

# SC refuses to stay MHA order on full salaries to workers during lockdown

### The apex court asked the ministry to explain as to why its order should not be stayed

FE BUREAU  
New Delhi, Apr 27

**THE SUPREME COURT** on Monday refused to stay the government circular asking private establishments, including MSMEs, to pay full salaries to their employees during the Covid-19 lockdown. However, the apex court directed the ministry of home affairs (MHA) to put on record its policy decision and also asked it to explain as to why its order of March 29 directing private enterprises to pay off full wages without any deductions should not be stayed.

government and asked solicitor general Tushar Mehta to file reply within two weeks.

It was hearing various petitions filed by companies including Ludhiana Hand Tools Association and Ficus Pax seeking quashing of the MHA's March 29 circular directing all private enterprises to continue payment of full salaries for the duration of the lockdown. The MHA order had also warned of legal consequences if the directions for payment of full salaries were not complied with.

Ludhiana-based association of hand tools manufacturers, comprising of 41 MSMEs, has blamed the government of passing such orders without due care and deliberation on the financial implications for the employers and had warned that making such payments would lead to the closure of many of the units and which in turn would cause permanent unemployment and will adversely affect the economy.



Such a blanket direction for payment of full salaries is manifestly arbitrary, unconstitutional and unsustainable, MSMEs had said, adding that private employers should be completely exempted from paying their workmen during the lockdown as the one-sided implementation of contract alone was not permitted.

Ludhiana Hand Tools Association also said the MHA order violated the private companies' right to carry on any occupation, trade or business guaranteed under Articles 19(1)(g) of the Constitution.

MSMEs also argued that the Centre lacked the power to direct payment of wages as the provisions of the Disaster Management Act, 2005 cannot "impinge upon express provisions of the Industrial Disputes Act, 1947 and take away the right to layoff workmen during times of natural calamity."

It is irrational to treat all private establishments alike irrespective of profit, loss, debt, or turnover, the petition said, adding that a blanket direction by MHA is akin to a tax without any statutory backing.

"Government has not taken any steps for workforce instead put the burden on employers to pay full wages," MSMEs said, adding that an employer and employee have reciprocal promises whereby the right of an employee to demand salary is reciprocal to performance of work by such employee.

Besides, the petition said, that an employer has a right not to pay if no work is done. As an alternative, the association had stated that hundreds of crores of unclaimed provident fund and Employees State Insurance Corporation contribution lie in banks attracting interest and the government should utilise these funds rather than burden the private sector.

# Centre, DGCA get notice on plea for full refund of cancelled air tickets

PRESS TRUST OF INDIA  
New Delhi, April 27



**THE SUPREME COURT** on Monday sought responses from the Centre and DGCA on a plea seeking directions to airlines operating domestic and international flights in India to refund full amount collected for tickets due to cancellation of flights in wake of the lockdown and restrictions imposed to contain Covid-19 pandemic.

A bench of justices NV Ramana, SK Kaul and BR Gavai, which heard the matter through video-conferencing, issued notices to the Centre and the Directorate General of Civil Aviation (DGCA) on the plea which has urged the court to declare the alleged action of airlines of not refunding entire value of cancelled air tickets as violative of the civil aviation requirement issued by the authority.

"It is submitted that the airlines instead of providing the full refund of the amount collected for the tickets due to cancellation, are providing a credit shell, valid upto one year, which is clear in violation of the Civil Aviation Requirement of May 2008 issued by the DGCA which clearly states that 'the option of holding the refund amount in credit shell by the airlines shall be the prerogative of the passenger and not a default practice of the airline,'" said the plea, filed by the NGO, 'Pravasi Legal Cell'.

Referring to the earlier prevalent practice, it has said in case of credit card payments, refund shall be made by the airlines within seven days of the cancellation to account of the credit-card holder and in case of a cash transaction, the refund shall be "made immediately" by the airline office from where the ticket was purchased.

The Civil Aviation Requirement of May 2008 sets a limit of 30 working days for airlines to complete the refund process for tickets booked through travel agents/portals, the plea has said. The plea has referred to the April 16 office memorandum of the ministry of civil aviation which deals with refund of ticket amount collected without levy of cancellation charge.

It has claimed that the April 16 office memorandum directing airlines to provide full refund of amount paid to only those people who booked tickets during the lockdown period and "leaving out people who booked tickets prior to lockdown but the flights cancelled due to lockdown amounts to treating equals unequally and thus the same is in clear violation of the fundamental rights guaranteed under the Constitution."

