

No. WII/RTI/CPIO/2022-23 (Qtr-IV)/77

Date: 06.03.2023

To,

Mr. Gyanesh Chhibber  
WII, Dehradun.

Sub.: Information under RTI Act, 2005-reg.

Ref.: Your RTI no. NIL dated 19/01/2023.

Sir,

Please refer to your application cited above under RTI Act, 2005. In this context, the required information under RTI has been collected from concerned department and is enclosed herewith.

In case, you are not satisfied with the aforesaid reply, you may appeal to the Appellate Authority as per details given below within 30 days from the date of receipt of this letter.

Dean, FWS  
First Appellate Authority & Dean  
Address: Wildlife Institute of India, Chandrabani, Dehradun  
Phone No.: 01352646202

Thanking you,

Yours faithfully



[Virendra Kumar Sharma]  
ACPIO



WILDLIFE INSTITUTE OF INDIA  
CHANDRABANI, DEHRADUN

No. A/2-31/2005-WII (Vol – V)

Dated 09.02.2023

Office Note

Sub: Supply of Information under RTI Act – 2005 – reg.

Ref: CPIO Note dated 19.01.2023 along with application dated 19.01.2023 of Shri Gyanesh Chhibber

The parawise reply of above RTI are as under:

1. Information sought vide para 1 is attached vide Annexure 1.
2. Information sought vide para 2 is attached vide Annexure 2.
3. Information sought vide para 3 covered under Para 2 above.

Rajni  
9/2/2023  
Rajni

Consultant (Admin)

~~DR~~  
B  
9.2.2023  
Registrar  
CPIO

Luchi  
12/2/2023

Rajni  
9/2/23

ATTESTED

CPIO, Wild Life Institute of India, Dehradun.

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**SELF CONTAINED NOTE**

The WII engaged 23 staff on contract and working in the Technical and Administration for varying services length from 11 to 30 years. The expenditure towards their salary was met out form grant-in-aid.

2. During December 2015 the Institute advertised 11 positions of Assistant Grade III in pay level 2. Out of above 23 officials 13 contract employees have moved Hon'ble High Court of Uttarakhand at Nainital against this advertisement for seeking relief to adjust them in the above advertised posts. The Writ Petition (S/S) bearing Nos.319-331 of 2016 was filed by the above officials at High Court of Uttarakhand.

3. The WII vide letter No. WII/ADM/2015-16/37 dated 17.10.2017 requested to MoEF for regularization of contractual engagement of above Administrative & Technical Staff with their service length indicating the post/Job responsibility. (copy enclosed). During the pendency of above W.P. the WII counsel has filed affidavit annexing the above letter of WII, wherein it has been stated that considering the long years of service of the petitions, their absorption be considered and thereafter the post be abolished after the petitioners reach the age of superannuation. Based on this, the Hon'ble High Court directed WII to pass appropriate orders.

4. The matter was taken up in division bench of Hon'ble High Court by the petitioners. The High Court of Uttarakhand passed the judgement vide its order dated 31.10.2018 in WPSS No. 3569/2018 31.10.2018 in SA No. 455/2018 indicating "that the respondents are directed to regularize the service of petitioner taking into consideration the length of their service on the basis of letter dated 17.10.2017 within a period of 10 weeks from today. The respondent is also directed in grant increments to the petitioner on the basis of the length of their service the petitioner shall also be entitled to the minimum pay scale on the principle of equal pay for equal work".

5. The WII filed special leave petition in the Hon'ble Supreme Court of India against the above judgment dated 31.10.2018 of Hon'ble High Court Division Bench. The Hon'ble Supreme Court of India has passed the judgement on the above SLP with the directions that Supreme Court has declined to interfere with the Judgement and Order dated 31.10.2018 passed by the High Court of Uttarakhand at Nainital in Writ Petition (S/S) No. 3569 of 2018 and Special Appeal No. 455 of 2018. Accordingly vide Order dated 03.11.2022 the Honourable Supreme Court has dismissed the Special Leave to Appeal, filed by the Wildlife Institute of India.

6. Accordingly a proposal placed before the Chairperson, Governing Body and Secretary, MoEF&CC for regularization of services as per the directive of the division bench of Hon'ble High Court dated 31.10.2018 against the direct recruitment of vacancies. The proposal was approved by

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the Competent Authority and offer of appointment were issued to all the twelve petitioners and the same was accepted by them. All of them joined the post on 29.12.2022..

7. The committee constituted by Director WII to deal with the matters arising out of the said court orders vide office order No. WII/ADM/2022/58 dated 05.12.2022. The committee met on 09.12.2022 and 26.12.2022. The committee suggested that an external member having experience in the field of administration may be included for settlement of related issues of WII letter dated 17.10.2017.

