

Pay Review
MOU

FORM H
(See Rule 58)

**MEMORANDUM OF SETTLEMENT SIGNED BEFORE THE REGIONAL LABOUR
COMMISSIONER (CENTRAL), DEHRADUN BY THE MANAGEMENT OF OIL AND
NATURAL GAS CORPORATION LTD AND THEIR REPRESENTING UNIONS
ON 17th SEP 2010**

ID Case No.D-8/5/2010-RLC

18

Names of the Parties:

Representing Management of ONGC :

S/Shri

1. Sundar Lal, Executive Director -Chief, Employee Relations
2. Tauqir Hussain, Executive Director - Chief, Human Resource Development
3. Baij Nath, GM(HR)
4. Arvind K.Shah, GM(HR)

Representing Workmen:

S/Shri

- | | |
|---|--|
| 1. ONGC Employees Mazdoor Sabha, Baroda | a. K.P.Ravindranathan
b. Sunil Hedao
c. A.R. Tadvi |
| 2. ONGC (BOP) Karmachari Sanghatana, Mumbai | a. Pradeep A.Mayekar
b. M.K.Mitra |
| 3. ONGC Workmens' Association, Kolkata | a. S.K.Biswas
b. P.K.Moitra |
| 5. ONG Mazdoor Sangh, Ankleshwar | a. E.V.Akolkar
b. R.H.Pathan |
| 6. National Union of ONGC Employees, Dehradun | a. J.S. Gunsola
b. A.P.Joshi |
| 7. Petroleum Employees Union, Chennai | a. D.V.Krishnam Raju
b. V.Gopinathan |

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RLC(C), Dehradun fixed conciliation at N.Delhi on 17th Sep 2010, to once and for all resolve the dispute related to wage revision. During the conciliation, following prolonged discussions and the guidance of RLC(C), Dehradun, the management of ONGC and the ten recognised unions of ONGC agreed to resolve the dispute amicably on the following terms:

Terms of Settlement

1. Coverage:

1.1 All regular workmen who were on the rolls of the Corporation as on 31.12.2006 and continued thereafter in the Scales of pay from W-I to W-VII, A-I to A-IV, erstwhile Scale Code VII (Rs.7000/- open ended) and S-I to S-IV will be covered by this Agreement. Those who joined as regular workmen in the above mentioned scales of pay on 1.1.2007 or after, will be governed by Para 5 of this settlement.

2. Scales of Pay:

2.1 The existing pay scales of workmen shall be revised as under with effect from 01.01.2007.

Sl. No.	Existing open ended Scale	Revised Scales (Close ended)
1.	Scale Code-I Rs.4300/-	Rs.10000/- to Rs.18000/-
2.	Scale Code-II Rs.4500/-	Rs.10500/- to Rs.21000/-
3.	Scale Code-III Rs. 4700/-	Rs.11000/- to Rs.24000/-
4.	Scale Code-IV Rs. 5100/-	Rs.12000/- to Rs.27000/-
5.	Scale Code-V Rs.5800/-	Rs.13500/- to Rs.31000/-
6.	Scale Code-VI Rs.6500/-	Rs.15000/- to Rs.35000/-
7.	Scale Code-VII Rs.7000/-	Rs.16000/- to Rs.36000/-
8.	S-I/ W-VII Rs.10220/-	Rs.20000/- to Rs.45000/-
9.	S-II- Rs.11400/-	Rs.24000/- to Rs.48500/-
10.	S-III Rs.13070/-	Rs.28000/- to Rs.52500/-
11.	S-IV Rs.15200/-	Rs.32000/- to Rs.56000/-

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- 2.2 In cases where full amount of annual/promotion increment cannot be granted due to restriction of maximum of the scale, the difference shall be treated as Personal Pay (PP-07), which would count as Basic Pay for all purposes.

