

REF.: ONGC/KS/ 19 /2023

OIL & NATURAL GAS CORPORATION (WOU) KARMACHARI SANGHATANA

AFFILIATED TO - PETROLEUM & GAS WORKERS' FEDERATION OF INDIA

Reg. No. (By - II - 8268)

Tel.: 022-26274102

Flat No.102, 1st Floor, Acme Hormony-I, Poonam Nagar, Off. JV Link Road, Andheri (E), Mumbai - 400 093. Website: www.ksmumbai.com

DATE: 27 01 2023

To, The ED – Plant Manager, ONGC, WOU, LPG Plant, Hazira, Surat, Gujrat.

de

Subject: Request to resolve the issue of overtime for 4 hours extra duty performed after 8 hours regular shift during COVID-19 pandemic from 23/03/2020 to 8/11/2022 in line with the settlement in case of LPG Plant, Uran.

Respected Sir,

In view to the subject cited above and in reference to our earlier letters vide nos. ONGC/KS/089/2023 dated O1/03/2021 and ONGC/KS/194/2021 dated 11/10/2021 regarding sanction of 4 hours overtime, we wish to draw your esteemed authority's attention as mentioned bellow. Please find attached the copies of letters for your perusal.

The issue was raised with the RLC (C), Mumbai as same duty pattern is followed in LPG Plant, Uran. The issue of payment of 4 hours extra duty performed after 8 hours normal shift duty was admitted in conciliation by RLC (C), Mumbai. After long deliberation with **ED-Plant Manager, LPG Plant, Uran** issue has been resolved by sanctioning 3 hours extra duty performed after 8 hours. Accordingly ONGC management and union signed a settlement in form – H (Memorandum of settlement) in presence of RLC (C), Mumbai and amicably resolved the demand in dispute. Please find attached the copy of settlement for your perusal.

Hazira and Uran plant having same pattern of shift duty, your esteemed authority is requested to kindly resolve the issue in line with the above settlement of 4 hours overtime performed beyond 8 hours regular duty during pandemic of **COVID – 19** as the issue is pending for a long time.

Thanking you, Yours faithfully,

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(Pradeep Mayekar) General Secretary

Copy to:

1.GM - I/c HR-ER, ONGC, WOU, LPG Plant, Hazira, Surat, Gujarat

2. Secretary, ONGC (WOU) Karmachari Sanghatana, LPG Plant, Hazira, Gujarat

Minutes of Conciliation Proceedings held before the Conciliation Officer and Regional Commissioner (Central), Mumbai on 09-01-2023.

Parties to the dispute present as under:

On behalf of M/S Oil And Natural Gas Corporation Limited:

Shri Gaurav Patange, Manager (HR)-I/c IR

On behalf of Union:

Shri Parag Kadam, Vice President

Shri Pradeep Mayekar, General Secretary

Shri Ujjesh Tupe, Secretary (Uran)

Shri Balkrishna Kashid, Secretary (Uran)

Shri DS Ardalkar, Executive Member

All the parties to the dispute present. The issues in dispute were discussed at length with the parties. After protracted discussions and suggestions of the Conciliation Officer, all the parties agreed to sign the settlement before me, as per the terms incorporated in the Form – H (Memorandum of Settlement).

In view of the above, the conciliation proceedings ended having intated into settlement and amicably resolved the demand in the dispute.

> Conciliation Officer & RLC(C), Mumbai

(Powdeep Mayekon) General Seenetary ONGE (WOU) Karmerchari Saighatang,

Parag Kadam

Boshind

B. S. Kashid

Scienatory K. S. Dram.

Vijesh R. Tupe

Secretary K. S. Orom

No. B-8(1)/2022-B.I Dated: 09-01-2023

FORM – H Memorandum of Settlement

MEMORANDUM OF SETTLEMENT ARRIVED AT UNDER SECTION 12(3) OF THE INDUSTRIAL DISPUTES ACT, 1947 BEFORE SHRI SUNIL RAGHUNATH MALI, CONCILIATION OFFICER & REGIONAL LABOUR COMMISSIONER (CENTRAL), MUMBAI AS A RESULT OF AND IN THE COURSE OF CONCILIATION PROCEEDINGS HELD ON 9TH JANUARY, 2023 AND SIGNED BETWEEN THE MANAGEMENT OF M/S OIL AND NATURAL GAS CORPORATION LIMITED, URAN PLANT AND ONGC (WOU) KARMACHARI SANGHATANA.

