

No. 36-2/80-Law

Dated 17.07.2023

To,

The Heads of all National Labs/Instts. of CSIR,

**Sub:- Award dated 13.05.2022 passed by Hon'ble Central Government
Industrial Tribunal-cum-Labour Court, Jabalpur**

Sir/Madam,

In a ID case No. CGIT/LC/R/79/2005 titled Shri Ramadhar Suryavashi Vs. Officer in Charge, CFRI, Bilaspur Unit & Ors., the Hon'ble CGIT-cum-Labour Court, Jabalpur vide its Award dated 13.05.2022 has inter-alia observed/held that CSIR is not an industry as defined in Industrial Disputes Act, 1947.

In this regard, I am directed to circulate the copy of Award dated 13.05.2022 (copy enclosed) passed by the Hon'ble CGIT-cum-Labour Court, Jabalpur, to all the Labs/Instts. of CSIR for reference, while dealing with such ID cases.



(J.L. Khongsai)
Deputy Secretary (Legal)

Copy to:-

1. Sr. COA/COA/AO of all Labs./Instts.
2. Sr. PPS, Office of DG,CSIR
3. Office of JS(A)
4. Sr. DS/DS/US at CSIR Hqrs./CSIR Complex/HRDC, Ghaziabad.
5. Office Copy

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT, JABALPUR**

NO. CGIT/LC/R/79/2005

Present: P.K.Srivastava

H.J.S..(Retd)

**Shri Ramadhar Suryavanshi,
Ex-worker of CFRI,
Village & PO: Pandaripur, Post Ghutaku
TO: Takhatpur, District Bilaspur-495001.**

Workman

Versus

**The Officer in Charge,
Central Fuel Research Institute
Bilaspur Unit No.27, Khuli Chowk
Post Box No.41, Bilaspur-495 001.**

**2.M/s Kanti Security Services
Yadunandan Nagar, Bilaspur (C.G.)**

**3.M/s International Security Force,
Yadunandan Nagar Colony,
Tafra, Bilaspur (C.G.)**

**4.M/s Primer Security Services,
Indira Colony, Tarbahar, Bilaspur (C.G.)**

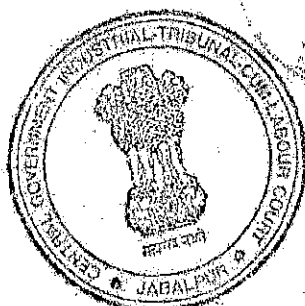
Management

A W A R D

(Passed on this 13-5-2022)

As per letter dated 9-8-2005 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.-42012/118/1999-IR(DU). The dispute under reference relates to:

"Whether the action of the management of Kanti Security Services, Bilaspur (CG), Primer Security Services, Bilaspur (CG), International Security Force, Bilaspur and Central Fuel Research Institute, Bilaspur (CG) in terminating the services of Shri Ramadhar Suryavanshi is justified? if not, what relief the workman is entitled to?"



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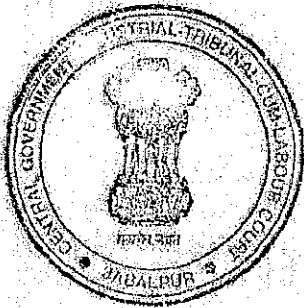
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1. After registering the case on the basis of reference, notices were sent to the parties. Both the parties have filed their respective statement of claim/defence.

2. The preliminary plea is regarding maintainability of this reference before this Tribunal. Neither of the parties have filed their written argument. I have gone through the record and the evidence will be discussed as and when required.

3. In the light of perusal of record, the issue which comes up for determination is that:-



1. Whether the Management of Central Fuel Research Institute which is an ancillary of Central Scientific and Industrial Research (CSIR) is employer for the purposes Industrial Dispute Act 1947, hereinafter referred to as the word Act?

2. Whether the dispute is cognizable by this Tribunal or not?

4. There is a judgment of Hon'ble the Apex Court passed in the case of Smt. Padma Ravindranath and Others Vs. Council of Scientific & Industrial Research, Civil Appeal No. 17872/1792 of 1991 decided by order dated 5-2-1995 wherein the Hon'ble Court has held that CSIR is not an industry for the purposes of the Act.