"It is clear from the office memorandum that directs the airlines to refund only those tickets that were booked during the lockdown period, leaves out the vast majority of passengers who had booked tickets before the flights were banned. Which indirectly approves to the practice of the airlines providing credit shell for booking effected before the lockdown, though the same clearly violates the refund rules of the DGCA," the plea has alleged.

# This institution is not hostage of govt: SC

PRESS TRUST OF INDIA  
New Delhi, April 27

**"THIS INSTITUTION IS** not hostage of government," the Supreme Court said on Monday as it sought reply from the Centre on a plea seeking direction to authorities to allow migrant workers across the country to return home after conducting coronavirus tests.

The top court's remark came after advocate Prashant Bhushan told the court that the government's view is being blindly considered without verifying it, while fundamental rights of people especially migrant workers are not being enforced.

A bench of justices NV Ramana, Sanjay Kishan Kaul and BR Gavai questioned Bhushan, appearing for petitioners Jagdeep S Chhokar, former director in-charge of IIM, Ahmedabad, and lawyer Gaurav Jain, and said as to why should the court hear him, if he does not have faith in the system.

Bhushan said that this is an institution created by Consti-

tution but the fundamental rights are being violated of these migrant workers and I am entitled to express my anguish.

The bench told Bhushan, "You don't have faith in judiciary. This institution is not hostage of government."

Clarifying that he never said that he has no faith in this system, Bhushan added he could be wrong but similar opinion is expressed by some retired judges.

The bench told him that he claims to be practising in the apex court for past 30 years and then he must know that some orders are favourable and some are not and therefore he should not say such things. Solicitor general Tushar Mehta, appearing for Centre told Bhushan that he should not be under the impression that he is the only one who is concerned with enforcement of fundamental rights.

He said the government is very much concerned with the issue and trying to provide all possible help to migrant workers.

**The remark came after advocate Prashant Bhushan told the court that the government's view is being blindly considered without verifying it, while fundamental rights of people, especially migrant workers, are not being enforced**

Bhushan said that if there was any objection with regard to his appearance as a lawyer in the case, then he was willing to withdraw from the matter and some other lawyer will appear.

The bench said that it had never asked him to withdraw from the matter. Bhushan said the central government seems to have shut its eyes and should consider the distress situation faced by the migrant workers during the lockdown.

He said that more than 90% migrant workers have not received the ration or wages; they are in desperate situation and should be allowed to go to their native places. Mehta however said that these are incorrect reports and questioned the basis of the data given by the petitioners.

He said the Centre is consulting states on the issue as to how many of migrant workers have to be transported, how many have to be given help and what kind of help. The bench told Mehta that it means that Centre is in consultation with states and is ready to examine the issue.

Mehta replied that the government is examining everything but the ideas of petitioner are not required and urged the court to not keep the petition pending as there are already several pleas, which have similar prayers.

Bhushan urged the court to allow inter-state transportation of migrant workers which was objected to by Mehta saying that it is for the government to look into all aspects keeping the larger interest of people in mind. The solicitor general requested the court to not issue notice and give directions on the plea as it would send wrong message and instead he would file a reply within two weeks.

**भारतीय कंटेनर निगम लिमिटेड**  
**Container Corporation of India Ltd.**  
Navratna Company (A Govt. of India Undertaking)  
ICD, Tughlakabad, New Delhi - 110 020

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Group General Manager (C&D)/Northern Region

**Telecommunications Consultants India Ltd.**  
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Last date & Time of online submission of bids is 18.05.2020 up to 15:00 hrs.

**NUCLEUS SOFTWARE EXPORTS LIMITED**  
CIN: L74899DL1989PLC034594  
Regd. Off.: 33-35 Thyagraj Market, New Delhi-110003  
Tel No.: +91-120-4031400; Fax: +91-120-4031672  
E-mail: [investorrelations@nucleussoftware.com](mailto:investorrelations@nucleussoftware.com)  
Website: [www.nucleussoftware.com](http://www.nucleussoftware.com)

**NOTICE**

**Transfer of Equity Shares of the Company to the Investor Education and Protection Fund (IEPF) Authority**

Notice is hereby given that pursuant to the provisions of Section 124 of the Companies Act 2013 (the Act), read with the Investor Education and Protection Fund Authority (Accounting, Audit, Transfer and Refund) Rules, 2016 ("the Rules"), as amended, the Equity Shares of the Company ("Company") in respect of which the dividend has remained unclaimed or unpaid for a period of seven consecutive years, or more, are required to be transferred by the Company to the Demat Account of the IEPF Authority.

