

DRAFT MEMORANDUM OF SETTLEMENT UNDER SECTION 12(3) OF
THE INDUSTRIAL DISPUTES ACT, 1947 REACHED BEFORE
THE COMMISSIONER OF LABOUR/CHENNAI WITH THE UNIONS

PRESENT: Thiru
Commissioner of Labour.

Proceedings No. / /2011 Dated 2011.

Parties of the Dispute : The Workmen and the Management of the
TAMIL NADU GENERATION AND
DISTRIBUTION CORPORATION LIMITED

Representing the Management:

Chairman cum Managing Director.

Managing Director (TANTRANSCO)

Director (Finance). (TANGEDCO)

Director (Distribution).

Director (Generation).

Secretary (Addl. Charge)

Chief Engineer/Personnel.

Chief Financial Controller/General/TANGEDCO.

Representing the Workmen:

1. Tamil Nadu Electricity Workers' Federation:

2. Tamil Nadu Electricity Board Accounts and Executive Staff Union:

3. Tamil Nadu Electricity Board Workers Progressive Union:
4. Central Organisation of Tamil Nadu Electricity Employees:
5. Minsara Pirivu Anna Thozhir Sangam.
6. Tamil Nadu Minvariya Janatha Thozhilalar Sangam:
7. Tamil Nadu National Electricity Workers' Federation (Xavier Group):
8. Tamil Nadu National Electricity Workers' Federation (Swarnaraj Group):
9. Tamil Nadu Electricity Board Engineers' Sangam:
10. Tamil Nadu Electricity Employees Congress (NLO):
11. Tamil Nadu Electricity Board Thozhilalar Aykkiya Sangam:
12. Bharathiya Electricity Employees Federation:
13. Tamil Nadu Electricity Board Card Billing Staff Union:

14. Tamil Nadu Electricity Board Dr. Ambedkar Employees Union:

Number and broad description of the Workmen covered by the Settlement } About 4,620 Workmen.
} R.W.E. categories of
} employees in Class-III
} and IV services.

The mere inclusion of any category of employees in this Settlement does not confer any right on any employee to claim to be a "Workman" within the meaning of the Industrial Disputes Act, 1947 when otherwise such employee is not a "Workman" as defined in the said Act.

As per the Tamil Nadu Electricity (Re-organisation and Reforms) Transfer Scheme 2010, in G.O. Ms. No.100, Energy (B2) Department, dt.19-10-2010, a company namely Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) is constituted from the erstwhile Tamil Nadu Electricity Board.

SHORT RECITAL OF THE CASE:

WHEREAS the employees of the TANGEDCO. have been demanding promotional avenues to the Regular Work Establishment staff in all the four Thermal Power Stations i.e., Mettur Thermal Power Station, Tuticorin Thermal Power Station, Ennore Thermal Power Station and North Chennai Thermal Power Station.

AND WHEREAS the TANGEDCO constituted a Committee under the head of Chief Engineer/Mettur Thermal Power Station with the following Members namely Chief Engineer / Mechanical/ Thermal Stations/ Chennai, Chief Engineer/ North Chennai Thermal Power Station/Chennai and Chief Engineer / Mechanical/Coal/Chennai. Subsequently, the following officers have been included in the Committee i) Senior Personnel Officer/Recruitment ii) Senior Administrative Officer/Mettur Thermal Power Station. Union representatives from the two Recognised Unions have also been included in the Committee to

in depth the staff pattern, promotional avenues that may be adopted in the areas concerned and submit a Comprehensive report.

AND WHEREAS, the Committee conducted meetings among the Members taking into account the existing staff pattern Division-wise, category-wise and analysed the requirement of staff strength and pattern as assessed by the Executive Engineers of each Division of the Thermal Power Stations by detailed study. After a detailed, study the Committee submitted its report.

AND WHEREAS the recommendations of the Thermal Committee was referred to the Wage Revision Committee headed by the Managing Director/ TANTRANSCO. The Wage Revision Committee has analysed the report submitted by the Thermal Committee headed by the Chief Engineer/Mettur Thermal Power Station in detail and also the financial commitment involved in the implementation of the recommendations of the Thermal Committee.

AND WHEREAS the Wage Revision Committee has examined the Regular Work Establishment staff strength in all the four Thermal Power Stations and the Thermal Committee's report in this regard and has made certain recommendations. The Recommendation of the Wage Revision Committee was given to the Unions by issuing 9A Notice for inviting their views. Most of the Unions have furnished their comments/replies. As per the legal provisions, sufficient time has been given to the Unions.

AND WHEREAS a personal hearing was also had with the Unions by the Wage Revision Committee on the above issue on 29-8-2011 and their views obtained. The demand/suggestions made by the Unions during personal hearing have been duly considered. The demand of the majority of the Unions for relaxation of educational qualification to the employees of Thermal Power Stations on par with the employees in Distribution Circles for promotions has not been accepted by the Wage Revision Committee. The further demand of the Unions for maintaining the sanctioned strength in the Thermal Stations is also not accepted, since the sanctioned posts should only be in accordance with the industry norms.

