

refers the said dispute for adjudication to the Labour Court-II of Goa at Panaji-Goa, constituted under Section 7(1) of the said Act.

**SCHEDULE**

“(1) Whether the action of the management of M/s. Vaibhavi Shipping Private Limited, Karma Express, shop No. 5 to 13, 1st Floor, opp. K.T.C. Bus Stand, Mundvel, Vasco-da-Gama, Goa, in refusing employment to Shri Shrikant B. Sarnaik, Sukani, with effect from 01-06-2012, is legal and justified?

(2) If not, what relief the workman is entitled to?”.

By order and in the name of the Governor of Goa.

*Amalia O. F. Pinto*, Under Secretary (Labour).

Porvorim, 29th January, 2021.

**Order**

No. 28/25/2020-LAB/44

Whereas, the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Tevapharm India Private Limited, Plot A-1, Phase 1-A, Verna Industrial Estate, Verna, Goa, and it's workmen represented by the Bhartiya Kamgar Sena, in respect of the matter specified in the Schedule hereto (hereinafter referred to as the “said dispute”);

And whereas, the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the “said Act”), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa at Panaji-Goa, constituted under Section 7A of the said Act.

**SCHEDULE**

“(1) Whether the action of the management of M/s. Tevapharm India Private Limited, Plot A-1, Phase 1-A, Verna Industrial Estate, Verna, Goa, in not conceding to the following demands raised by the Bhartiya Kamgar Sena, in respect of the workers employed therein, is legal and justified?

**CHARTER OF DEMANDS**

**Demand No. 1: Pay Scales:**

GRADE – I : 15000-500-17500-750-21250-1000- -26250-1250-32500.

GRADE – II : 16000-600-19000-850-23250-1100--28750-1350-35500.

GRADE – III : 17000-700-20500-950-25250-1200--31250-1450-18500.

GRADE –IV : 18000-800-22000-1050-27250-1300-33750-1550-41500.

**Demand No. 2: Flat Rise:**

Union demands that all the workmen shall be given the flat rise of Rs. 5000/-.

(Fitment: The above amounts should be added to the existing basic and thereafter fitted in the revised pay scale in the higher stage).

**Demand No. 3: Seniority Increments:**

Union demands that the workmen should be given Seniority Increments as mentioned below:

Service up to 3 years : one increment.

Service from 3 years to 7 years : two increments.

Service from 7 years to 10 years : three increments.

Service above 10 years : four increments.

**Demand No. 4: Variable Dearness Allowance (VDA):**

Union demands that VDA shall be paid at the revised rate of Rs. 3/- per point rise beyond 5000 points of AICPI (1960) the computation of VDA shall be made quarterly based on the average consumer point for the preceding quarter.

**Demand No. 5: House Rent Allowance (HRA):**

The Union demands that HRA shall be paid at the revised rate of 30% of basic, DA and VDA, as the cost of accommodation is very high in Goa due to Tourist State.

**Demand No. 6: Education Allowance:**

The Union demands that all the workmen shall be paid Education Allowance @ Rs. 2500/- per month.

**Demand No. 7: Conveyance Allowance:**

The Union demands that all the workmen shall be paid conveyance allowance @ revised rate by adding Rs. 2500/- to the existing allowance.

**Demand No. 8: Paid Holidays:**

The Union demands that all the workmen shall be granted paid holidays at rate of 15 days per year.

**Demand No. 9: Leave:**

The Union demands that all the workers should be given leave on following basis:

(a) Earned Leave: Union demands that all the workmen should be given Earned

Leave at the rate of 35 days Earned Leave per year with accumulation upto 120 days and leave shall be allowed to take 10 times in a year.

- (b) Casual Leave: Union demands that all the workmen should be given Casual Leave at the rate of 15 days per year with encashment facility.
- (c) Sick Leave: Union demands that all the workmen covered under ESIC should be given Sick Leave at the rate of 15 days per year. And those workmen outside the purview of ESIC shall be given 15 days Sick Leave per year with accumulation upto 75 days.

**Demand No. 10: Leave Travel Assistance (LTA):**

The Union demands that LTA should be paid at the rate of one month Gross wage per annum with minimum of four days earned leave. The amount shall be paid one week before the commencement of leave.

**Demand No. 11: Medical Reimbursement:**

The Union demands that those workmen, who are outside the purview of the ESIC, shall be reimbursed full medical expenses incurred by them for self and their family including dependent father and mother.

**Demand No. 12: Bonus/Ex Gratia:**

The Union demands that all the workers shall be paid Bonus/Ex-gratia at the rate of 20% of gross wages (Basic, FDA and VDA) every year, before 31st May every year.