3. Fitment benefit:

- 3.1 The pay of the workmen who were on the rolls of the Corporation as on 31.12.2006 and continued thereafter, shall be fitted in the corresponding revised scales, as per following fitment method:

- (a) Sum of Basic pay as on 1.1.2007, plus Dearness Allowance @ 78.2%;
 (b) Add 30% of total of (a) as Fitment benefit;
 (c) The amount arrived at (b) above will be rounded off to the next ten rupees which will be the revised Basic Pay as on 1.1.2007.

4. Rate of annual increment:

- 4.1 The rate of annual increment in the revised pay scales shall be 3% for all scales. The amount of increment calculated at above rates shall be rounded off to the next ten rupees.

- 4.2 **Pay Fixation on promotion:** One notional increment, equal to the rate of annual increment being drawn by the workman in the pay scale, (i.e., @ 3% of basic pay) before such promotion would be granted, and pay fixed in the promoted pay scale and rounded off to the next multiple of rupees ten.

5. Workmen appointed on or after 01.01.2007:

- 5.1 All workmen appointed on or after 01.01.2007 shall be deemed to have been appointed in the revised scales of pay and no fitment benefit would be admissible to them.

6. Dearness Allowance:

- 6.1 100% D.A neutralisation will be adopted for all the workmen with effect from 1.1.2007. Thus, D.A as on 1.1.2007 will become zero, linked to All India Consumer Price Index (AICPI) 2001=100, which was 126.33 as on 1.1.2007.

- 6.2 The periodicity of adjustment will be once in three months, as per the existing practice. The quarterly D.A payable w.e.f 1.1.2007 is given below:-

Quarter beginning	Rate of Dearness Allowance (in percentage of basic pay)
01.01.2007	Nil
01.04.2007	0.8
01.07.2007	1.3
01.10.2007	4.2

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01.01.2008	5.8
01.04.2008	6.3
01.07.2008	9.2
01.10.2008	12.9
01.01.2009	16.6
01.04.2009	16.9
01.07.2009	18.5
01.10.2009	25.3
01.01.2010	30.9
01.04.2010	34.8
01.07.2010	35.1

7. House Rent Allowance

7.1 Payment of HRA on revised basic pay shall be at the following rates w.e.f 26.11.2008:-

Cities with Population	Rates of HRA
50 lakh and above (Classified as X)	30% of basic pay
5 to 50 lakh (Classified as Y)	20% of basic pay
Less than 5 lakh (Classified as Z)	10% of basic pay

7.2 Classification of cities for payment of HRA shall be followed as notified by the Govt. of India vide O.M. No.2(13)/2008-E.I(B) dated 29.8.2008, and as may be amended/notified from time to time.

7.3 In case actual amount of HRA as per prescribed rates is less than the amount of HRA drawn as on 25.11.2008, for a particular workman, the difference would be allowed to be drawn by the workman as 'Personal Allowance' until the difference is eliminated in the course of time, subject to the condition that the difference will be subsumed within the overall limit prescribed for perquisites and allowances admissible under the 'Cafeteria' approach.

7.4 Monetary ceilings for leased /self-leased accommodation shall continue to be the House Rent Allowance percentage as applicable to the work centre plus 10% with reference to the maximum of the revised pay scales as per existing policy.

7.5 The monetary ceilings with reference to revised pay scales shall be effective from 26.11.2008. However, enhanced rates of lease amount would be applicable with effect from 26.11.2008, only in those past cases of leased accommodation where overrun was being borne by the workman, under intimation to the respective office.

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8. North East Allowance

8.1 North East allowance shall be paid on revised basic pay @ 12.5% w.e.f 26.11.2008.

9. Gratuity

9.1 The ceiling for Gratuity for the workmen shall stand revised to Rs.10 lakh w.e.f 1.1.2007.

10. Cafeteria Approach on Perks and Allowances

10.1 DPE Guidelines dated 26th November, 2008 stipulate that instead of having a fixed set of allowances, the CPSEs may follow "Cafeteria Approach" allowing the employees to choose from a set of perks and allowances.

