

268



भारतीय वन्यजीव संस्थान
Wildlife Institute of India
Dated 23rd March 2016

No. A/2-1/2007-WII (Vol. IX: 2015-16)

To,

Sh. Krishna Singh Thapa
529-A, Tapkeshwar Road
Garhi Cantt.
Dehradun - 248003

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

Ref.: Your RTI Application dated 17.02.2016.

Sir,

Please refer to your RTI application cited above regarding the information asked by you under RTI Act, 2005. In this connection, the required parawise information as asked under your above RTI application has been collected from the concerned officer of the Institute and is attached herewith in 10 pages.

In case you are not satisfied with this reply and want to appeal as per the provisions of RTI Act, 2005, the address of Appellate Authority is being given as follows:

Dr. V.B. Mathur, Director & Appellate Authority, Wildlife Institute of India,
Chandrabani, Dehradun – 248 001, Ph.: 0135-2640910.

Thanking you,

Yours faithfully,

(Aseem Shrivastava)
CPIO

Encl.: As above (10 pages).

SPHend
23/3/16

पत्रपेटी सं० 18, चन्द्रबनी, देहरादून – 248001, उत्तराखण्ड, भारत
Post Box No. 18, Chandrabani, Dehradun – 248001, Uttarakhand, INDIA
ई.पी.ए.बी.एक्स : +91-135-2640111 से 2640115 फ़ैक्स : 0135-2640117
EPABX : +91-135-2640111 to 2640115; Fax : 0135-2640117;
ई-मेल / E-mail: wii@wii.gov.in, वेब / website: www.wii.gov.in

Dated 18th March, 2016

Reference is invited to the RTI Application dated 17.2.2016 received from the CPIO vide his note dated 19.2.2016 and reminder dated 8th March, 2016. In this regard, the following documents are submitted:-

- (i) Copy of noting bearing File No. A/3-2/200-WII (Personal file of Shri K.S. Thapa) from page 5/n to 12/n.
- (ii) Copy of letter No. A/3-2/2000-WII dated 15.06.2015 sent to Shri Rakesh Thapliya, ASG. The reply of this letter has not been received so far.

Rajiv Mehta
 (Rajiv Mehta) 18/3
 SO

~~AO~~

Approved
21.3.16

~~Regm~~

Out
21/03/16

~~CPIO~~

Please put up *[initials]*
21.3.16

PA(RTI)

Shri K.S. Thapa, Ex- serviceman on contract was engaged for periods one year w.e.f 02.04.2013 to 31.03.2014 vide our office order No. A/2-1/2007-WII dated 02nd April, 2013 in the Academic Section. Now he had intimated vide in his application dt. 25th February, 2014 (Page-132/c) that he has been resigning the contract service of institute due to his old age.

In context of above Shri K.S. Thapa, request to accept his resignation w.e.f. dated 31st March 2014 completing his contractual period. Again he has requested that considering his long and unblemished contractual service with the institute to provide him gratuity as admissible under the existing rules for rendering contractual service for a considerable period in the Govt. Office/Departments.

As per the above and the terms & conditions of contractual engagement of Shri K.S. Thapa, there was no any provision for releasing any Gratuity and outstanding dues against him.

Submitted for order please

[Signature]
04.03.14

Shri Rajendra Kumar

[Signature]
4.3.14

[Signature]

Registrar / Registrar
Date of Dispatch No 4479
4/3/14

Resignation of Shri K.S. Thapa, ex-serviceman (on contract) presently placed in Academic cell, may be accepted w.e.f 31.3.2014. This period shall be considered as Notice period & he will be relieved from w.i.i. on 31.3.14 (A.N). No Dues certificate will be obtained.

[Signature]

Sh. K.S. Thapa is a contractual employee on annual basis. The terms and conditions of his contractual engagement does not provide for benefits like Gratuity etc.

However, his resignation as proposed may be accepted.

[Signature]
7/3/14
A.O.
05/03/14

[Signature]

art.

[Signature]

83
05/03
A.O.

265 From case S/N -

- 6 -

for nla.

Opund
27/3/14

~~Rajeev Mehra~~

Draft appreciation letter placed

for approval pl.