Parties present:

On behalf of M/S Oil And Natural Gas Corporation Limited:

Shri Gaurav Patange, Manager (HR)-I/c IR

On behalf of Union:

Shri Parag Kadam, Vice President

Shri Pradeep Mayekar, General Secretary

Shri Ujjesh Tupe, Secretary (Uran)

Shri Balkrishna - Kashid, Secretary (Uran)

Shri DS Ardalkar, Executive Member

SHORT RECITAL OF THE CASE

Whereas ONGC Uran Plant a workcentre of M/s Oil & Natural Gas Corporation Limited (hereinafter referred to as "ONGC Uran Plant") has revised the duty pattern from 08 hour shift to 12 hour shift due to outbreak of Covid-19 and country wide lockdown/travel restrictions with effect from 23.03.2020 in line with the directions from ONGC Head Office which were implemented across all work centres of ONGC.

Whereas the duty pattern has been reverted back to 8 hours shift as per another directions from ONGC Head Office w.e.f. 08.11.2021 at ONGC Uran Plant.

Whereas the duty pattern was changed in such a manner that, weekly working hours remain same in 8 Hours Shift pattern (2 Morning, 2 Evening, 2 Night, 1 Rest, 1 OFF & repeat) and 12 Hours Shift pattern (1 Day, 1 Night, 1 Rest, 1 OFF & repeat) i.e. 48 hours in 8 days pattern i.e. less than 48 hours in a week in compliance with the Feature 1.1.

week in compliance with the Factories Act, 1948.

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Whereas in regular 8 hours pattern, employees get 2 days off in a cycle of 8 days; whereas in 12 hours pattern employees get 4 days off in a cycle of 8 days, so that weekly working hours remain same in both patterns.

Whereas ONGC Uran Plant has already paid Overtime to those employees who have performed duty beyond their regular duty as per revised pattern i.e. beyond 12 hours for the said period.

Whereas ONGC (WOU) Karmachari Sanghatana (hereinafter referred to as the 'Union'), a recognized Trade Union (Reg. No. By – II - 8268) vide letter dated 01.03.2021 has requested for payment of overtime of 4 hours of extra duty performed after 8 hours regular duty during Covid-19 pandemic from April 2020 onwards till restoration of original duty pattern.

Whereas Head Offices of ONGC (Corporate IR and Corporate Policy) have opined that decision for payment of overtime is a matter which is to be decided by the local management.

Whereas several Conciliation meetings took place between the representatives of the ONGC Uran Plant and the Union in the presence of Conciliation Officer (Central) appointed under the Industrial disputes Act.

Whereas during the conciliation proceeding held on 16.09.2022, Conciliation Officer has viewed that since daily working hours are more than 8 hours, the issue of payment of Overtime is to be considered positively and advised both parties to arrive at an amicable solution through dialogue.

Whereas subsequent to directions of Conciliation Officer two rounds of bilateral discussions were held on 14th October 2022 and 6th December 2022 between management of ONGC Uran Plant and the Union. The meetings were chaired by ED-Plant Manager, Uran who is the Competent Authority at ONGC Uran Plant and attended by several high level officers including Head Operations, Head Maintenance, Head HSE, Head Engineering Services, Support Manager, RPS & HODs etc.

Whereas during the bilateral meetings, management of ONGC Uran Plant and the Union have arrived at amicable resolution for payment of 3 hours of Overtime out of 12 hours of duty performed excluding regular duty of 8 hours plus one hour of rest period in compliance with the Factories Act, 1948.

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Whereas during conciliation proceedings on 19.12.2022, the Conciliation Officer has been informed by the management of QNGC Uran Plant that they are ready to sign a settlement before Conciliation Officer after the Secret Ballot Election to be held at Hazira workcentre which is also part of WOU region as similar issue is pending at Hazira Plant and under apprehension that any settlement on similar issue before that may attract violation of Code of Conduct.

Whereas, during the conciliation proceedings held on 09.01.2023, after prolonged discussions, all the parties involved agreed to resolve the dispute amicably on the following terms of settlement.