10.2 The workmen shall choose from the following set of perks/allowances in a manner that the total monthly payment under perks and allowances in Cafeteria Approach does not exceed 47% of Basic Pay w.e.f. 26.11.2008:

Sl. No	Perquisites and Allowances	Maximum %age of revised Basic Pay
1.	LFA/Holiday Home Allowance	30
2.	Children Education and Hostel Expenditure Allowance (for workmen having school/college going child/children. Other workmen cannot opt for this allowance)	20
3.	Transport Allowance (for workmen who own a car / two wheeler. Other workmen cannot opt for this allowance.)	Rs.800(for Car) Rs.500(for two wheeler)
4.	House maintenance Allowance	25
5.	Self-Development Allowance	15
6.	Fitness Allowance	10
7.	Special Personal Allowance	20
8.	Transport Subsidy	5

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10.3 In cases of workmen drawing Personal Allowance (HRA protection) the differential amount of HRA being protected on a monthly basis shall be included in the cafeteria payment.

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- 10.4 In cases of workmen drawing incentive for adoption of small family norms, the amount of incentive being drawn shall be included within the ceiling of cafeteria payment, subject to receipt of clarification from the Govt. of India.
- 10.5 Perquisite value and maintenance charges for furniture and house hold goods purchase scheme shall be within the ceiling of cafeteria payment.
- 10.6 Payment for perks and allowances in the Cafeteria Approach shall be made w.e.f. 26th November, 2008 based on the option exercised by the workman. However, no options would be asked for the period from 26.11.2008 till 31.10.2010. Workmen, including those separated on or after 26.11.2008 would be paid / recovered a lump sum amount equal to the difference between the amount admissible under the cafeteria approach and payments already received on account of items mentioned above. Income tax exemption, if any, may be sought directly from Income Tax authorities.
- 10.7 From 01.11.2010 onwards, workmen shall be required to compulsorily exercise their option under "Cafeteria approach" only once at the beginning of every financial year within a period of fifteen days, which may be reviewed once during the financial year. Payment of perquisites/allowances shall be made as per the option exercised, subject to the prescribed ceilings under Cafeteria Approach.
- 10.8 For claiming income tax benefits on availing perks and allowances which qualify for income tax rebate, vouchers pertaining to the journey undertaken/expenditure incurred for the applicable year shall be submitted within the relevant financial year.
- 10.9 Payments made on account of following items for the period starting from 26.11.2008 shall be adjusted/ recovered against the payment due to the workman under the cafeteria approach:

(a) **Availing/ encashment of LFA for home town/ other than home town in India/ Abroad.**

The actual amount paid to the individual under this head for the block year 2006-2009 would be divided by forty eight to calculate the monthly amount admissible which would be adjusted against payment due under cafeteria approach. The actual amount paid to the individual under this head for the block year 2010-2013 would be adjusted against payment due under cafeteria approach.

(b) **Holiday Home facility**

The actual amount paid to the individual under this head for the block year 2008-2009 would be divided by twenty four to calculate the monthly amount admissible which would be adjusted against payment due under cafeteria approach. The actual amount paid to the individual under this head for the block year 2010-2013 would be adjusted against payment due under cafeteria approach.

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- (c) **Children Education allowance (includes all elements i.e., tuition fee, merit scholarship, hostel subsidy, transport subsidy, journey fare and admission fee)**

The actual monthly amount paid to the individual w.e.f. 26.11.2008 would be adjusted against payment due under cafeteria approach w.e.f. 26.11.2008.

- (d) **Transport Allowance:**

The actual monthly amount paid w.e.f. 26.11.2008 (which is Rs.800/- p.m. for Car and Rs.500/- p.m. for two wheeler) would be adjusted. This will be reviewed with mutual consent within the total cafeteria payment.

- (e) **DSCA:**

The actual monthly amount paid to the individual w.e.f. 26.11.2008 would be adjusted against payment due under cafeteria approach w.e.f. 26.11.2008.

