



ASSOCIATION OF SCIENTIFIC & TECHNICAL OFFICERS

Registered with the Registrar of Societies Uttarakhand Govt., Registration No. 172 (1967-68)

OIL AND NATURAL GAS CORPORATION LTD.

Room No. 2016, 2nd Floor, Tower-A, Vasant Kunj, New Delhi-110070

Telefax : 011-26129098 Email : amitkumar@ongc.co.in



AMIT KUMAR
PRESIDENT-CWC
9868282105

No. ASTO/CWC/ON-OFF/2018-20

30th January 2019

To

Director (HR)

ONGC Ltd.

5th Floor Deendayal Urja Bhawan

New Delhi - 110070

Fax No: 011-26129025

Sub: Restoration of 14 Days On/Off at Assam Asset

Madam,

This is with reference to the cancellation of ON/Off duty of number of officers by Surface Manager and Head Drilling Services at Assam Asset.

We are writing this letter after lot of deliberations with Asset Manager – Assam and Chief ER on this particular issue and its ramifications on operational efficiency as well as practices being followed.

We would like to bring to your notice tripartite MOU signed between Management, ASTO and Government of India on 14th September 1991. As per this MOU, officers who are on operation duty have to be put on on/off pattern. The said MOU is placed at **Annexure-1**.

This MOU was held valid by Hon'ble High Court of Assam, Guwahati and ONGC had to withdraw the order for increasing the number of years of stay at Assam. Therefore the present order of discontinuing the ON/Off duty by Assam Asset is in violation of MOU clause 1(c).

ONGC while fighting a court case in the matter against ASTO had made a statement of adhering to said MOUs in the WP(C) 11568/2009. The interim order of Hon'ble Justice Sanjeev Khanna of Delhi High Court is placed at **Annexure-2**. Hence the present decision of Assam Asset violates the above mentioned Hon'ble Delhi High Court's order.

Further, kindly refer to notification of MoLE dated 30th June 2014 where under sub section (1) of section 83 of Mines Act, 1952 (35 of 1952) exemption was granted for duty pattern of oil mines i.e. ON/Off shift pattern, subject to certain conditions. The said notification is placed at **Annexure-3**. Therefore the present order of discontinuing the



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CENTRAL WORKING COMMITTEE

ON/Off duty by Assam Asset is violation of condition (d) of the said notification as the written agreement is the MOU of 1991.

All across ONGC remote work centers are operating under ON/Off pattern and giving wonderful performance. ASTO therefore requests to intervene immediately and revoke the decision of Assam Asset.

Considering the overall gravity of situation and violation of MOU, it is requested that action may please be taken on top most priority.

With warm regards


20/1/19
(Amit Kumar)
President CWC

Copy to:

- 1) Director (onshore) – Nominated Owner – with a request for kind intervention on topmost priority
- 2) ED-Chief ER, Green Hills, ONGC Dehradun
- 3) ED- Asset Manager Assam Asset
- 4) President /Secretary – All ASTO units

Officers who are willing on the date for transfer from Eastern Region should be transferred to other Regions as per guidelines given below:

- a) Officers who have completed 3 years tenure in the Eastern Region. Cut off line of three years 30th September, 1991.
 - b) Out of the balance, surplus officers to be worked out in consultation with ASTO representatives and transferred out of the Region in a phased manner following objective criteria like seniority of stay. To start with about 20% will be transferred within fifteen days.
 - c) Remaining officers who are on operation duty will be put on on/off pattern. No family accommodation will be provided to them in the Eastern Region. Leased/colony accommodation to be provided to their families at work centres.
 - d) Others to be accommodated in the existing colonies.
 - e) Strength of officers will be as per operational requirements.
2. Housing colony to be created urgently in Jorhat. Till this is ready families may be accommodated in one of the rented accommodation or Assam type houses may be constructed or in bunk houses in consultation with ASTO representatives.
 3. All these arrangements shall be made with objective that no one who needs colony accommodation is left without colony accommodation.
 4. There should be regular camping by Chairman/Members/Senior Government officials to Assam. Ministers may also visit Assam from time to time.
 5. Suitable employment to be given to the next of kin of late Shri B.S. Raju.
 6. Examine possibility of insuring all officers and employees working in the Eastern Region.
 7. Days on strike will be regularised by grant of leave due for all employees who have gone on strike.

