



Abstract

Employment and Training - Training - Announcement 2014 - 15 - Sanction of sum of Rs.50.00 crore for Upgradation of 37 Government Industrial Training Institutes from the State fund instead of Tamil Nadu Construction Workers Welfare Board fund - Orders issued.

Labour and Employment (S1) Department

G.O. (Ms) No. 27

Dated: 20.02.2018

ஹேவிளம்பி வருடம், மாசி 8
திருவள்ளூர் ஆண்டு 2049

Read:-

1. G.O. (Ms) No.33, Labour and Employment (S1) Department, dated 17.02.2015.
 2. From Secretary (I/c), Tamil Nadu Construction Workers Welfare Board, Letter No.B1/7232/2015, dated 03.09.2015.
 3. From the Commissioner of Labour, Letter No. W1/57402/2014, dated 07.09.2015.
 4. From the Government of India, Ministry of Labour and Employment, Letter No. Z-20011/08/2014-BL, dated 07.06.2016.
 5. From the Engineer-in-Chief Buildings and Chief-Engineer (Buildings), PWD, Chennai Region, letter No.LC1/ITI/20177/2014, dated 16.06.2016.
 6. From the Director of Employment and Training, Letter RC.No.7483/Plan 3/2014, dated 22.09.2016.
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ORDER :

In the G.O. 1st read above, orders were issued sanctioning a sum of Rs.50.00 crore for the upgradation of 37 existing Government Industrial Training Institutes from the funds available with the Construction Workers Welfare Board. Out of which, Rs.37.62 crore was sanctioned towards machineries and equipments for 37 Government Industrial Training Institutes and remaining amount of Rs.12.38 crore was sanctioned towards civil works for 11 Government Industrial Training Institutes.

(p.t.o.)

2. In the letter 2nd read above, the Secretary, Tamil Nadu Construction Workers Welfare Board has stated that the funds could not be released due to the following reasons:-

- (i) Among others, the Supreme Court have issued general directions that, the funds available with the Welfare Boards shall not be utilized by the State for any other head of expenditure of the State Government, etc., in I.A. No.6 in W.P.(Civil)No.318/2006 (which is pending in court) filed by National Campaign Committee for Central Legislation on Construction Labour.
- (ii) AG (Audit) remarked that, as skill development of Industrial Training Institute student is not one of the object of welfare of labours as per the scheme, the approval seems incorrect and to clarify whether the funds has been released (Paragraph part II B Diversion of Funds in violation of Welfare Scheme objective). Based on the reply furnished by the Secretary, Tamil Nadu Construction Workers Welfare Board, that the funds has not yet been released so far, though an approval for utilization of Rs.50 crore for skill development was given by the Board in its meeting held on 28.02.2014, the audit paragraph was dropped by Accountant General.
- (iii) A case was filed by Thiru. A.S.Kumar, Deputy General Secretary, All India Central Council of Trade Union in the Hon'ble High Court in W.P.No.9758/2015 (the case is pending) to grant an ad-interim injunction restraining the respondents from diverting the amount of Rs.50 crore from the Construction Workers Welfare Board fund for the purpose of modernization of Industrial Training Institute.

3. In the letter 3rd read above, the Commissioner of Labour has requested to issue necessary amendments to G.O.(Ms) No.33, Labour and Employment (S1) Department, dated 17.02.2015, based on the above reasons.

4. In the letter 4th read above, based on the orders of Supreme Court of India, dated 4.9.2015 in I.A. in W.P (C) 318/2006, Ministry of Labour and Employment, Government of India have issued orders under section 60 of BOCW Act (RE & CS) Act 1996 dated 7.6.2016 as detailed below:-

"All the State Governments and UT Administrations not to spend the cess fund for construction of buildings for schools, hospitals, training centers, labour shed-cum night shelter, waiting hall, hostels etc., or for any purpose other than for welfare of BOCW workers and their family exclusively. In case of any such violation, immediate corrective steps should be taken and the fund so spent should be recouped in the Building and Other Construction Worker's Welfare Cess fund with immediate effect under intimation to the Central Government".