Opund
24/3/14

~~As~~

For approval please -

Opund
26/3/14

~~refr.~~

Opund
26/03/14

~~DW/1~~

MKS
27/3

173
27/03

~~Adm. Officer~~

Opund
27/3/14

RM

MKS
27/3

~~Adm. Officer~~

Opund
28/3/14

RM

Shri K.S. Thapa, an ex-contract employee p-1361 of WII, has requested under R.T.I. for his eligibility of gratuity during his contract engagement in this Instt. (264)

A copy of RTI application of Shri K.S. Thapa was sent to Advocate - Shri Ripon K. Mohan for seeking legal opinion on the matter, vide letter dated 28.01.2015 - 13/02/2015

Advocate Shri R.K. Mohan has sent reply vide letter dated 2.2.15. It has been intimated by advocate that gratuity is payable to a contract employee under Payment of Gratuity Act, 1972.

Gratuity will be calculated on the basis of last drawn basic pay plus DA multiplied by the number of years of service multiplied by 15 and the sum divided by 26 (by virtue of section 4 of the Payment of gratuity Act 1972).

Giving 1 or 2 days break in between, will not constitute a break in service for the purpose of computation, calculation and payment of gratuity.

Shri K.S. Thapa was getting consolidated amount of Rs. 24089/- at the time of leaving Instt. calculation of gratuity will be as under:

$$\text{Rs. } 24089 \times \frac{22 \text{ (yrs. of service)} \times 15}{26} = \frac{79,49,370}{26} = 3,05,745/-$$

(Contd. from prepage)

As per records available Shri Thapa has served from 1992 to 2014 (22 yrs.) this Institute. Accordingly calculation has been made. Gratuity Payable to Shri K.S. Thapa will be Rs. 3,05,745=00 For making payment of this amount to Shri K.S. Thapa, approval is solicited please.

5.9.2015

A.O.

140
06/02

In view of above proposal and advice of WJ Legal Retainer, Gratuity is payable to the contractual employee (Shri K.S. Thapa) who has put in more than the minimum qualifying period of service of 05 years. Total Payable Gratuity to Shri Thapa works out to Rs 3,05,745/- for the contractual services rendered in WJ from 1992 to 2014 (22 Years).

For approval please.

Approved -
5/2/15
DWP
06/02/15

Rejo

D.WJ

The advice of WJ Legal Retainer has wider implications. As per up a meety on 11/2/15 afternoon with him in full force in which Dean, Registrar, As 2 & Authority would participate.

for nla pl.

