

TAMILNADU GENERATION AND DISTRIBUTION CORPORATION LIMITED
ADMINISTRATIVE BRANCH

From
Er. R.KRISHNAMOORTHY, B.E.,
Chief Engineer/Personnel,
8th Floor, N.P.K.R.R. Maaligai,
144, Anna Salai,
Chennai - 600 002.

To
THE 18 UNIONS/
ASSOCIATIONS,
TANGEDCO.

Lr.No.002541/30/G.43/G.432/2020, dated:13.01.2020.

Sir,


Sub : Restructuring of TNEB- Remarks of the Labour
Department on the Draft Tripartite Agreement – to be
communicated to all Unions/ Associations- Reg.

Ref : CE/PLG&RC/SE/PLG/EE/GP-II/AEE2/
F.Restricturing/ D.No.04/2020, dt.07.01.2020.

A copy of remarks of the Labour Department on the Draft
Tripartite Agreement is enclosed herewith as received vide reference
cited.

All the addressed Unions/Associations are requested to send their
remarks on the above Draft Tripartite Agreement within 15 days from the
date of receipt of this letter for further action in this regard. If there is
no response on their part within the stipulated date, it will be construed
that they have "Nil" remarks.

Yours faithfully,


13/1/2020

(K.MUTHUKRISHNAN)

PERSONNEL OFFICER/IMPLEMENTATION
for Chief Engineer/Personnel

Enclosure: Copy of remarks of the Labour Department

To

1. Tamil Nadu Electricity Workers' Federation.
2. Tamil Nadu Electricity Board Accounts & Executive Staff Union.
3. Tamil Nadu Electricity Board Workers Progressive Union (LPF).
4. Central Organisation of Tamil Nadu Electricity employees
(COTEE).
5. Minsara Pirivu Anna Thozhir Sangam.

6. Tamil Nadu Minvariya Janatha Thozhilalar Sangam.
- 7&8. Tamil Nadu Electricity National Electricity Workers' Federation (2 Groups).
9. Tamil Nadu Electricity Board Engineers' Sangam.
10. Tamil Nadu Electricity Employees Congress.
11. Tamil Nadu Electricity Board Thozhilalar Poriyalar Aykkiya Sangam.
12. Tamil Nadu Electricity Board Engineers' Association.
13. Tamil Nadu Electricity Board Finance & Accounts Officers Association.
14. Bharathiya Electricity Employees Federation.
15. Tamil Nadu Electricity Board Card Billing Staff Union.
16. Tamil Nadu Electricity Board Dr.Ambedkar Employees Union.
17. Tamil Nadu Electricity Board Engineers Union.
18. Tamil Nadu Electricity Board Employees Federation.

Copy submitted to the Managing Director /TANTRANSCO, Chennai-02.

Copy submitted to the Director Distribution/TANGEDCO, Chennai-02.

Copy to Secretary /TANGEDCO for information.

Copy to EA to CMD/TANGEDCO for information.

Tripartite Agreement sent to Government for approval	COL Remarks
<p>5(3). In view of re-organization of the Board into TNEB Limited (as holding Company) and two or as many subsidiary companies like Tamil Nadu Transmission Corporation Limited (TANTRANSCO) and Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) as a separate Corporate entities, the State Government and the Successor entities hereby undertake / guarantee that there shall be no retrenchment of existing employees on account of such restructuring and their status / service conditions shall not in any way be less favourable than those which would have been applicable to them if there had been no such re-organization and the transfer scheme. Any employee rendered surplus through a mutually agreed process of appropriate rationalization shall be redeployed.</p>	<p>Change made by Finance Department may be agreed to delete the highlighted word "Guarantee"</p>
<p>5(7) The parties, of the first and second part unconditionally guarantee the payment of Pension, Family Pension, Retirement / Death benefits such as gratuity, encashment of earned leave and the existing benefits including GPF/ CPF and periodical Dearness Allowance Relief and all other terminal / applicable benefits that are in force as on the date of signing of the agreement to all existing pensioners / family pensioners / other eligible persons.</p>	<p>Change made by Finance Department may be agreed. (i.e) to delete the highlighted word "Unconditionally"</p>

5(9) It is agreed by the parties of First and Second Part herein to consider creation of a separate fund to meet the pension and other liabilities to the existing pensioners and pension and other terminal benefits of the existing employees of the TNEB and the successor entities.