5. In the letter 5th read above, the Engineer-in-Chief (Buildings) and Chief Engineer (Buildings), Chennai Region, Building Organization, Public Works Department has stated that the works worth Rs.1238.19 lakhs were undertaken by the Public Works Department in anticipation of receipt of Deposit of the above amount from Tamil Nadu Construction Workers Welfare Board based on the Government order first read above and communication received from the Director of Employment and Training. He has informed that the works are in various stages and the liabilities there on matures up to the level of Rs.415.00 lakh due to non supply of funds from Tamil Nadu Construction Workers Welfare Board. He has also stated that the contractors who were entrusted with the works are pressing the department for payment on the value of work done as per the agreement made with them. Hence he has requested to direct the Construction Workers Welfare Board to divert the funds sanctioned and payable for Rs.415.00 lakh for the first instance or issue a financial sanction order on the funds stipulated for Rs.1238.19 lakh in the State fund.

6. During the meeting on "National Labour Conference on Construction Workers Welfare Board, Child Labour and Bonded Labour", the Government of India have clearly reiterated that the Tamil Nadu Construction Workers Welfare Board funds cannot be spent / diverted for other construction works like Schools, Hospitals, Training centres, etc., which has to be funded out of State Government funds. The Tamil Nadu Construction Workers Welfare Board funds have to be spent only for schemes and projects exclusively for the welfare of Building and Other Construction Workers and their families.

7. The Government have carefully examined the proposal of Commissioner of Labour and based on the instructions issued by Government of India in the letter fourth read above, accord sanction for a sum of Rs.50.00 crore (Rupees Fifty Crore only) for upgrading the 37 existing Government Industrial Training Institutes from State fund instead of Tamil Nadu Construction workers Welfare Board Fund. Out of sanctioned amount, a sum of Rs.12,38,00,000/- (Rupees Twelve Crore Thirty Eight Lakh only) has been provided in 2017-18 and balance will be provided in subsequent financial years. The work shall be executed as per G.O. first read above.

8. The expenditure sanctioned in para 7 above shall be debited under the following Head of Account:-

Head of Account	Amount in lakh
4250-00-Capital Outlay-On Other Social Services- 203 Employment - State's Expenditure - JG Development of I.T.I.'s - Land and Buildings - 16 Major Works. (DPC 4250-00-203-JG 1606).	12.38

9. The Expenditure sanctioned in paragraph "7" above shall constitute an Item of "New Instrument of Service" and the approval of the Legislature will be obtained in due course. Pending approval of the Legislature, the expenditure may be initially be met by drawl of an advance from the contingency fund. The Director of Employment and Training is directed to calculate the actual amount required for the period upto next Supplementary Estimates and apply for sanction of the same as advance from the contingency fund Finance (BG-I) Department directly in Form A appended to the Tamil Nadu Contingency Fund Rules 1963 along with a copy of this order. Orders for sanction of an advance from the Contingency Fund will be issued from Finance (BG-I) Department. The Director of Employment and Training is also directed to send necessary explanatory notes to include the above expenditure in the Supplementary Estimates for the year 2017-18 to Government in Finance (BG-I / L&E) Department at the appropriate time without fail.

10. This order issues with the concurrence of Finance Department vide its U.O.No.6080/L&E/2018 dated 16.02.2018 and ASL No.2737 (Two thousand seven hundred and thirty seven).

(BY ORDER OF THE GOVERNOR)

**MANGAT RAM SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Director of Employment and Training, Guindy, Chennai-600 032.
The Commissioner of Labour, Chennai - 600 006.
The Secretary, Tamil Nadu Construction Workers Welfare Board,
Chennai - 600 034.
The Accountant General (Audit, A&E), Chennai - 600 018.
✓ The Pay and Accounts Officers concerned (Through DET).
The Treasury Officers concerned (Through DET).
The Principals of Government ITIs concerned (Through DET).
The Resident Audit Officer, Secretariat, Chennai-600 009.

Copy to:-

The Hon'ble Chief Minister's Office, Chennai-600 009.
The Deputy Secretary to Deputy Chief Minister, Chennai-600 009.
The Special Personal Assistant to Minister (Labour), Chennai-600 009.
The Finance (L&E/BG-I & II) Department, Chennai - 600 009.
The Private Secretary to Principal Secretary to Government,
Labour and Employment Department, Chennai-600 009.
Stock File/Spare Copy(C.No.21668/S1/2015)

/FORWARDED BY ORDER/

UNDER SECRETARY TO GOVERNMENT

Sh
20/2/18

Mangat Ram Sharma
20/2/18