TERMS OF SETTLEMENT

- A) It is agreed between Union and the management of ONGC Uran Plant that within forty five (45) days of execution of this settlement, management will pay the eligible employees 3 hours of Overtime out of 12 hours of duty performed excluding regular duty of 8 hours plus one hour of rest period in compliance with the Factories Act, 1948.
- B) It is agreed between Union and the management of ONGC Uran Plant that this settlement will be implemented from period 23.03.2020 to 08.11.2021.
- C) It is agreed between Union and the management of ONGC Uran Plant that the calculation of overtime will be system generated as per previous practice (as per individual's entitlement and as per actual duty performed) and the Union/
 employees of ONGC Uran Plant shall not dispute the amounts paid.
- D) It is agreed and declared that the Union / employees of ONGC Uran Plant shall have no claim or demand against additional Overtime claim for rest period of 1 hour and shall not hereafter raise another dispute in relation to additional Overtime claim for rest period of 1 hour after implementation of this settlement.
- E) It is agreed between Union and the management of ONGC Uran Plant that the Union & employees shall extend all necessary cooperation for implementation of this settlement.

F) The parties declare that this is a one-time settlement applicable only at ONGC Uran Plant and shall not be treated as a precedent for automatic implementation at other work centres of ONGC and that this dispute settles in toto.

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G) That both the parties shall submit the implementation report to the conciliation officer separately within 45 days from the date of settlement failing which it will be presume that the settlement in question has been implemented in toto.

IN WITNESS WHEREOF BOTH THE PARTIES HEREUNDER HAVE SUBSCRIBED TO THIS SETTLEMENT ON THIS 9TH DAY OF JANUARY, 2023.

For Union

Vice President

(Pradeep Mayakan 101 2023

For Management

(Gaufav Patange) Manager (HRY-I/c IR

General Secretary

(Ujjesh Tupe)

Secretary (Uran)

Secretary (Uran)

Executive Member

Before me

(Sunil Raghunath Mali) Conciliation Officer

Under the Industrial Dispute Act, 1947 & Regional Labour Commissioner (Central)

Mumbai



REF.: ONGC/KS/194/2021

Gujarat.

OIL & NATURAL GAS CORPORATION (WOU) KARMACHARI SANGHATA

AFFILIATED TO - PETROLIUM & GAS WORKERS' FEDERATION OF INDIA

Reg. No. (By - II - 8268)

Tel.: 022-26274102

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

Website: www.ksmumbai.com

To The ED-Plant Manager, ONGC, WOU, LPG Plant, Hazira, Surat,

उप मुख्य श्रीमायुक्त (केन्ट्रिल) कार्यालय Office of the Dy. Chief Labour Commissioner (C)

मुंबई Mumbai

Subject: Request to sanction overtime for 4 hours extra duty performed after 8 hours regular shift duty, during COVID-19 pandemic from April 2020 till date.

Respected Sir,

This has reference to our earlier letter ONGC/KS/89/2021 dated 01/03/2021 regarding sanction of overtime, of 4 hours extra duty performed after 8 hours regular duty during covid-19 pandemic from April 2020 till date. Our letter on the subject cited above is self-explanatory.

Unfortunately, 12 hours pattern is still continuing in **LPG plant Hazira**, let me take the opportunity to bring to your notice, same 12 hours pattern duty was performed in HPCL and BPCL refinery Mumbai, but HPCL has discontinued the 12 hours duty pattern in the month of Aug 2020 and BPCL have done so in the month of July 2020.

For sanctioning the overtime of 4 hours, above 8 hours regular duty performed in HPCL refinery, HPCL Karmachari Sena the union in HPCL refinery raised the dispute in Dy. Labour Commissioner's office. Management of HPCL Refinery ultimately agreed in conciliation meetings held by Regional labour commissioner Shri. B V S Rathod. Please find enclosed all the copies of conciliation proceeding for your perusal. BPCL management has already paid 4 hours overtime for extra duty performed beyond 8 hours to their employees in BPCL refinery Mumbai for the period of March 2020 to July 2020.

It needs no elaboration how our employees are working hard maintaining mental resilience for 12 hours every day risking their own and family's life putting aside all personal safety and attending duty punctually.