10.10 DSCA shall be dispensed with effective from 26.11.2008.

10.11 The following existing schemes are covered under the cafeteria approach and payment for these shall be made on monthly basis with effect from 26.11.2008. Accordingly, these schemes shall stand modified to such extent in respect of workmen:

- a) LFA
- b) Holiday Home
- c) Children Education Assistance Scheme

10.12 In case of any modification in the component elements under 'Cafeteria Approach', due to Govt. directives etc., the same shall be implemented.

11. Other facilities/allowances

The other facilities/allowances which are out of the purview of 50% ceiling are revised as under:

11.1 Underground Mining Allowance:

Underground Mining Allowance shall be introduced w.e.f. 26.11.2008 **exclusively** for workmen working in field as detailed below:-

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Sl. No.	Entitled Workmen	Rate p.m. (%age of revised basic pay)
1.	Workmen eligible for existing Offshore Hard Duty Allowance.	15*
2.	Workmen posted in 28/14 days and two days On/Off 12 hours duty pattern in Onshore field areas (eligible for existing Operational Allowance @ 12.5% of basic pay)	12.5*
3.	<ul style="list-style-type: none"> - Workmen posted in 2/3/General shifts (12/8 hours duty) in onshore field areas and other workmen eligible for existing Operational Allowance @ 10%/7.5% of basic pay. - Workmen posted in geophysical field parties. - Any other workman working in field not covered in any of above categories. 	10*

*Payment of Underground Mining Allowance shall be restricted to the same limits as were being followed in case of DSCA for field going workmen i.e. Rs. 2100/- p.m. for normal areas and Rs.2350/- in respect of workmen posted in North East/sand dune areas for other than 'S' level and, Rs. 3590/- p.m. for normal areas and Rs.3940/- in respect of workmen of 'S' level posted in North East/sand dune areas

11.2 Payment of Underground Mining Allowance shall be on provisional basis and shall be reviewed while revising the allowances payable for field duty, on receipt of clarification from DPE with regard to payment of Special Allowances for serving in difficult and far flung areas.

11.3 The issue of payment of Underground Mining Allowance to those not covered within the above mentioned categories will be examined separately.

11.4 CMRE:

Payment against CMRE shall be made excluding the amount of Transport Allowance.

11.5 As per recent communication from DPE, the issue of Special Allowances for serving in difficult and far flung areas is under consideration. Till such time, the following allowances shall continue to be paid on provisional basis as admissible on the date of settlement. These will be reviewed later, on receipt of clarification from DPE.

- a. Offshore Hard Duty Allowance
- b. Shift Allowance
- c. Operational Allowance
- d. Nourishment Allowance
- e. Food Compensatory Allowance
- f. Washing Allowance
- g. Composite Hill Compensatory Allowance

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- h. Tribal Area Allowance
- i. Remote Locality Allowance

12. House Rent Recovery

12.1 The existing rates of House Rent Recovery for residential family accommodation provided by the Corporation shall continue. House Rent Recovery on account of Leased /self leased Accommodation will be regulated as follows:

Type of entitlement	Rate of recovery
A	520
B	1280

- 12.2 HRR at the above rates shall be effective from the date of issue of Office Order.
- 12.3 Other terms and conditions for House Rent Allowance and House Rent Recovery shall remain unchanged.

13. Job Linked Allowances

13.1 The rates of Job linked allowances shall be revised w.e.f. 26.11.2008 as under:

Allowance	Revised rates (Rs. p.m.)
Crane Optr./Sr. Optr. (Crane)/Sr. Driver/ Optr. Cmtg. Unit (7 tonnes)/Roustabout at Sagar Samrat/Crane Optr. With HV licence/Winch Optr.	600/-
Pharmacists/Nurses	25/- per visit, max. 500/- p.m.
Dressers/Female Hospital Attendants	25/- per visit, max. 500/- p.m.

Other job linked allowances shall be discontinued with immediate effect.

14. Monetary Ceiling

14.1 All existing monetary rates/ceilings of pay for eligibility in respect of various welfare facilities/advances/entitlements shall be correspondingly linked to the revised basic pay as per Table below and there shall be no increase in such benefits merely due to revision of scales.