9.2.15

Registrar / Registrar
Dispatch No. 2254
Date 6/2/15

Rejo

From Page 8/N-

Pl. Note for the meetings on 11.2.15.
Signed 9/2/15

DEAN OFFICE
DIARY NO: 2171
DATE: 10/2/15

~~Dean's~~ Noted
10/2/15

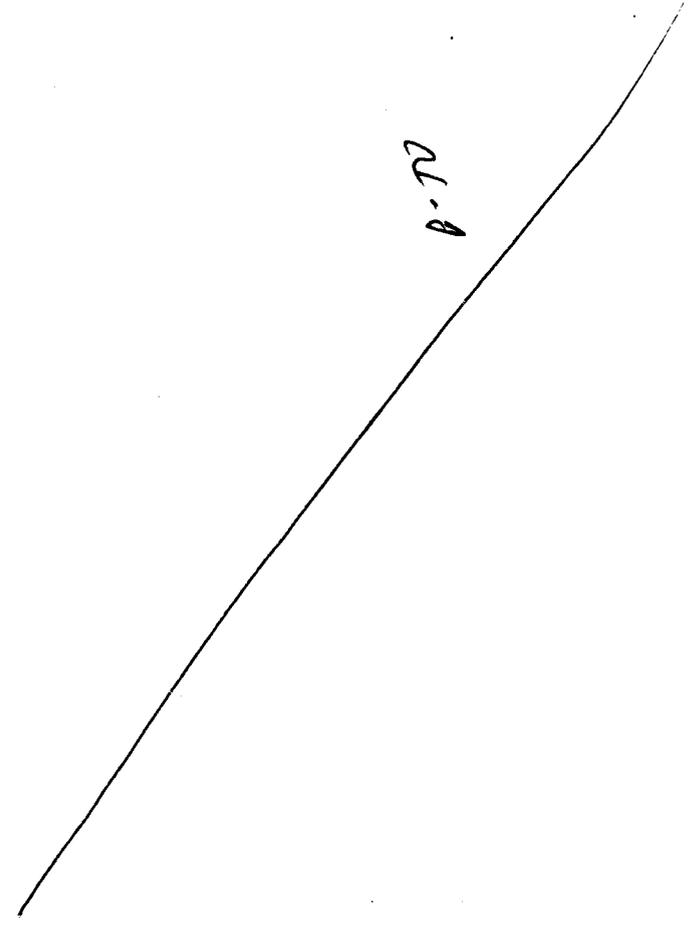
~~Adnan. Sheikh~~

Pl. note.
Signed 10.2.15

✓ Sh. A.K. Dubey,
S.D

Noted Az
10.2.15

~~F-φ~~
Signed 10.2.15



P-70

Dated 13th February 2015

The above matter regarding grant of gratuity to Shri K.S. Thapa who served in the Institute on contract basis was discussed in a meeting on 11.02.2015 where Shri A.K. Dubey, Section Officer, AO, Registrar, Dean and Director were present. After discussions, it was decided that Shri Rippon Mohan, WII legal retainer may be invited for discussions on 27.02.2015 or 28.02.2015 in WII. In the mean time, RTI Applicant may be informed that his request for grant of gratuity is under consideration.


AO

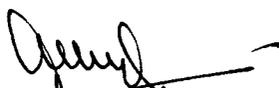
~~Smt. Baljeet~~

on the above lines, note for CPID has been prepared so as to inform Shri K.S. Thapa RTI applicant.

B
13.2.15

A.O.

P. issue


AO

NKA

R.T.I. matter

Shri K. S. Thapa, an ex-contract employee has requested information under R.T.I. vide his letter dated 01-06-2015, which has been forwarded by CPID note dated 02-06-2015.

His earlier R.T.I. application dated 12-01-2015 is at page 136/c. on the same subject of payment of gratuity, and

(contd. on next page)

(contd. from prepage)

the reply sent to him is at page 143/c, on the basis of matter discussed between Shri AK Dubey, S.O., A.O., Registrar, Dean, Director at per page 10/n.

It is also submitted that legal opinion of Shri Rippon Mohan was also obtained regarding payment of gratuity to contractual engagees; and reply received vide last para of advocate's letter at page 141/c.

In this connection, detail note vide page 7/n to 10/n may please be perused.

Now, Shri K.S. Thapa has requested for decision taken, a copy of the file notings, extract of copy of rules and regulations and copy of legal opinion, which debar him from grant of gratuity.

Submitted for order please to send the reply to Shri K.S. Thapa.

③ 05/06/15

~~A.O.~~

please advise on the above issue.

~~Regt.~~

~~AO~~

Pl. Spn.


9/6/15
AO


12/06/15

P.T.O

Director / Registrar
Shri K. S. Thapa
12/6/15

46/51
12/6/15

Dated: 15th June, 2015

The issue of admissibility of payment of gratuity to ex-contractual employees was discussed with DWII wherein it was held that the opinion of Shri Rippon Mohan, WII Legal Retainer is an opinion of private advocate. That payment of gratuity involve heavy financial implications for future for the Institute and therefore, it will be appropriate to seek legal opinion into the matter from Assistant Solicitor General at Uttarakhand High Court, Nainital. A letter addressed to ASG requesting for opinion into the matter is placed opposite for approval and signature please.

~~Registrar~~

~~DWII~~

UHS
15/6

Regdhar

~~ASG~~

Agreed
15/6/15.

*Advan. Adv. may hand
carry this*

Agreed
AO
15/06/15

RM



A/3-2/2000-WII

Dated: 15th June, 2015

To,

Shri Rakesh Thapliyal,
Assistant Solicitor General,
Uttarakhand High Court,
Nainital

Sub: Legal opinion on payment of gratuity to ex-contractual engages – reg.

Sir,

That one Shri K.S. Thapa, Ex-serviceman remained on contractual engagement with the Institute from 1992 and upto 31.3.2014. He has made an application dated 25.2.2014 requesting to provide him gratuity as per provisions of rules. The application along with the rules based on which he has made his application are enclosed.

Further details as may be needed by you for arriving at appropriate opinion are given below:

- (i) The Wildlife Institute of India is an grant-in-aid autonomous institution under Ministry of Environment, Forests & Climate Change, Government of India.
- (ii) The Institute engages contractual employees in various projects and some of them are also engaged under grant-in-aid of government. The contractual engagements are made on consolidated amount for a period of one year and depending upon the need, the contractual engagements of any employees is made afresh after giving one day break. The last such engagement order for Shri K.S. Thapa along with the terms and conditions is enclosed.

It is requested to kindly advise us on admissibility of payment of gratuity to the contractual engages. An early opinion into this matter is requested.

Yours faithfully,

(Dr. V.B. Mathur)

Director

Encl: As above