5(10) All the existing welfare measures like the scheme for compassionate appointment medical reimbursement, present medical insurance till its validity period and thereafter by any other suitable scheme / insurance, educational loan, health fund, HBA, Conveyance advance, marriage advance, festival advance or any other existing loans and advances shall be continued generally following the schemes introduced / followed by the State Government to the Government servant as has been done earlier.

Since sufficient provisions have been made in clause 5(8) & 5(12) to protect the interest of the pensioners, no need to create a "Separate fund" meet the pension and other terminal benefits. Hence, Clause 5(9) may be deleted.

Modification made by Finance Department may be accepted.

To modify the highlighted portion as, shall be continued. The schemes introduced/ followed by the State Government to the Government servant will be followed as has been done earlier subject to the approval of the respective Company's Board.

5(12) The existing welfare benefits to the pensioners, family pensioners and existing employees subject to modifications, that may be brought forth by the State Government, shall continue. All obligations in respect of payment of pension, family pension and other retirement benefits including provident fund, superannuation pension, gratuity and encashment of leave, etc. to the employees already retired and to be retired from the services of the Board shall continue. The benefits, which may be announced by the Government of Tamil Nadu to their pensioners from time to time, shall be implemented without any modifications by the "the successor corporate entities "as was hitherto done by the Board.

5(16) During the transition period, i.e., from deputation to permanent absorption, the existing employees of the Board shall be allowed to exercise their preferred option and in case of any grievances, a "grievance handling committee" shall be formed by the TNEB Ltd to redress the employees grievances on such absorption. Separate committees shall be formed for officers (Class-I and II) and other employees (Class-III and IV). Such committees shall also have representation from TANTRANSCO and TANGEDCO. Any representation of the Unions on behalf of the aggrieved employee (s) shall be given due regard. If the Grievance Handling Committee found that a category / section of employees is / are adversely affected, such category section of employees may be allowed to exercise one more option subject to administrative exigencies.

Modification made by Finance Department may be accepted.

The existing welfare benefits to the pensioners, family pensioners and existing employees subject to modifications, that may be brought forth by the State Government, shall continue subject to the approval of the respective Company's Board.

Industrial Dispute Act 1947 Provides (Grievance Committee) under Sec 9C.

It is obligatory on the part of Employer to form grievance handling committee under the said Act. Hence this clause need not be deleted.

CE/Resonance

cb
19/7/19
22/7/19

<p>5(22) The successor entities may introduce a new set of rules, regulations, certified standing order etc., in consultation with the Trade Unions which will be effect from the date following the date of completion transition period which shall be within the ambit of the first proviso to section 133 (2) of the Electricity Act 2003. Till such introduction, the rules, regulations, certified standing orders, etc., in force on the date of this agreement shall continue to be in force. Even legitimate activity or functions of TNEB or successor entities in respect of existing employees including those contained in the settlements on work norms shall not be modified without following the procedure laid down in relevant law.</p>	<p>The words "and' Board may be added after the words "in consultation with the trade union".</p>
--	---

Other Remarks

As far as the remarks of the unions are concerned some of the unions have pointed out that the Tripartite agreement should protect the rights and welfare of the employees and to be guaranteed by the Government and they should have been consulted before taking any decision which involves duties and responsibilities, rights and welfare of the employees and pensioners. They also raised that the benefits / orders must be implemented even after unbundling and the seniority to be maintained as in where basis. Some unions requested to convene a meeting to make clauses in the draft agreement still more enhanced and guaranteed.

Hence, it would be appropriate to hold a meeting with trade union /Associations to clear their doubts and to obtain their Co-operation for the successful implementation of the Tripartite settlement.

Amirudin
22/7/19

For Commissioner of Labour:

22/7/19
JMD
22/7/19

JMD
3882 - 3886