As mentioned above all employees in shift duty are still continuing 12 hours duty pattern in LPG plant, Hazira, they are entitled to get overtime as per provisions in "Labour law/factory act". Your esteemed authority is requested to kindly look into the matter as BPCL & HPCL has already paid the amount of overtime for extra work as explained above.

We expect positive approach form your authority for accepting the legitimate demand of our employees, resolving the issue amicably. It will definitely raise their moral and encourage to give better service to the organization, simultaneously it will help to maintain cordial and conducive atmosphere in the plant, and will not necessitate us to raise a dispute with the **Labour Commissioner's office**.

Thanking you, Yours faithfully, 0/0

(Pradeep Mayekar) General Secretary

Copy to:

- 1. GM-I/c, HR/ER, LPG Plant Hazira. ONGC, WOU, Surat, Gujarat.
- 2. DGM-IR, LPG Plant Hazira. ONGC, WOU, Surat, Gujarat.
- 3. Dy. CLC, (Central), Shramraksha Bhavan, Chunabhatti, Sion, Mum-22.



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 Hormony-I, Poonam Nagar, Off. JV Link Road, Andheri (E), Mumbai - 400 093.

DATE: 01 03 2021

REF.: ONGC/KS/ 89 /2021

To
The ED-Plant Manager,
ONGC WOU,
LPG Plant, Hazira
Surat, Gujarat.

Ofc

Subject: Request to sanction overtime of 4 hours extra duty performed after 8 hours regular duty during COVID-19 pandemic from April 2020 to February 2021.

Respected Sir,

We feel proud to be a part of **ONGC**, a **Maharatna** company, who along with their real ground warriors, worked untiringly 24 x 7 in a very difficult situation of **COVID 19** pandemic, assuring uninterrupted supply of fuels to our society ultimately to our nation. **ONGC** was also the part of big donors to strengthen "**PM Care fund**" serving entire community during this difficult situation and time.

On the real front in LPG Plant Hazira, our employees toiled hard performing 12 hours duty every day, risking their own and family's life putting aside all personnel safety and attending duty punctually, so that essential services are not hampered and service to our company and nation remains uninterrupted. Despite the selfless contribution, management has failed to acknowledge them. They were neither being encouraged nor rewarded suitably.

While we do not seek any reward, this unwarranted attitude of the management compels us to bring to your notice that we have legitimate rights to receive 4 hours overtime for working beyond eight (8) hours out of 12 hours duty rendered from April 2020 to February 2021. Kindly refer **Factory Act**, chapter-vi, section 59.

Sir our employees worked for 12 hours for the period mentioned above and still continuing to work, they are entitle to get overtime as per provisions in "**Labour low/Factory Act**". Kindly note that not sanctioning of overtime performed by the employees pertains to unfair labour practice and it attracts legal action also by the labour authority.

It is pertinent to mention here that Management of **BPCL Refinery**, **Mumbai** has already paid overtime for extra 4 hours performed after regular 8 hours duty. So also Management of **HPCL Refinery**, **Mumbai** is also in the process to pay the overtime of 4 hours performed after 8 hours regular duty in month of March-2021 salary.

Your esteemed authority is requested to kindly look into the matter for amicable solution. We hope your authority will not compel us to raise the issue before labour authority for our legitimate dues and justice.

We anticipate positive approach from your authority and reward the true warriors, by extending what is rightfully due to them, raising their morals and encourage to give better service to our company, society and to nation. So also it will help to maintain cordial and conducive atmosphere in the entire LPG Plant at Hazira.

Thanking you,

Yours faithfully,

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(Pradeep Mayekar) General Secretary

Copy to:

14/3/21

- 1) GGM HRO, ONGC, WOU, Green Heights, BKC, Bandra (E), Mumbai 51.
- 2) GM I/c IR, ONGC, WOU, Green Heights, BKC, Bandra (E), Mumbai 51.
- 3) GM-I/c, HR/ER, LPG Plant Hazira. ONGC, WOU, Surat Gujarat.
- 4) DGM-IR, LPG Plant Hazira. ONGC, WOU, Surat Gujarat.



