

Central Government Industrial Tribunal Cum Labour
Court Jabalpur

ORDER SHEET

DATE OF ORDER OF PROCEEDING	ORDER OR PROCEEDING WITH SIGNATURE OF PRESIDING OFFICER	REMARK
Case No. CGIT/LC/R/58/2019 Manoj Kumar & Others Vs. FCI		
22.01.2025	<p>Matter taken up.</p> <p>Learned Counsel Shri Arun Patel files Vakalatnama for workmen, which is taken on record. Learned Counsel Shri Shailendra Pandey present for management.</p> <p>Heard argument from both the sides. It comes out that vide Circular of management dated 16/17.05.2013, certain relaxations in age and qualification as well preference with respect to the guards engaged by management through contractors were given while considering regular recruitment of guards by management. A recruitment notification was issued by management on 08.11.2017 for regular recruitment of guards. The Circular dated 16/17.05.2013 was not complied with and relaxations, as mentioned in the Circular of 2013 above mentioned, were not incorporated in the recruitment notification. The workmen approached Hon'ble High Court of Chhattisgarh by way of W.P. No. 4168/2013, which was heard and finally decided vide order dated 04.09.2017 with a direction to the management that if they have not taken any decision on the claim of the petitioners, they will take appropriate decision on petitioner's claim within a period of two months. In case, the petitioner's grievance is not</p>	

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	<p>redressed, they will be at liberty to revive the petition.</p> <p>Also, it comes out from record that claim of the applicant workmen/petitioners was decided by management vide order dated 31.10.2017 with an observation that as per Clause 3(1) of the Circular dated 16.05.2013 FCI was under obligation to give preference to such erstwhile contractual security guards by giving relaxation in age and qualification where ever legal obligation is cast upon FCI pursuant to Court Judgments which have attained finality. Since, at the time of initiation of process of recruitment there was no any such order of Courts casting legal obligation to give any such preference, relaxing age and qualification as such no relaxation has been given in the advertisement dated 02.09.2017 (referred to earlier as recruitment notification).</p> <p>It also comes out that this advertisement/ recruitment notification has been withdrawn by management.</p> <p>The other part of reference is that, whether the workmen as mentioned above are entitled to these relaxations in any subsequent recruitments or not.</p> <p>Also, it further comes out from perusal of record that, according to management, this Circular of 16/17.05.2013 is not in force as mentioned in letter dated 08.11.2017, which states that the operative guidelines dated</p>	

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	<p>16/17.05.2013 are not in force and fresh guidelines dated 09/19.08.2016 are applicable for recruitment of watch and ward. This letter has been relied upon and has been filed by the management as M/6. Hence, the guidelines dated 09/19.08.2016 become a vital document for full and final adjudication of the controversy in reference. Hence, management is directed to file the guidelines dated 09/19.08.2016 before this Tribunal or its duly authenticated copy before date fixed.</p> <p>Arguments to continue on 07.03.2025.</p> <p>Presiding Officer</p>	