

14.12.2016

Detailed discussions on the issues involved in the dispute/strike notice took place between the parties. The issues involved are:-

1. Benefit of merger of 50% DA effectively amounting to 78.2% as on 01.01.2007.
2. Revision of perks and allowances.
3. Counting of casual period of workman as continuous service in the case of absorption/regularization.
4. Change over of medical insurance, policy/scheme of working/retired employees.

A bird perusal of the above mentioned issues, it is quite clear that issue no. 1 & 2 above are the bonafide conditions of a tripartite settlement arrived at between the parties before the then Regional Labour Commissioner(C), Sh. B.B. Bhatnagar on 11.05.2010 and can be safely construed as award as defined under Industrial Disputes Act, 1947. Accordingly, its implementation is the duty of the management of MTNL. Non-implementation of any of the conditions of settlement attracts a prosecution of erring management under Section 29 of the Act. The union during the course of discussion rightly submitted and filed a rejoinder mentioning their intention and contention in the last para of the document which warrants an action under Section 29 of the Act.

In view of the facts above, it do not find any reason for the union to go on a strike on the first two issues as their redressal is available under the Act. The union agreed to not to go on strike on the above two issues and requested to take necessary action for enforcement of the settlement as award which acceded to. The management representative is once again advised to discuss the issue at apex level in order to implement the above two conditions of settlement within a week and report back so that necessary steps may be initiated at the level of this office.

So far issue no. 3 is concerned, the representative of DOT submitted that he is not in a position to take any instant decision and placed a document which was the original copy. He was not ready for any further discussion or submission. DOT is advised to file a reply on the next date of hearing endorsing a copy thereof in advance to the representative of unions so that discussion may take place on their submission in order to arrive to an amicable settlement.

Discussion on issue no. 4 revealed that medical benefit is one of the clauses of certified standing order of MTNL and mentioned in Clause 25. During the discussion, union revealed that though it is mentioned in Clause 25(a) of standing order that a decision in this respect may be arrive at in consultation with recognised union, management never incorporated unions' submission in the minutes of meeting. However the management representative objected and submitted that after due meeting with the recognised union resolutions are passed and a copy of the resolution which reveals the participation of recognised union in arriving to any decision w.r.t. the issue under Clause 25(a) as mentioned above may be filed before the next date proceeding. Submission of management acceded to with an advice to file the same during the next date of hearing. 23.12.2016 at 3:15 PM

Attenda attached in a separate sheet.

14/12/2016

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14.12.16.