, namely :—

(i) companies offering life insurance, annuities etc. other than Life Insurance Corporation of India;

(ii) private airports and joint venture airports;

- 1) electronic media companies in private sector;
(iv) lodging houses, service apartments and mini...

[F. No. S-35012/4/2007-SS-II]

GURJOT KAUR, Jt. Secy.

नई दिल्ली, 19 नवम्बर, 2007

क्र. आ. 3457.—औद्योगिक विवाद अधिनियम, 1947 (1947) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयरपोर्ट ऑफ इंडिया, नई दिल्ली के प्रबंधन के संबद्ध नियोक्तों के कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में सरकार औद्योगिक अधिकरण/श्रम न्यायालय 2, नई दिल्ली के (संदर्भ संख्या आई. डी. सं. 156/2004) को प्रकाशित करती केन्द्रीय सरकार को 19-11-2007 को प्राप्त हुआ था।

[सं. एल-11012/10/2004-आई आर (एम.)]

एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 19th November, 2007

S.O. 3457.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I.D. 156/2004) of the Central Government Industrial Tribunal/Labour Court II New Delhi now as shown in the Annexure in the industrial dispute between the employers and the workmen in relation to the management of Airport Authority of India, New Delhi and their workman, which was received by the Central Government on 19-11-2007.

[No. L-11012/10/2004-IR(M)]

N. S. BORA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

Presiding officer : R.N.Rai

I.D. No. 156/2004

THE MATTER OF:

Shri Jagdeep Kumar & Others,

S/o Shri Brahm Prakash,

H.No. F-42, Street No. 16, Sadh Nagar, Palam Colony, New Delhi - 110045.

VERSUS

The Chairman,

Airport Authority of India,

A.I. Headquarter, Rangpuri,

New Delhi - 110037.

AWARD

The Ministry of Labour by its letter No. L-11012/10/2004 (IR(M)) CENTRAL GOVERNMENT DT.05.10.2004 has referred the following point for adjudication.

The point runs as hereunder:

"Whether the demand of Shri Jagdeep Kumar and others against the Airport Authority of India, New Delhi for regularization in service of 25 workmen in the list enclosed. Engaged in the work of maintenance of CAT-III lighting system on runway is just, valid and legal? If so, to what benefits the workmen concerned are entitled for and what directions are necessary in the matter?"

The workmen applicants have filed claim statement. In the claim statement it has been stated that the respondent is an industry carrying on its business of Air Transport Services under the authority of the General Government.

That the respondent is a statutory body with one or its primary functions being the maintenance of CAT three lightening on main runway, 2nd runway used for take off and landing of the Aeroplanes.

That in order to keep the said runway without any fault, the respondent, after having floated the tenders, awards contract to the AMA Private Ltd who undertake the work of maintenance of CAT three lightening on main runway and second runway.

That the maintenance of CAT three lightening requires the jobs to check bulb to avoid fusing, internal and external cleaning of fillings, internal cleaning of MS Boxes, Transformers, to remove dust, water etc.

That the petitioners referred herein have been working with the respondent for the maintenance of CAT three lightening of main runway and 2nd runway since 2001.

That the aforesaid work of requiring of the maintenance of CAT three lightening is a regular nature of work for which the tenders are invited from the independent contractor having specialization for the work of maintenance of ground lightening facilities at IGI Airport.

That the respondent is having control over the petitioner's subsistence, skill and continued employment.

That the maintenance work of lightening installed in the runway is not a seasonal in nature but a continued work.

That the attendance and the duties of the workers applicants are regulated and controlled by the respondent.

That the mode of applicants-worker's working are regulated and controlled by the respondent.

That the workers-applicants discharge their duties under the supervision and control of the superior officials appointed by the respondent no.1.

That the Contract Labour (Regulation & Abolition) Act 1970 regulates registration of the establishment of principal employer/respondent the contractor/AMA Private Ltd engaging and supplying the contract labour because the same exceeds 20 employees.

That however neither the respondent nor the AMA Private Ltd are having the required registration under the Contract Labour (Regulation Contract Abolition) Act, 1970.