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MONETARY CEILINGS

Sl. No.	Welfare Facilities/ Entitlements	Ceilings	
		Existing Basic Pay	Revised Basic Pay
1.	Scooter/Motor Cycle	Rs.6000/- & above	All workmen after completion of 1 year service
2.	A) Travel by First Class /2 AC Rail Travel by 3 AC	Rs.6300/- & above	Rs.12000/- & above Below Rs.12000/-
	B) Payment of Daily Allowance	Rs.7600/- & above	Rs.17000 /- & above
	C) Travel by Road as per TA Rules	Rs.7000/- & above	Rs.16000/- & above
	D) Travelling Allowance on Transfer/Retirement	Rs.8000/- & above	Rs.20000/- & above
3.	Allotment of Accommodation		
	A) 'A' Type Quarter B) 'B' Type Quarter	Up to Rs.6999/- Rs.7000/- & above	Up to Rs.15999/- Rs.16000/- & above

16. Payment/Recovery of Arrears:

16.1 Arrears of pay and allowances arising as a result of this settlement shall be payable/recoverable within 45 days of signing of long term settlement.

16.2 Arrears of pay and allowances arising as a result of this settlement shall be payable/recoverable in respect of the following, unless, otherwise specified in the settlement:

Pay, Variable Dearness Allowance, House Rent Allowance, North East Allowance, Cafeteria Perks and Allowances, DSCA, Underground Mining Allowance, Washing Allowance, Composite Hill Compensatory Allowance, Tribal Area Allowance, Overtime pay, Operational Allowance, Remote Locality Allowance, Shift Allowance, Hard Duty and Offshore Compensation Allowances, Productivity Allowance, Job related Allowances, Gratuity, Provident Fund, Leave encashment, Bonus/Ex-gratia in lieu of Bonus, Leave Fare Allowance, Holiday Home facility, Children Education Allowance and Transport Allowance.

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- 18.1.3 any dispute pending before any authority or Court in respect of the above issues shall be withdrawn by filing no dispute application by the Union and Management, as the case may be, after obtaining legal advice in this connection;
- 18.1.4 if any unrecognised union has either raised dispute before any authority under the Industrial Disputes Act, 1947 or has filed any Court case on the above issues or will do so in future, the union and the management shall separately or jointly file petition before such authority or the Court intimating that since the issues are of general nature governing the terms and conditions of service of the workmen, the same have been resolved in course of negotiations by the Management with all the recognised unions, culminating into this settlement before the Conciliation Authority and as per the principle, enshrined in the Code of Discipline, such dispute or court case should accordingly be dealt with by the authority or the Court by closing the same;
- 18.1.5 if any issue, other than those mentioned above, requires resolution, the same shall be discussed and tried to be resolved in course of negotiations in various bipartite forums, which already exist in ONGC. If the issue is of general nature, affecting employees of more than one work-centre, the same shall be resolved in JCM suitably and no party shall resort to any direct action, disrupting normal activities and production of the organisation, without exhausting the laid down channels for resolution of disputes in ONGC and also the procedures, as laid down under the Industrial Disputes Act, 1947;
- 18.1.6 the Grievance Handling Machinery will be resorted to and availed of for strengthening the organisation, redressing individual grievances and achieving the organisational goals;
- 18.1.7 the Unions agree that discipline and team work at all levels are of utmost importance for smooth functioning of the organisation. Unions, therefore, shall ensure full co-operation to the management in maintaining discipline and efforts to improve productivity of the organisation.

18.2 The Management and Unions agree to co-operate in:

- i. Minimising overtime and non-productive expenditure;
- ii. Creating healthy climate for industrial relations and promoting efficiency;
- iii. Ensuring high level of performance consistent with safety, health, environment, sustained efforts to achieve not only the targets of production, but also improve upon them.

