



भारतीय वन्यजीव संस्थान
Wildlife Institute of India

SPEED POST

No. A/2-1/2007-WII (Vol. X: 2016-17/Part1)

Dated 10.06.2016

To,

Shri Balwant Singh Rawat,
House: Manju Manjil
Village: Balawala (Near Radha Krishna Mandir),
PO: Balawala,
Dehradun – 248161 (Uttarakhand)

Sub.: Information sought under Right to Information Act, 2005- reg.

Ref.: Your RTI Application No. Nil, dated 13.05.2016, received on 23.05.2016

Sir,

Please refer to your application cited above regarding the information sought by you under RTI Act, 2005. In this context, the information sought by you, has been collected from concerned officer and contained in 4 (four) pages only which is being attached herewith.

If you are not satisfied with the aforesaid reply, you may appeal to the Appellate Authority i.e. "Dr. V.B.Mathur, Director, Wildlife Institute of India, P.B.18, Chandrabani, Dehradun – 248 001, Ph. 0135-2640910"

Thanking you,

Yours faithfully,

(Ajay Srivastav)

CPIO

Encl: Information of 4(four) pages only.

10/6/16

WILDLIFE INSTITUTE OF INDIA
CHANDRABANI DEHRADUN

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No.A/2-31/2005-WII-VOL-III

Dated 30th May 2016

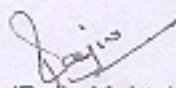
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Office Note

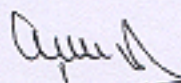
Sub: Information sought under RTI Act, 2005 – regarding.

Ref: RTI application dated 13.05.2016 received from Shri Balwant Singh Rawat, Balawala, Dehradun

The matter regarding payment of gratuity to the contractual engages of Wildlife Institute of India have been taken up to Ministry of Environment and Forests and Climate Change. A copy of note sheet and letter sent to MoEF&CC is attached herewith. The necessary action will be taken on receipt of approval/directions from MoEF&CC. The RTI applicant may be informed accordingly.


(Rajiv Mehta)
Section Officer

~~AQ~~


9/6/16
AD

CPIB

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**WILDLIFE INSTITUTE OF INDIA
CHANDRABANI DEHRADUN**

Date: 27th April 2016

Sub: Admissibility of Gratuity to Contractual engagees under provision of *payment of Gratuity Act 1972* – request for advice into the matter – reg.

- (i) That, one Shri K.S. Thapa, Ex-Serviceman worked at Wildlife Institute of India on annual contracts from 1992 to 31.03.2014. His annual contracts were renewed by the Institute from year to year on specified terms and conditions. A sample copy of the terms and conditions on which he was engaged on annual contract is placed at **Annexure-1** for ready reference.
- (ii) His last year of contractual engagement lapsed on 31.03.2014 and thereafter he was disengaged by not engaging him in the subsequent year. At the time of his disengagement, he had attained the age of 66 years and his disengagement for reasons of attaining the age of 66 years.
- (iii) That on termination of his contractual engagement he made an application for payment of Gratuity under section 4 of the payment of Gratuity Act 1972. The Institute has not paid any amount by way of Gratuity to him on the grounds that his engagement a contractual employee was on to year to year basis with break of at least one day between the previous and the subsequent annual contract and that terms & conditions mutually agreed upon between Shri K.S.Thapa and Wildlife Institute of India did not provide for payment of Gratuity.
- (iv) That Shri K.S. Thapa is pressing hard for payment of Gratuity to him for 22 years of Contractual engagement he had worked in Wildlife Institute of India form 1992 to 31.03.2014.
- (v) The Institute has engaged a legal retainer namely Shri Ripon Mohan and his advice was sought into the matter. The advise tendered by the legal retainer of the Institute is placed at **Annexure – 2**. It may be seen that legal retainer of the Institute has opinioned that gratuity under provision of payment of Gratuity Act 1972 is payable to Shri K.S.Thapa.

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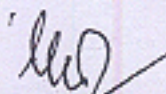

Wildlife Institute of India

F.P.P.

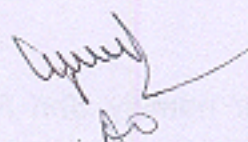
- (vi) That legal retainer of the Institute is not a advocate in Government nor he is in the panel of the Government and therefore the Institute finds it desirable to seek opinion of the MoEF&CC into the matter before deciding the matter.
- (vii) It is also pertinent to mention that at present the Institute has 40 nos. of Contractual engages who have already served and are continuing to serve in the Institute for large numbers of years and are similarly situated as Shri K.S.Thapa in respect of terms and conditions of their engagement on contract basis.


It is, therefore requested to get the matter examined based on the numbers of years a contractual engagees serves on the terms & conditions placed at **Annexure - 1** and in light of provision of gratuity contained in rule section 4 of the payment of Gratuity Act 1972.

Copy of the extract rules mentioned above is placed at **Annexure - 3**


(V.B. Mathur)
Director

IG (WL)


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C-10, Wildlife Institute of India

Shri B.S. Rawat, Ex- serviceman on contract was engaged for a periods three months w.e.f 04.04.2016 to 03.07.2016 vide our office order No. A/2-1/2007-WII dated 04th April, 2016 vide page no 66/c, in the Director Office Despatch Section. Now he had intimated vide in his application dt. 04th April, 2016 vide page-67/c that he has been resigning the contract service of institute.

In context of above Shri B.S. Rawat, request to accept his resignation w.e.f. dated 04th April 2016 form his contractual engagement. Again he has requested that paid him gratuity as authorized under Gratuity Rule 1972.

As per the above, para no 15 of terms & conditions of contractual engagement of Shri B.S. Rawat, there was no any provision for releasing any Gratuity and outstanding dues against him vide page no 61/c.

Submitted for order please

A 811
06.04.2016

Section Officer

- ① The official was engaged for a fixed period from 2.4.15 to 31.3.16, after completion of above period the contract automatically lapsed.
- ② Based on his performance, afresh contract for a period of three months given to Shri B.S. Rawat. But he did not accepted the said offer.
- ③ As regards payment of gratuity, it is submitted that the above matter has already been taken up in case of Shri K.S. Thap in Separate file.

Adm
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Adm

Contd on page 4.

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- 4 -
contd from p. No. - 3.

The ~~con~~ outcome of said matter
yet to be decided.
We may wait till finalisation of
gratuity matter of Sh. Thapa.

Submitted pl.

[Signature]
15-4-16

~~A.O.~~

[Signature]
18/5/16

~~Regd~~

[Signature]
17/5/16

~~D.W.I.~~

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A.O.

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17/5/16

DVI OFFICE	
DIARY NO.:	362
DATE:	17/05/2016

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19/5/16