5. In the light of these preposition of law, the dispute between the parties cannot be termed as Industrial Dispute. Hence the dispute is not cognizable by this Tribunal and the reference requires to be answered accordingly.

6. The Reference is not maintainable before this Tribunal as CSIR is not an industry as defined in Industrial Disputes Act, 1947.

[Signature]


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3.

7. On the basis of the above finding, the reference is held not cognizable by this Tribunal.

8. The reference is answered accordingly.

9. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

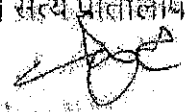

(P.K. SRIVASTAVA)
PRESIDING OFFICER

DATE: 13-5-2022



02 FEB 2023

Date of application for copy..	2.2.23
Date of notifying the fee payable	2.2.23
Date of deposit of fee	2.2.23
Date of copy delivered	2.2.23

प्रमाणित सत्य प्रतिलिपि

सचिव
के.से.डी. न्यायालय एवं श्रम न्यायालय
जबलपुर 566.

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

5 (1-3)

Certified to be true copy

Assistant Registrar (Judicial)

Supreme Court of India

CIVIL APPEAL NOS. 1787-1792 OF 1991

Council of Scientific & Indu.
Research & Anr.

Appellants

Vs.

555908

Smt. Padma Ravinder Nath & Ors.

Respondents

O R D E R

The CSIR i.e. Council of Scientific & Industrial Research and the SERC i.e. Structural Engineering Research Centre are in appeal before us against an order made by a full bench of the Central Administrative Tribunal, Principal Bench, New Delhi in a proceeding wherein a question to the following effect was raised :

"Whether Council of Scientific & Industrial Research (CSIR) or its constituent units would come within the definition of 'industry' and whether the persons employed by them in any capacity are workmen within the meaning of the Industrial Disputes Act, 1947."

The Tribunal answered the said question by stating that the Council of Scientific & Industrial Research is an industry within the meaning of Section 2 (j) of the Industrial Disputes Act and so far as the constituent unit of the Council is concerned the Tribunal pointed out that the matter had to be decided on the facts arising in the case and in the absence of appropriate data and material it would not be proper to decide such a question.

A Full Bench of the Tribunal rendered its opinion on the question but when the matter stood referred to a Division Bench for decision, latter took the view that it is unnecessary to rest its decision on the question decided by the Full Bench but on certain other aspects and gave certain directions giving relief in part to the employees of the CSIR and its constituent unit. Therefore, the view rendered by the Full Bench of the Tribunal thus become ineffective so far as the parties are concerned. Further, it is brought to our notice in a subsequent decision in 1991 SLR 245 - A. Padmavalley etc. etc. Vs. C.P.W.D. and Ors. Etc. Etc. The Central Administrative Tribunal, Hyderabad Bench consisting of five members took the view as follows :

(1) The Administrative Tribunals constituted under the Administrative Tribunals Act are not substitutes for the authorities constituted under the Industrial Disputes Act and hence the Administrative Tribunal does not exercise concurrent jurisdiction with those authorities in regard to matters covered by that Act. Hence all matters over which the Labour Court or the Industrial Tribunal or other authorities had jurisdiction under the Industrial disputes Act do not automatically become vested in the Administrative Tribunal for adjudication. The decision in the case of Sisodia, which lays down a contrary interpretation is, in our opinion, not correct.

(2) an applicant seeking relief under the provisions of the Industrial Disputes Act must ordinarily exhaust the remedies available under that Act."

This view appears to be consistent with the view expressed by this Court in Rajasthan State Road Transport Corporation and Anr. Vs. Krishna Kant & Ors. - 1995 (5) SCC 75.

In the circumstances so far as law on the question whether CSIR is an industry is concerned it is ~~not~~^{is} settled by the decision of five Judges of the Tribunal referred to above and thus decision of the full Bench becomes ineffective. So far as the merit of matter is concerned the decision of the Division Bench would bind the parties. The view expressed by the Tribunal in the circumstances is unnecessary and uncalled for. The order made by the Tribunal is therefore set aside. The appeals are allowed. No costs.

Sd/- J
(S. RAJENDRA BABU)

Sd/- J
(SHIVARAJ V. PATIL)

New Delhi,
July 18, 2000