



डेडीकेटेड फ्रेट कोरीडोर कॉर्पोरेशन ऑफ़ इंडिया लि.

भारत सरकार (रेल मंत्रालय) का उपक्रम

Dedicated Freight Corridor Corporation of India Limited

A Govt. of India (Ministry of Railways) Enterprise

No. 2022/HQ/Admin/RTI-1248

New Delhi: 20.10.2022

Sh. Abhishek Kumar
Rajasthan

Subject: Providing information w.r.t. Original RTI Application received under the RTI Act 2005.

Reference: RTI application dated 22.09.2022 (Registration No. DFCCIL/R/E/22/01078) and received through DOPT portal.

Information, as obtained from the concerned record holding office, is attached.

First Appeal if any may be made to the First Appellate Authority within 30 days of receipt of reply. The name, designation & address of the First Appellate Authority is as under;

Mr. Gaurav Sharma
GM/Administration DFCCIL,
5th Floor, Supreme Court Metro Station Building,
Pragati Maidan, New Delhi-110001

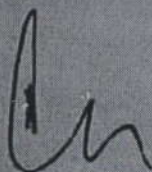
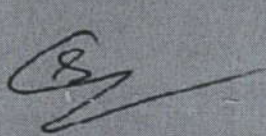
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(S.K. Panda)
JGM/Admn.(CPIO)
Mob.-9717636811
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3. All objections raised by the counsel of the Respondent regarding the maintainability of Application U/S 33 of the Act stand dismissed in view of above mentioned consent given by the Respondent.
4. In the initial hearing on this Application held on Dec 10, 2021 by Video Conferencing, after hearing both the parties, the Tribunal in their Procedural Order No 4 dated 10-12-21 directed the Claimant to file the relevant records mentioned in paras 43 and 44 of the Award dated 08-11-21 before directing both the parties in paras 44 and 45 of the Award to sit down and work out the wage differential payable by the Respondent to the Claimant. Clearly, both the parties have been unable to do this jointly.
5. During the course of arguments in the next hearing on 27-12-21, claimant submits that they will accept the Tribunal decision regarding computation to solve the dispute.

On the other hand, it was submitted by the Respondent that DFCCIL is State under Article 12 of the Constitution. Hence, no officer would like to take a decision against DFCCIL and left to the wisdom of Hon'ble High Court.

6. The Respondent refused to see/examine the demonstration of Tribunal's methodology and formula to solve the dispute. Tribunal was ready to demonstrate the procedure for resolution of the dispute jointly by both the parties pertaining to the quantification of the difference of wages. The Tribunal repeatedly tried to persuade the parties to let the Tribunal explain the methodology of quantification of difference of the wages due to Notification



which the Tribunal had in mind while pronouncing the aforesaid Award dated 8-11-2021. However, all such efforts were in vain due to Respondent behavior who wants a verdict from Hon'ble High Court.

7. In these circumstances, the Tribunal has quantified the amount of wage differential in terms of the Award passed for which opportunity was given to the parties to sit down together and quantify the amount but they failed to do so.

8. In the above background, the Tribunal has computed the amount based on the annexed formulae (Annexure A) and on the basis of the documents on record and the undisputed documents, viz Interim Payment Certificates and Monthly Progress Reports.

9. Accordingly, the Tribunal directs though the computation comes Rs. 32,83,73,126.61, but due to cap, an amount is payable to Rs 31,53,98,789/- as due (Rs Thirty One Crores Fifty three lacs and Ninety Eight thousand seven Hundred Eighty nine only) is payable to the Claimant by the Respondent in respect of Contract Package 201 for the period February, 2017 to June 2021 against the Claim No. 1 of the Claimant.

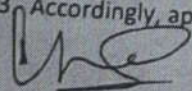
Similarly, the Tribunal also directs that a sum of Rs 30,67,40,308.90 only (Rs Thirty crores Sixty seven lacs Forty Thousand three Hundred eight and paisa ninety) is payable to the Claimant by the Respondent in respect of Contract Package 202 for the period February, 2017 to June 2021 against the Claim No 1 of the Claimant.

