
(2004) 07 JH CK 0007
In the Jharkhand High Court
Case No : WP (C) No. 4414 of 2003

Federal Security

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 28-07-2004

Acts Referred:

Citation : (2004) 4 JCR 89

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Advocate : Rajiv Ranjan, for the Appellant; J.P. Gupta, Sr. CGSC for respondent Nos. 1 to 4, S.L. Agarwal and Aresh Singh, for the Respondent

Judgement

R.K. Merathia, J.—Heard learned counsels for the parties. Inspite of notice by registered cover with acknowledgment due as per the order dated 4.9.2003, respondent No. 9 has not appeared. With the consent of the parties, this case is being disposed off at this stage.

2. Petitioner's case is that Hindustan Copper Limited (hereinafter referred to as the company) has discriminated the petitioner in awarding the work. Further, the company itself should have taken a decision, but it has acted on the advice/sponsorship of the Directorate General, Resettlement, Ministry of Defence, Government of India, New Delhi (respondent Nos. 1 to 4-DGR for short).

3. Learned counsel appearing for the company submitted that in view of the circulars issued from time to time by the Ministry of Heavy Industry, Department of Public Enterprises, Government of India, the company is required to engage security personnel through the Directorate General of Resettlement/State Ex-Servicemen Security Corporations. It is further submitted on behalf of the company that it had to take into consideration the advice/sponsorship of DGR. Moreover, the company issued work orders for engaging security personnel as per the areawise requirement. In this way, the company justified it's action.

4. Counsel appearing for DGR has also justified its action on various grounds. It

is submitted that petitioner was competing in the rates at the cost of paying less salary to the servicemen to be employed, though it could only bargain with regard to its service charges. It is further submitted that in any event, the minimum wages fixed by the Government are to be paid.

5. However, Mr. Agarwal, learned counsel appearing for the company submitted that as this case has remained pending for about ten months and in order to avoid the controversies the company will start the process of engaging security personnel afresh.

6. In view of the said submissions, it is not necessary to go into the controversies involved in this case.

7. The company may seek sponsorship from the DGR. DGR may sponsor the names of suitable parties with good records. DGR, will be free to sponsor names of any suitable agencies. It may even sponsor one or other party involved in this case, if it is satisfied about them. The company will be free to take advice from anybody including DGR. The company may take decision on the basis of the guidelines issued in this regard and as it may think fit and proper.

With these observations and directions, this writ petition is disposed off.