18.3 Having obtained the wage revision to their full satisfaction and settling other issues relating thereto amicably, the Unions doubly assured the Management that nothing shall

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Respectfully

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 S. Gupta
 S. K. Singh
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be done which will dampen the image of the Company and all out efforts shall be made by them to enhance the productivity and profitability of the company, so that the wage revision can be smoothly sustained by ONGC.

19. Simplification, Innovation and Diversification:

- 19.1 Management and Unions thus recognise the imperative need to prepare the Company to successfully meet the challenges of the new era of liberalisation and global competition, and for this it is also agreed to avoid all kinds of wastages of materials, energy, electricity, fuel etc. Norms of energy consumption based on rated capacity and type of machine, etc shall be worked out for each site and all efforts shall be made to have energy consumption within the limits prescribed by the manufacturer, by keeping the machines properly maintained.
- 19.2 Unions and Management agree that improvement in energy efficiency is necessary, which can be achieved through re-organization, simplification of procedures, technology upgradation and desired innovation, diversification etc.
- 19.3 To be competitive in the liberalized business environment it is also realised by the Management and the Unions that the proposals and suggestions of the Unions and employees should be utilised to increase productivity, and for which their proposals and suggestions shall be scrutinised and utilised, if deemed useful.

20. Implementation / Interpretation of the settlement:

- 20.1 The Management and Unions agree to abide by this Settlement faithfully, in a spirit of goodwill, mutual faith and trust.
- 20.2 In case of any dispute regarding implementation of this Settlement or interpretation of any of its provisions, both parties agree to resolve their differences through mutual negotiations in terms of the provisions and spirit of the settlement.
- 20.3 Both the parties will submit the implementation report within 30 days i.e., 16.10.2010, otherwise it will be presumed that the settlement has been implemented.

The parties hereto have signed this settlement on the 17th day of September 2010 at N.Delhi.

Representing the Management

Representing the Workmen

1. (Sundar Lal)
ED-Chief ER

1. (Pradeep Mayekar)
Gen.Secretary
ONGC (BOP) Karmachari Sanghatana, Mumbai

(M.K.Mitra)
Vice President

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2. ~~(Tauqir Hussain)~~
ED-Chief HRD

3. ~~(Baj Nath)~~
GM(HR)

4. (A.K.Shah)
GM(HR)

2. (K.P.Ravindranathan) (Sunil Hedao)
Working President Gen.Secretary
ONGC Employees Mazdoor Sabha, Baroda

3. (S.K.Biswas) (P.K.Maitra)
Gen.Secretary Vice President
ONGC Workmens' Association, Kolkata

4. (E.V.Akoikar) (R.H.Pathan)
President Gen.Secretary
ONG Mazdoor Sangh, Ankleshwar

5. (J.S.Gunsole) (A.P.Joshi)
President Gen.Secretary
National Union of ONGC Employees, Dehradun

6. (D.V.Kishnam Raju) (V.Gopinathan)
Gen.Secretary Dy.Gen.Secretary
Petroleum Employees Union, Chennai

7. (T.D.Majumdar) (C.Majumdar)
Gen.Secretary Jt.Secretary
ONGC Workers Union, Agartala

8. (S.Baruah) (P.Changkakoty)
Gen.Secretary Vice President
ONGC Purbanchal Employees Association, Sivasagar

9. (Rasik S.Patel) (B.J.Chaudhary)
President Gen.Secretary
Petroleum Mazdoor Sangh, Ahmedabad

10. (Ashok Baidya)
Gen.Secretary
Trade Union of ONGC Workers, Silchar

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Witnesses:

On Behalf of the Management

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On behalf of the Workmen

- 1. *[Signature]*
- 2. *[Signature]*
- 3. *[Signature]* Sandeep Grawade, Hhave Bus
- 4. *[Signature]* D. J. Javalkar, Panel
- 5. *[Signature]*
- 6. *[Signature]*
- 7. *[Signature]*

Before the Conciliation Officer

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 (Dr. N.K. Prasad), CLS

Regional Labour Commissioner (Central),
 Dehradun