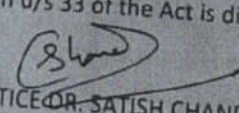
10. The amounts mentioned in para 9 above be paid by the Respondent to the Claimant within 45 days in accordance with the provision of the Para 46 of the Award dated 8-11-2021 failing which this amount shall attract the interest as mentioned in the para 46 of the Award dated 8-11-2021.

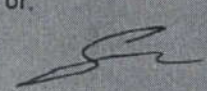
11. The formula for quantification of difference of wages is enclosed as ANNEXURE-A. The same formula should be used for quantifying the differential of wages payable by the Respondent to the Claimant for the period from July 2021 till conclusion of the Contract as already mentioned in the Paras 42 and 43 of the Tribunal Award dated 8-11-2021.

12. This order may be treated as order on the application u/s 33 of the Arbitration and Conciliation Act, 1996. As the computation was omitted deliberately in the Award to facilitate both the parties to do the computation on the basis of the relevant and concurrent documents.

13. Accordingly, application u/s 33 of the Act is disposed of.


(RAJIV CHAUDHRY)


(JUSTICE DR. SATISH CHANDRA)


(JUSTICE SUNIL GAUR)

31/12/21

ANNEXURE - A

FORMULA FOR QUANTIFICATION OF WAGE DIFFERENTIAL

To find the differential of wages (on the basis of Minimum Wages) entitled to the claimant for a month 'Mn'

- A. Find the number of labour reported in the Monthly Progress Reports every month by the Contractor.

This will be for the four skill categories viz, Unskilled (US), Semi Skilled (SS), Skilled (S) and Highly Skilled (HS).

Let the numbers be US, SS, S and HS and their total be TOT.

- B. From the Govt publications note down

a) For all calculations adopt figures for the geographical area 'C' which has the least Minimum Wages for all skill categories

b) The Min Wage of labour in the four skill categories in the Month of Dec 2016 (which is the last month of the old wage regime). Let this be 'MWd'

c) The Variable DA (VDA) for the month in question, that is, Mn. Let this be Vn

d) The Minimum Wages for the month in question, that is, MWn

e) The CPI for industrial labour for one month prior to the month in question. Let it be Ln

f) The CPI for industrial labour for the month of Dec 2016. Let it be Lo.

- C. Calculate the weighted wages for the wages in B(a), B(b), B(c) and B (d) by using the numbers found out in A above.

- D. From the Interim Payment Certificate (IPC) for the month in question that is Mn,

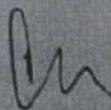
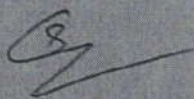
(a) find out the amount of payments made in different cost centers. These are available in the Price Schedule 2.0 and its Annexures in the IPC. Each of the cost centers is associated with a Labour Factor (LF) as laid down in the Annexure 1 o(Contract Clause 13.8) of Appendix to Tender. Multiply the amount paid under each cost center with the Labour Factor associated with that cost center. This will give the amount of labour cost paid for in that cost center for that month. Total up such labour costs for all cost centers and call this cost as AMT.

- E. Calculate

(a) The weighted wage for computation of number of labours for the Month Mn as $MWc=(MWd+Vn)$

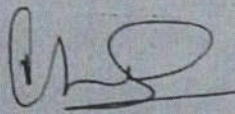
(b) The price adjustment done for labour wages in the month Mn as $Padj=(AMT) \times (Ln-Lo)/Lo$

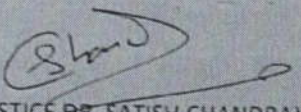
(c) Compute the number of labour considered to be deployed in the month of Mn as $Lab=(AMT)/MWc$

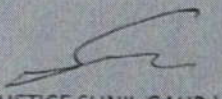


- (d) Calculate the wages required to have been paid (if there was no change in Law) to the labour computed in E (c) as $LabXMW_d$
- (e) Calculate the wages required to have actually been paid (as a result of the change in Law) to the labour computed in E (c) as $LabXMW_n$
- (f) Calculate the difference in labour wages to be compensated between Dec 2016 and Month Mn as $Comp = E (e) - E (d)$
- (g) Calculate the differential in wages to be compensated as $E (f) - E (b)$

So Net wage differential to be compensated is $E(g)$.


(RAJIV CHAUDHRY)


(JUSTICE DR. SATISH CHANDRA)


(JUSTICE SUNIL GAUR)
31/12/21