



# OIL & NATURAL GAS CORPORATION (WOU) KARMACHARI SANGHTANA

AFFILIATED TO - PETROLIUM & GAS WORKERS' FEDERATION OF INDIA

Reg. No. (By - II - 8268)

Tel.: 022-26274102

Flat No.102, 1st Floor, Acme Harmony-I, Poonam Nagar, Off. JV Link Road, Andheri (E), Mumbai - 400 093.

REF. : ONGC/KS/318/2018

DATE : 22/05/2018

To,

Deputy Chief Labour Commissioner (Central),  
&  
Returning Officer,  
Shramraksha Bhavan, o/e  
Shiv Shrusti Road,  
Sion (East),  
Mumbai 400022.

**Subject : Objection & Seeking clarification regarding signing of minutes of meeting held on 17/05/2018 in your office regarding verification of membership of Unions operating in ONGC, Mumbai though Secret Ballot.**

Respected Sir,

This is in reference with conducting verification of membership of unions operating in ONGC, Mumbai Region, Western Offshore Unit through Secret Ballot Election.

Accordingly, the first meeting was called in your office on 17.05.2018 at 10.30 hrs. as you are appointed as a Returning Officer vide letter no. B.1102/2017-Vfn.Pt.II dated 08.05.2018. The representatives of our union along with other three unions were participated in this meeting. We have given our consent to the calendar of events as desired by you.

As you are aware in the meeting objection was raised by the other three unions regarding the procedure of counting and they demanded separate counting for the Hazira and Uran units.

Initially you bluntly refused for separate counting of Hazira and Uran unit as in the previous five elections all votes including Hazira and Uran unit were counted together. Unfortunately decision was changed when your office received letter from Dr. Gunahari, RLC, New Delhi, from Chief Labour Commissioner's office.

It is pertinent to mention here that we have neither called for any meeting from ONGC management nor we have signed any agreement regarding separate counting of votes of Uran & Hazira unit. We are strongly objecting the interference of CLC (Central) office, New Delhi under the protection of natural justice to our members and violation of code of discipline.

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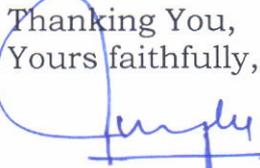
The appointment of returning officer from Ministry of Labour is to conduct secret ballot election to decide the majority factor of membership in ONGC, Western Offshore Unit to give recognition to the majority union. The letter issued by Dr. Gunahari, R L C (Central) is hand in gloves with the so called registered unions in ONGC WOU. The decision of separate counting of votes in Uran and Hazira unit is not under the purview of returning officer. The Returning Officer has no powers vested in him to take decisions about separate counting. The said decision is wholly illegal, void and ab-initio. This has to be decided by ONGC as it is policy matter and the decision ought to have been taken before starting secret ballot procedure. Our union strongly objects on the following grounds for the separate counting of Hazira and Uran units:

- 1) The said decision is wholly against the HR policy of the ONGC. We draw your specific attention to the chapter 29 of the HR Policy of ONGC that prescribes for scope and object of recognition of trade unions. The said HR policy is binding upon you as well as the other Unions demanding separate counting in question. The said decision is also wholly beyond the scope of Code of Conduct and Communication dated 18/12/1980 which does not provide for separate counting.
- 2) It appears that a demand was raised by ONGC Mazdoor Sangh (BMS) for bifurcating work center of ONGC, Hazira Plant from Mumbai. The conciliation/decision about the same cannot be made unilaterally without notice to all Unions contesting the election. We also have no information regarding any correspondence/demand for separation of Uran unit from Mumbai as Petroleum Employees Union itself have requested for secret ballot in WOU.
- 3) As we, the recognized union of Western Offshore Unit, Mumbai was neither party during the discussion of the above subject which was held at Chief Labour Commissioner office at Delhi nor any correspondence is brought on record during discussion in your office. No notice was issued to our Union to attend the conciliation and/or furnish our comments/objections upon the same. The demand is not merely a matter of procedure but the same amounts to taking a very important policy decision. The said decision has the effect of altering the trade unionism and philosophy of recognition of trade unions by ONGC.
- 4) We have received first letter dt. 22.05.2017 from ONGC wherein it was mentioned that information required for **“Verification of membership of Unions functioning in ONGC, Western Offshore Unit (WOU) through Secret Ballot Election.”**
- 5) Under the code of discipline of ONGC, Management of ONGC has to take decision in the JCM regarding separation of work center of WOU with participation of all concerned Unions including our Union.

- 6) During last five elections conducted by your esteemed office in ONGC, WOU, counting is done by mixing all ballot of various polling booths / centers & result was declared of total votes gained by the contested union.
- 7) The result of Secret Ballot Election can not to be mentioned for finding majority factor of ONGC, WOU of membership for the purpose of separating units is against the Law of Principle of Secret Ballot.
- 8) Your decision of separate counting is in gross violation of principles of natural justice as the decision was taken behind our back keeping us in dark.
- 9) Your decision is in gross violation of powers vested in you as a Returning Officer and amounts to exercise of excessive jurisdiction not vested in you in your capacity of Returning Officer.

With above submissions, we call upon you to recall your decision of separate counting alongwith the clause of separate counting at Hazira & Uran unit to protect natural justice to avoid violation of procedure of Secret Ballot laid down under the Code of Discipline in ONGC, WOU. We further call upon you conduct the election as has been done in all earlier elections without any variance.

Thanking You,  
Yours faithfully,

  
(Pradeep Mayekar)  
General Secretary

O/c



**Copy to :**

1. Secretary, Ministry of Labour, Shramshakti Bhavan, Rafi Marg, New Delhi.
2. Chief Labour Commissioner (CL), Shramshakti Bhavan, Rafi Marg, Delhi.
3. Director - HR, ONGC, PDDU Urja Bhavan, N. M. Marg, New Delhi
4. ED - Chief ER, ONGC, Green Building, Dehradun, Uttaranchal.
5. ED - HRO, ONGC-WOU, Green Heights, Bandra (E), Mumbai 51.
6. DGM I/c IR, ONGC-WOU, Green Heights, Bandra (E), Mumbai 51.

EDA  
23/5/18

M. Wate  
23/5/18