**FLEX FOODS LIMITED**  
CIN : L15133UR1990PLC023970  
Regd. Off.: 'Lal' Tapper Industrial Area, P.O. Resham Majri, Hardwar Road, Dehradun (U.T.)  
Ph.: 0135-2492034, Fax: 0135-2492035, Website: [www.flexfoodsltd.com](http://www.flexfoodsltd.com), Email: [secretarial@flexfoodsltd.com](mailto:secretarial@flexfoodsltd.com)

**NOTICE**

**Transfer of Equity Shares of the Company to Investor Education and Protection Fund (IEPF)**

Notice is hereby given that in terms of the provisions of Section 124(6) of the Companies Act, 2013 ("the Act") read with the Investor Education and Protection Fund Authority (Accounting, Audit, Transfer and Refund) Rules, 2016 as amended ("IEPF Rules"), the shares in respect of which dividend has not been paid or claimed for 7 (seven) consecutive years or more are required to be transferred to Investor Education and Protection Fund Authority ("IEPF Authority").

Adhering to the requirements as set out in the IEPF Rules, reminder letters have been sent to the individual shareholders at their latest available addresses, who have not claimed the dividend(s) declared by the Company on 29<sup>th</sup> June, 2013 and onwards and whose shares are due for transfer to the IEPF Authority under the said IEPF Rules for taking appropriate action. Further, in terms of Rule 6(3) of the IEPF Rules, the Company has also uploaded details (including their names, Folio No. / DP ID- Client ID) of concerned shareholders, whose shares are due for transfer to IEPF Authority on the website of the Company at <https://www.flexfoodsltd.com/b2c-unpaid-unclaimed-dividend-details.php>

The Shareholders are advised to claim their outstanding dividend amount immediately by sending a formal request letter with a copy of PAN Card and address proof along with along their Bank details, viz. Bank Account Number, Name of Bank & Address of Branch, IFSC No, MICR No along with a copy of cancelled cheque leaf to the Company at its registered office. The Due date for transfer of shares to the account of the IEPF Authority is 30<sup>th</sup> July, 2020. In case the dividends are not claimed by the said date, the Company will take necessary action for transfer of such shares to the IEPF Authority. **Please note that no claim shall lie against the Company in respect of the shares so transferred to IEPF Authority.**

The concerned shareholders, holding shares in Physical Form and whose shares are liable to be transferred to IEPF Authority, may note that the Company would be issuing new share certificate(s) in lieu of the Original Share Certificate(s) held by them for the purpose of transfer of such shares to IEPF Authority and upon such issue, the Original Share Certificate(s) held by such Shareholder(s) shall be deemed to be cancelled and non-negotiable. In case of Demat shareholding, the shares shall be transferred to the Demat Account of IEPF Authority by way of Corporate Action to be executed directly through Depository. The Shareholders may also note that the details regarding unclaimed shares as uploaded by the Company on its website should be regarded as and shall be deemed to be adequate notice in respect of issue of new share certificate(s) by the Company for the purpose of transfer of shares to IEPF Authority pursuant to the Rules.

In the event of transfer of shares held by you and the unclaimed dividends to IEPF, you are entitled to claim the same from IEPF Authority by submitting an online application in the prescribed Form IEPF-5 available on the website of the Authority i.e. [www.iepf.gov.in](http://www.iepf.gov.in) and sending a physical copy of the same duly signed to the Company along with requisite documents enumerated in the Form IEPF-5.

You are requested to go through the provisions of Section 124 and 125 of the Act and the Rules and the information provided at the website of the Authority. You may also write to the Company or RTA for any further information/clarification in this regards.

Place: NOIDA  
Date: 25/04/2020

For FLEX FOODS LIMITED  
RAJESH DHEER  
COMPANY SECRETARY, FCS NO:3060  
A-64, Ordinance Apartments, Block-H, Vikaspuri, New Delhi-110018

For Nucleus Software Exports Limited  
Sd/-  
Poonam Bhasin  
Company Secretary  
Place : New Delhi  
Date : 28.04.2020

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