S.L. Khosla
(S. L. Khosla)
Chairman, ONGC

S.D. Vyas
(S.D. Vyas) 13/3/91
President, ASTO

assigned
Day (Naresh Dayal)
Joint Secretary
Ministry of Petroleum & Natural Gas

IN THE HIGH COURT OF DELHI AT NEW DELHI
W.P.(C) 11568/2009

ASSOCIATION OF SCIENTIFIC and TECHNICAL OFFICERS and ANR..... Petitioner
Through Mr. Anupam Lal Das, Mr. Arunabh Chowdhury and Mr. Manesh Varma,
Advocates.

versus

OIL AND NATURAL GAS CORPORATION LTD. Respondent
Through Mr. V.N. Koura, Mr. R. Sawhney and Mr. M. Dwivedi, Advocates for
ONGC.

Mr. Sanjoy Ghose, Adv. for intervenor in C.M.No.1372/2009.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

O R D E R
03.02.2010

Parties are trying to amicably settle the matter. Some differences have been resolved, but gap persists between the stand of the petitioner and the respondent on two issues. The first issue relates to repeated election of the same office bearers and the second issue relates to membership of senior officers in VG grade above.

The petitioner association has about 20 offices all over India, which are situated within the building/complex belonging to ONGC. These offices are closed. Counsel for the petitioner will submit a list of 10 offices including the office in Delhi, which will be furnished to the counsel for the respondent, who will obtain instructions whether the petitioner can operate 5 offices including the Delhi office. For other locations, it will be open to the petitioner to have offices, if required, outside the ONGC building/ complexes.

The respondent, ONGC has entered into Memorandum of Understandings with the petitioner association. Counsel for the respondent, ONGC states that these memorandums are being adhered to and disaffiliation of the petitioner association has not affected the said Memorandum of Understandings.

For the limited purpose mentioned above, list on 2nd March, 2010.

Application for interim relief, if required, will be taken up for consideration on 26th March, 2010.

SANJIV KHANNA, J.
FEBRUARY-03, 2010
NA/VKR

- (घ) इक्कीस दिन की 'अनियमित' लचीली कार्य पद्धति कामगारों एवं नियोक्ता संघों के मध्य लिखित समझौते के बाद अपनायी जाएगी;
- (ङ) इस प्रकार से नियोजित व्यक्तियों को ऐसे भत्ते एवं अन्य सुविधाएं जो अधिवेतन अथवा समयोपरि भत्ता की राशि से कम न हो, और जो खान अधिनियम, 1952 की धारा 33 के प्रावधानों अथवा इसके अंतर्गत बनाए गए किसी नियम अथवा विनियम अथवा उपनियमों अथवा उस समय प्रवृत्त अन्य किसी नियम अथवा किसी पंचाट की शर्तों के अंतर्गत अथवा संविदा के समझौते अथवा सेवा नियमों के अनुसार अनुमेय हो तथा, जो भी कामगारों के हित में हो, प्रदान की जाएगी।

[फा. सं. जेड-16025/09/2011-आईएसएच-II]

ए.सी. पाण्डेय, संयुक्त सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

NOTIFICATION

New Delhi, the 30th June, 2014

S.O. 1658(E).—In exercise of the powers conferred under sub-section (1) of section 83 of the Mines Act, 1952 (35 of 1952), the Central Government hereby exempts the persons employed in exploration and production of oil and gas mines in India from the provision of sections 28, 30 and section 35 of the Mines Act, 1952, subject to the following conditions, namely:—

- (a) the persons shall not be deployed for more than twelve hours on any one day;
- (b) the persons shall not be deployed for more than twenty one days at a stretch with grant of rest interval of the same number of days (i.e. 21 days);
- (c) the persons so deployed for twenty one days "on-and-off" work pattern shall be provided with standard accommodation and welfare amenities or facilities at the work site or camp during the period, such as :-
 - (i) free boarding and lodging;
 - (ii) free transportation facility;
 - (iii) free medical, health and hygiene facilities;
 - (iv) sanitation;
 - (v) recreation facilities; and
 - (vi) any other facilities as decided mutually;
- (d) the flexible pattern of work twenty one days "on-and-off" shall be adopted after written agreements between workers' and employers' organisations;
- (e) the persons so deployed shall be paid such allowances and other facilities amounting to not less than the extra wages or overtime which shall have been payable to them under the provisions of section 33 of the Mines Act, 1952 or any rule or regulation or bye-laws made thereunder or any other law for the time being in force or admissible under the terms of any award or agreement of the contract or rules of the service, whichever is favourable to the workers.

[F. No. Z-16025/09/2011-ISH-II]

A.C. PANDEY, Jt. Secy.