भारत संस्कार/ Government of India

थम अस्थिजनार मंत्रातार / Ministry of Labour & Employment कार्याच्यः उप मुख्य श्रम आयुक्त (वेञ्व्हीय)

Office of the Deputy Chief Labour Commissioner (Central) अम रक्षा भगजः, ज़िन शृद्धि मार्ग, पूर्वी एक्सपेस राजमार्ग,

Shram Raksha Bhavan, Shiv Shrusti Marg. Eastern Express Highway, आयन (पूर्व), मुंबई - 400 022/ Sion (East), Mumbal - 400 022

No. B.8(29)/2020-B.I

1 3 JAN 20 di: 12-01-2021

To.

The Chairman & Managing Pirector.
 Hindustan Petroleum Corporation Limited.
 Petroleum House,
 Jamshedji Tata Marg,
 Mumbai – 400020

P. The General Secretary,
Hindustan Petroleum Karmachari Sena,
C/o Hindustan Petroleum Corporation Limited,
Petroleum House,
Jamshedji Tata Marg,
Mumbai – 400020

Subject: Industrial Disputes Act. 1947 – Demand over the issue of sanction of pending overtime of 4 hours extra duty performed during Covid-19 pandemic from April to Sept, 2020.

Dear Sir(s),

Please refer to the industrial dispute raised by the General Secretary, Hindustan Petroleum Karmachari Sena over the demand over the issue of sanction of pending overtime of 4 hours extra duty performed during Covid-19 pandemic from April to Sept, 2020. Accordingly, I would like to inform you that the matter has been seized as industrial dispute under Section 12 of the Industrial Dispute Act, 1947 and conciliation has been fixed on 27-01-2021 at 1530 hrs. in the office of the undersigned at Shram Roksha Bhavan, Shiv Shrusti Marg, Eastern Express Highway, Sion (East), Mumbai – 400 022 with a view to bring about an amicable settlement of the dispute so that conducive working atmosphere can be maintained in the establishment.

You are advised to attend the Conciliation Proceedings in person or through a duly Authorised Representative who is competent to settle the issue with all relevant records and papers connected with the dispute, failing which the matter will be proceeded ex-parte/ closed as the case may be.

Yours faithfully,

(B.V.S. Rathore)

Conciliation Officer under ID Act, 1947

& Regional Chief Labour Commissioner (Central)

Mumbai

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Both the gratier to the ellipsels affected The conciliation proceeding. Management of 1100L1 Bhacharles & Ma su Bhacharkar, So. Mgo. 111.

due to lock down and limporthin of sur 1111 by the Obstrict Deterioristantina, the manageral had a joint discussion with the two recognized union to work for 10 hours aday Mowener, they added that the applicant under want not operative at the time discussion. The management of the customitted that the overtime of 11 hours of extens diff well
be paid wite in this fixed year, after nowing
of NDM Act, 2005.
This also extentitled that their formation asan existed from Sepol'00 and as 00 circa. paid, the imme was vaised keep-no the CO.

drice, the management arranged -10 make payment of OT within their fineal your, the matter is adjourned. Wooddals in fixed for 10/02/2021 at 1500 An.

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Amit D. Bhrohached

Sm. Manager-11R1

furty 27/01/2021 Have (Prodeep Mayetas)

Generous secretary HPCL, Mumber: Relinery Hirdusthan Petrolium



and and any Concrement of India.

थम और रोजगुद्धि मंत्रातव / Ministry of Labour & Employment

क्षंत्रातियः ३६। सूक्य धरा प्रायत्क लेल्कीयः

Office of the Deputy Chief Labour Commissioner (Central) ंशन रक्ष्में भवना, जिन्न श्रीरंट माले, पुनी एनसपेश राजमार्थ

Shram Raksha Bhiwan, Shiv Shrusti Marg. Lastern Express Lughway, आराज सुने . जन्दे - 400 022/ Sion (East), Mumbar - 400 022

No. B.8(29)/2020-B.t

dr. 05-07-2021

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The Chairman & Managing Director, Hindustan Petroleum Corporation Limited Petroleum House, Jamshedji Tata Marg Mumbai - 400020 The Conoral Secretary

Hindustan Petroleum Karmachari Sena;

C/o Hindustan Petroleum Corporation Limited.

Petroleum House.