AND WHEREAS in the Industrial Dispute No.15 of 2010 raised by the Bharathiya Electricity Employees Federation to include the Thermal Power Stations into the Work Load area, the Board given a suitable reply to the Commissioner of Labour stating that a Committee has been constituted to arrive work norms to the Generation areas.

AND WHEREAS the parties, with a view to continue the cordial relationship existing between them, want to have an amicable settlement on the promotional avenues and staff pattern of the Regular Work Establishment employees working in all the four Thermal Power Stations.

AND WHEREAS majority of the Unions have demanded to secure a settlement under Section 12(3) of the Industrial Disputes Act, 1947 in the above matter since there is no prior settlement existing in this regard.

AND WHEREAS the Management of the TANGEDCO in its Letter No.72295/A3/A31/2011-9, dated 20-10-2011, addressed the Commissioner of Labour, Chennai for arriving a settlement under section 12(3) of the Industrial Disputes Act, 1947;

AND WHEREAS conciliation was held before the Commissioner of Labour on the issue on

And now in pursuance of the Conciliation held before the Commissioner of Labour, Chennai, this Settlement under Section 12 (3) of Industrial Disputes Act, 1947 is arrived at on the terms and conditions sets out hereunder.

TERMS OF SETTLEMENT

- i. It is agreed that the existing staff strength in all the four Thermal Power Stations will be revised as mentioned in Annexure-I of this Settlement which will be part and parcel of this Settlement.
- ii. It is agreed to maintain the present station-wise seniority.

- iii. It is also agreed that the Management will have to take much care in recommending women employees for the posts suitable for them considering the arduous nature of works in certain area of Thermal Stations like CHP, AH etc., The present women employees can be allowed to take transfer to nearby EDCs in the same category, if they prefer to do so.
- iv. It is also agreed that the existing procedure for transfer to the nearby Electricity Distribution Circle's may be continued to be followed in the case of transfer from Thermal Power Stations.
- v. It is also agreed that the employees shall work in a post for atleast six months before getting a promotion to the higher post to avoid double promotion within a short period.
- vi. It is also agreed that the Educational qualification prescribed as per Service Regulations for promotion of Regular Work Establishment employees in all the four Thermal Power Stations will continue.
- vii. It is also agreed that for abolition of posts equivalent to the post of Linemen in Thermal Power Stations and to create posts equivalent to the post of Line Inspector on par with the Distribution Circles where the posts of Lineman have been abolished and upgraded as Line Inspector.
- viii. It is also agreed that the number of posts in each Pay Band and the respective Chief Engineers of the Thermal Power Stations have to re-distribute the total strength based on the need in each Divisions.

- ix. It is also agreed that consequent on the revised staff pattern, there shall be no reversion or retrenchment. The surplus staff shall be transferred to other existing/arising vacant places in the respective cadre. If there is still surplus with reference to the approved strength as per this settlement, they shall be accommodated by creating such number of supernumerary posts as are necessary till vacancy arises.
- x. It is also agreed to create 1302 posts and abolition of 1083 posts in Regular Work Establishment cadre in all four Thermal Power Stations in available posts.
- xi. It is also agreed that the proposed staff strength for Mettur Thermal Power Station may be subsequently utilized for Mettur Thermal Power Station (4x210 MW) and on commissioning of Mettur Thermal Power Project 600 MW unit.
- xii. It is also agreed that the proposed staff strength for North Chennai Thermal Power Station and Ennore Thermal Power Station may be adjusted against the staff for North Chennai Thermal Power Station (3x210MW) and for North Chennai Thermal Power Project extension Project (2x600 MW) duly considering the de-commissioning of Ennore Thermal Power Station.

8. It is hereby agreed that the Workmen represented by the Unions (including their office bearers) and also the Management are bound by the provisions of this settlement. Despite the heavy financial burden on the TANGEDCO, the TANGEDCO has agreed to this settlement with the hope of keeping their employees contented and the employees will strive to increase production/productivity/efficiency and thus enable the Board to bear the additional financial commitment.

9. It is also agreed by the Unions that they will not make any fresh demands in respect of matters covered under this Settlement.

10. In view of the above settlement, the Unions agreed to withdraw the Industrial Disputes if any pending before any Conciliation Officer/Labour Court / Industrial Tribunal.

Both the parties agreed to the above terms:

Signature of the Board's
Representatives

1.

2.

Signature of the Workmen
Representatives.

1.

2.

BEFORE ME

COMMISSIONER OF LABOUR, CHENNAI

ANNEXURE-I
REVISED RWE STAFF STRENGTH IN THE
THERMAL POWER STATIONS

Category of employees/ Pay and Grade Pay	M.T.P.S.	T.T.P.S.	E.T.P.S.	N.C.T.P.S.
Special Grade Foreman and equivalent category Rs.10100-34800+4600 G.P.	20	20	10	15
Foreman Grade -I and equivalent categories Rs.9600-34800+ 4300 G.P.	60	60	45	50
Line Inspector and equivalent categories Rs.5400-20200 + 2700 G.P.	400	510	460	250
Wireman and equivalent categories Rs.5400-20200 + 2200 G.P.	340	430	230	300
Field Assistant Rs.5400-20200 + 1900 G.P.	420	450	150	400
TOTAL	1240	1470	895	1015

// TRUE COPY //


SECTION OFFICER.