

No. W-05/0021/2020-DPE(WC)
Government of India
Ministry of Heavy Industries & Public Enterprises
Department of Public Enterprises

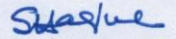
Public Enterprises Bhawan,
Block No.14, CGO Complex,
Lodhi Road, New Delhi-110003.
Dated, the 08th January, 2021

OFFICE MEMORANDUM

Subject:- WP No. 5394/2020 – National Confederation of Officers Associations (petitioner) Vs. Union of India & Anr. before the Hon'ble High Court of Gauhati reg.

The undersigned is directed to refer to DPE's OM No. W-02/0039/2017-DPE (WC) dated 19.11.2020 regarding freezing of Industrial Dearness Allowance w.e.f. 01.10.2020 in respect of Executives and Non-Unionised Supervisors of CPSEs following IDA pay pattern.

2. As no CPSE is under the administrative control of this Department, a copy of the Order dated 04.01.2021 of Hon'ble High Court of Gauhati at Gauhati , with respect to interim relief is enclosed for compliance.
3. This issues with the approval of the competent authority.


(Samsul Haque)
Under Secretary

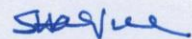
Encl: As Above

To

All administrative Ministries/Departments of the Government of India.

Copy also to:

1. The Chief Executives of Central Public Sector Enterprises.
2. The Comptroller & Auditor General of India, 9, Deen Dayal Upadhyay Marg, New Delhi.
3. Financial Advisers in the Administrative Ministries.
4. Department of Expenditure, E-III-A, Branch, North Block, New Delhi.
5. NIC, DPE with the request to upload this OM on the DPE website.


(Samsul Haque)
Under Secretary

GAHC010179992020



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/5394/2020

NATIONAL CONFEDERATION OF OFFICERS ASSOCIATIONS
HAVING ITS REGISTERED OFFICE AT 19, SAKET CO-OP. HOUSING
SOCIETY, PANVEL, RAIGAD, MAHARASHTRA AND REP. BY ITS
AUTHORIZED SIGNATORY SRI ISLAMUL HAQUE MANDAL, SON OF
SAKER UDDIN MANDAL, AGE- 57 YEARS, RESIDENT OF HOUSE NO. 8,
MIRZA GALIB PATH, SIJUBARI, P.O. AND P.S. HATIGAON, GUWAHATI,
DIST.- KAMRUP(M), ASSAM, PIN- 781038.

VERSUS

THE UNION OF INDIA AND ANR.
REP. BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY OF HEAVY
INDUSTRIES AND PUBLIC ENTERPRISES, GOVT. OF INDIA, NEW DELHI-
110003.

2:THE DIRECTOR
DEPARTMENT OF PUBLIC ENTERPRISE
GOVT. OF INDIA
PUBLIC ENTERPRISE BHAWAN
BLOCK NO. 14
CGO COMPLEX
LODHI ROAD
NEW DELHI- 110003

Advocate for the Petitioner : MR S S DEY

Advocate for the Respondent : ASSTT.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 04/01/2021

Heard Mr. M. Nath, learned counsel appearing for the writ petitioner.

Assailing the office memorandum dated 19/11/2020 issued by the respondent no.2, suspending payment of Dearness Allowance for the periods mentioned therein, the present petition has been filed.

Mr. Nath submits that his clients are entitled to Performance Related Pay (PRP). Therefore, the impugned order is wholly arbitrary and illegal. That apart, by referring to the order dated 26/11/2020 (Annexure-7A), Mr. Nath submits that there is a move afoot to make recovery from the members of the petitioner association on the strength of the impugned notification dated 19/11/2020.

Mr. C.K.S. Baruah, learned CGC, appearing for the respondents has obtained instruction and submits that there is a policy decision of the Government of India preceeding the impugned notification. The learned CGC has, however, denied that there is a proposal for recovery from the employees.

Having heard the submission of learned counsel for both the parties, I am of the view that this matter would call for further examination.

Issue notice of motion returnable in six weeks.

Since the respondents are already represented by Mr. Baruah, no formal notice is required to be sent in this case. However, extra copies of the writ petition, requisite in numbers, be furnished to the learned departmental counsel within three days, so as to enable him to obtain instruction and file affidavit.

Heard on the prayer of interim relief.

The said prayer will be considered after the affidavits are brought on record. However, as a ad-interim measure, it is hereby provided that no recovery shall be made by the respondent no. 2 from the members of the petitioner association until the returnable date.

List this case again after six weeks.

JUDGE

Sukhamay

Comparing Assistant