Jamshedji Tata Marg.

Mumbai - 400020

Subject: Industrial Disputes Act, 1947 - Demand over the issue of sanction of pending overfirms of 4 hours extra duty performed during Covid-19 pandemic from April to Sept. 2020.

Com Silst

Whereus: the consistion reconcline was fixed on 10-03-2021 and the same was adjaurned. You are, therefore, once again given an opportunity to submit your comments on the subject matter and advised to attend the conciliation which is now fixed for 22-07-2021 at 1400 hrs in the office of the undersigned at Stram Raksha Bhavan, Shiv Shrusti Mara, Eastern Express Highway. Sion (East). Mumbai – 400 022 with a view to bring about an amicable settlement of the dispute so that concludive working atmosphere can be maintained in the establishment.

You are advised to attend the Conciliation Proceedings in person or through a dis-Authorised Representative who is competent to settle the issue with all relevant records and propers connected with the dispute, failing which the matter will be proceeded ex-parte/ closed as the case

Yours faithfully,

(B.V.S. Rathore)

Conciliation Officer under iD Act, 1947
& Regional Chief Labour Commissioner (Central)

Mumbai

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Both the crim and the monogenest of tipel, M.R. attended the conciliation proceeding. Manergenest of tipel, MR. submitted that the payment of OT wages in under process and shall be completed by and of March, 2021 and requested by and of March, 2021 and requested by and of March, 2021 and requested for adjourned the matter till them. Chion agreed for their same.

Accordingly, matter in adjourned.

March date shall be indimeded of to being the first date shall be indimeded after heavy

Amit D. Bhasharkan Si. Man-ja-HR 11PCL, Rehmany, M-mbai 10/03/2021.

RAJESH G. CHAVAN

DEPUTY GENERAL SECRETARY

HINDUSTRAN PETROLOUM KARMUHATI SENA
10/03/2021



हिन्दुरतान पेट्रोलियम कॉर्पोरेशन लिमिटेड

(भारत सरकार उपक्रम) पंजीकृत कार्यातय: 17, जमगौराजी टाटा रोड, मुंबर्त - 400 020.

HINDUSTAN PETROLEUM CORPORATION LIMITED

(A GOVERNMENT OF (HOLA BITTER-1998) REGISTERED OF LICE : 17, JAMONE OF TATA HOAD, MUMBAL-ASSIGNE

मुंबई रिफाइनरी, भो. ऑ. बॉक्स में. 18820, बी. डी. पाटील मार्ग, माहल, पुंबई - 498 074.

MUMBAI REFINERY, P.O. DOX NO. 18820, व. D. PATIL MARG, MARBL, MUMBAI - 496 074.

टेलीफोन : TELEPHONE : 2507 6000, पेंबस : FAX : 2584 2008, सार - क्रिक्टिंग्स, TELEGRAM - HINTEER

CIN : L23201M111952G01008858

HR MR/

July 16, 2021

To,
The Conciliation Officer &
Regional Labour Commissioner (Central), Mumbai
Office of Dy. Chief Labour Commissioner (Central)
Shram Raksha Bhavan, Shiv Shushti Road,
Eastern Express Highway, Sion(East), Mumbai - 400 022
(Kind Attn: B.V.S. Rathore)

Sub: "Industrial Disputes Act, 1947 - Demand over the issue for sanction of pending overtime of 4 hours extra duty performed during Covid-19 pandemic from April to September 2020".

Dear Sir,

This has reference to letter bearing No. B.8(29)/2020-B.I dated 09/07/2021 with regard to subject matter directing us the attend the matter on 22/07/2021 at 14:00 Hours.

In this regard, we wish to request you to kindly grant fifteen days adjournment for furnishing our comments.

We shall be very thankful for your kind co-operation.

Thanking you,

Very truly yours,

S H Mehdi

Chief General Manager-HR

Mumbai Refinery

Chion powert. Management - cremained absent but with Entimation. Management - wide their enail of 20/07/2021 has sought adjournment. Bince the C.O. in on afficial town and not available, the conciliation is adjourned. Must date of conciliation in fixed for 10/08/2021 of 1500 hm.

Notices shall be send to management.

(Pradeep Hayetar) General Secretary HPCL Karmacharl Senghartan.