8. Director, Forest Education nominated Shri R. S. Negi, Administrative Officer of DFE as external member.

The following are related issues to be discussed by the committee: -

- (i) Applicability of Old Pension Scheme.
- (ii) Applicability of increment(s) and subsequent arrears, thereof.
- (iii) Promotions/assessments as admissible from time to time to regular counterparts.
- (iv) Applicability of Earned Leave, HPL, Children Education Allowance and other service benefits, as admissible.
- (v) To allow all consequence benefits from initial date of their contractual engagement.
- (vi) Representation of Shri Gyanesh Chhibber, Junior Stenographer to consider his candidature as technical employee based on the advertisement issued

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Annexure-2  
124  
278

**Minutes of the meeting for facilitation of compliance of Implementation of order/judgement dated 03.11.2022 of Hon'ble Supreme Court of India in Special Leave to Appeal**

A Committee for facilitation of compliance of Implementation of order/judgement of Hon'ble Supreme Court of India in Special Leave to Appeal bearing no. 4401-4402/2019 was constituted vide No.WII/ADM/2022/58 dated 05.12.2022. The third meeting of the committee held on 18.01.2023. The following were present:

- |        |  |   |                  |
|--------|--|---|------------------|
| (i)    | Dr. Ruchi Badola, Scientist G & Registrar  | - | Chairperson      |
| (ii)   | Dr. A. K. Bhardwaj, Consultant NMCG        | - | Member           |
| (iii)  | Dr. S. K. Gupta, Scientist-F               | - | Member           |
| (iv)   | Shri Lekh Nath Sharma, STO (3)             | - | Member           |
| (v)    | Shri Rajnish Sharma, IAO                   | - | Member           |
| (vi)   | Shri R.S. Negi, AO, DFE                    | - | Member           |
| (vii)  | Shri Umakant Sharma, Account Officer, NMCG | - | Member           |
| (viii) | Smt. Baljeet Kaur, Deputy Registrar        | - | Member Secretary |

2. The Member Secretary briefed the committee about the present status of case. It is informed that the Competent Authority of WII has approved the proposal for regularization of the services of petitioners. Accordingly, offer of appointment was issued to all the petitioners. Subsequently all of them had joined their duties on 29.12.2022.

3. Representations have been received from the above petitioners regarding service benefits with retrospective effect quoting true compliance of Honorable court orders.

4. It was informed by Administration that (i) Petitioners have been regularized w.e.f. 31.10.2018 i.e. from date of High Court Orders (ii) Notional increments have been given from their initial date of joining of WII as mentioned in letter dated 17.10.2017 (ii) salary arrear and allied benefits will be given from 31.10.2018.

5. As per honorable Supreme and honorable High court orders "Respondents are directed to regularize the services of the petitioners taking into consideration the length of their service on the basis of latter dated 17.10.2017, within a period of 10 weeks from today. The respondents are directed to consider and grant increments to the petitioners on the basis of length of their service. Petitioners shall also be entitled to the minimum pay scale on the principal of "equal pay for equal work."

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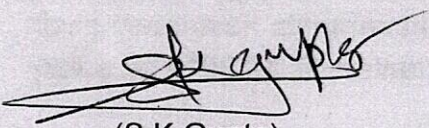
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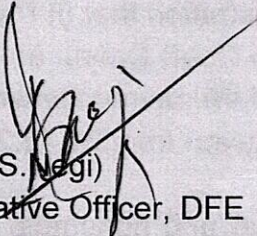
6. The committee mainly discussed the issue related to regularization of petitioners and there was a difference of opinion between committee members regarding date of regularization. Some members were of the view that honorable court has directed for regularization the services of petitioners with retrospective effect as per initial date of joining mentioned in letter dated 17.10.2017 and related benefits be given accordingly.


7. As the matter relates to implementation of order of honorable apex court hence be followed in letter and spirit. Further there can be issues related to contempt of court in case of misinterpretation of the judgement, though unintentionally. Hence committee is of view that matter may be referred to the legal cell of MoEF&CC with all relevant facts and documents along with expected financial obligations, to examine and give clear directives on the basis of judgement, regarding date of regularization of petitioners and allied benefits such as applicability of Pension Scheme (Old or New), arrears from the date of initial joining, promotion/assessment/MACP, credit of leaves, HPL, Children Education Allowances etc., so as to implement the honorable court order in toto.

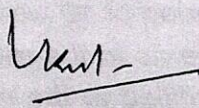
8. Representation of Sh. Gyanesh Chhibber regarding placing on different post/cadre was also presented. Committee is of view that initially administration should respond to his representation based on facts related to initial joining as presented by Administration during the meeting (page- ). In case his grievance continues, the matter can also be sent to Ministry separately for decision, if required.

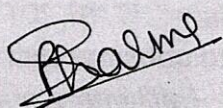
9. Further, in case of any other individual representation, matter can be dealt in similar manner as mentioned in point 8, if required.

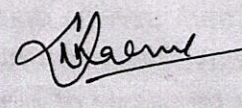
  
(S.K Gupta)  
Scientist F  
Member

  
(R.S. Negi)  
Administrative Officer, DFE  
Member

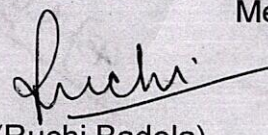
  
(A.K. Bhardwaj)  
Consultant, NMCG  
Member

  
(Umakant Sharma)  
Accounts Officer, NMCG  
Member

  
(Rajnish Sharma)  
Internal Audit Officer  
Member

  
(Lekh Nath Sharma)  
Sr. Technical Officer  
Member

**ATTESTED**  
  
(Baljeet Kaur)  
Deputy Registrar  
Member Secretary

  
(Ruchi Badola)  
Registrar, Chairperson

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