



**INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAWAN : NEW DELHI**

F. No. 13(1)/2008-Law

Dated, the 14th September, 2010

To

The Directors / Project Directors of ICAR Research Institutes / Project Directorates / NRCs / Bureaux

Sub.: Handling of Industrial Disputes before C.G.I.Ts. / Labour Courts

Sir,

I am to state that in a case recently decided by a High Court against the Council, it has been observed that there were inherent deficiencies in the handling by the concerned institute and there being no redeeming feature, it was decided not to approach Supreme Court and the order of the High Court was implemented. However, it has been decided to share the lessons learnt with all the institutes.

The Administrative Officer of an institute was going from place A to place B in the office jeep along with security guards. He was assaulted by a group of 18 casual labourers of the institute. The Administrative Officer had sustained injuries and was medically examined. The casual labourers were dis-engaged without following due process and an FIR was registered in police station against them.

Workers took the case to the Central Government Industrial Tribunal (CGIT). The case of the institute was that the casual workers had assaulted the Administrative Officer and for this mis-conduct they were removed from service. The institute took the stand that no enquiry was necessary in the matter.

The case of the casual workers was that no such incident of assault had taken place. In any case their services could not have been brought to an end without a departmental enquiry. They are entitled for reinstatement with full back wages. Workmen filed individual affidavits in support of their case denying the incident of assault on the Administrative Officer. During cross examination by the institute's Counsel all the workmen denied the incident.

From the institute's side only the Administrative Officer had appeared as the sole witness to confirm the incident of assault on him. It is strange that the medical officer who had medically examined him after the incident, the security guards who were accompanying him when he was assaulted, the driver of the jeep in which he was going when he was assaulted or any other independent witness were not produced by the institute. In spite of the institute having taken time from the court for producing witnesses.

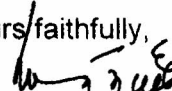
In absence of any witness the CGIT concluded that the alleged occurrence has not been established. Meanwhile the workers were also acquitted in the criminal case instituted by police on the basis of the FIR filed by

the institute. This acquittal was also relied upon by CGIT in deciding that their dismissal was illegal as having been done without due process.

Institute's writ petition in the High Court was dismissed on the ground that the incident of assault could not be established by CGIT in spite of repeated opportunities given to the institute. Since no witnesses were produced in the tribunal, there were no grounds for challenging the High Court order in the Supreme Court.

In order to protect the interests of the institutes, it is necessary that appropriate administrative action is taken in time and due process is followed at all stages. Wherever FIRs are filed, their progress should be watched until logical conclusion of the matter. For success in both cases of DEs and court cases, it is necessary to produce requisite witnesses. It is requested that due care may be taken in dealing with such cases in future.

In the instant case, an inquiry has been ordered to fix responsibility.

Yours faithfully,


(RAJIV MEHRISHI)
AS (DARE) & Secretary, ICAR

Copy to

1. SPPS to Secretary, DARE & DG, ICAR
2. PPS to AS, DARE & Secretary, ICAR
3. PS to AS & FA, DARE
4. SA to Chairman, ASRB
5. All DDGs
6. ND, NAIP
7. PD, DIPA
8. ADG (Cdn.)
9. All Directors / Deputy Secretaries / Secretary, ASRB / Under Secretaries at ICAR Hqrs.
- ✓ 10. Shri Hans Raj, Information System Officer, (DIPA) KAB I for putting in the ICAR Web-Site.
11. All officers/sections at ICAR Hq./KAB I & II
12. CDN Section for giving Index Number
13. PD,DIPA, for compilation of circulars / instructions