**Demand No. 13: Shift Allowance:**

The Union demands that those workmen who work in the shifts shall be paid shift allowance as under:

Second shift: Rs. 100/- per second shift

Third shift: Rs. 150/- per third shift.

**Demand No. 14: Fixed Dearness Allowance (FDA):**

The Union demands that all the workers shall be paid FDA @ revised rate by adding Rs. 2500/- to existing FDA.

**Demand No. 15: Accident Benefits while on duty and while coming for duty and while going from the duty:**

The Union demands that those workmen who met with accident while coming for duty and going back from the duty shall be treated as accident while on duty and they shall be given all the benefits such as full wages and full medical reimbursement to the concerned workmen.

**Demand No. 16: City Compensatory Allowance (CCA):**

The Union demands that all the workmen shall be paid CCA at the revised rate by adding Rs. 1000/- to the existing CCA.

**Demand No. 17:**

- (1) Paternity Leave: Workmen should be given 10 days of Paternity Leave with full pay.
- (2) Bereavement Leave: In case of death of any family member, workmen should be given 12 days Bereavement Leave with full pay.
- (3) Applicability: The revision as per the COD shall be applicable to all permanent workmen who are members of the Union and it shall also be applicable to those probationers who would be subsequently absorbed as permanent employees and those employees who become the members of the Union hereafter.
- (4) Bandh Day: If any union or workers or agitations resort to Goa Bandh/Strike and the workers are unable to reach the work place on account of same, Company should take all responsibility and provide free transportation to the workmen to and from home to Company and back in the event the Company insists on running the factory. If not company should give full pay on such day.
- (5) Short Leave: Short paid leave for 02 hours which was being given for last many years and withdrawn from the month of Dec., 2018 without notice should be restored with immediate effect.
- (6) Leave Encashment: Leave encashment should be given on gross salary.

- (7) Attendance Allowance: All the workmen should be given Attendance Allowance as shown below:-
- (a) For 26 days present : Rs. 900/-.
  - (b) For 24 days present : Rs. 700/-.
  - (c) For 22 days present : Rs. 500/-.
- (8) Medical Facility:
- (a) All the workmen should be covered under mediclaim policy upto 5 lacs and include spouse, children upto age of 25 years, father and mother of the workmen is beneficiary of the said scheme in addition Rs. 30 lakhs corporate buffer for all sum assured.
  - (b) All the workmen should be covered under death insurance scheme of Rs. 20 lakhs for any kind of death.
  - (c) All the workmen should be covered under accident insurance scheme of Rs. 15 lakhs.
  - (d) If any workmen undergoes medical treatment for any disease and remain absent on duty due to sickness for long period, he should be given full pay special leave till he resumes on duty.
  - (e) Company should tie upto two standard hospitals near company to get immediate treatment to the workmen in emergency.
  - (f) Company should make available of ambulance for 24 hours in the company's premises.
  - (g) Company should give medical help including vehicle facility to the workmen's family.
  - (h) Company should give Rs. 30,000/- as emergency medical help in case of hospitalization/death of any family member.
  - (i) Company should arrange transport/air ticket in case of emergency of workmen.
- (9) Loan Facility:
- (a) Personal Loan: All workmen should be given interest free personal loan @ 10 times gross salary. The amount of personal loan will be repayable in easy monthly instalments.
  - (b) Housing Loan: All workmen should be given interest free Housing Loan of Rs. 10 lakhs. The amount of Housing Loan will be repayable in easy monthly instalments.
- (10) Other Facilities:
- (a) Death relief fund: In case of death of workmen during the service inside factory premises or outside company, all the workmen should contribute one day wages and the employer should contribute an amount of Rs. 5/- lakhs contribution towards death relief fund and such amount should be handed over to the legal heirs of the deceased workmen.
  - (b) Festival Advance: All the workmen should be given Rs. 25000/- as festival advance once in a year.
  - (c) Marriage Gift: On workmen's marriage one month's gross salary should be given as gift to him.
  - (d) Service reward: All the workmen should be given service reward as shown below:
    - (i) Completion of : Rs. 15,000/-  
05 years of service
    - (ii) Completion of : Rs. 20,000/-  
10 years of service
    - (iii) Completion of : Rs. 25,000/  
15 years of service
  - (e) Performance Bonus: All the workmen should be given Performance Bonus one gross salary once in a year.
  - (f) Casual/helper should be provided wherever required in production area.
  - (g) Housekeeping personnel should be provided in each area for Housekeeping work.
  - (h) Birthday coupon price to be given Rs. 1500/-.
  - (i) At a time workmen will operate only one machine. The workmen should not be forced to operate more than one machine/other department, as there will be chances of less production or accident/incident.
  - (j) All the workmen should be given one Raincoat or Umbrella in the first week of June every year.

- (k) Picnic: Company should arrange 03 days overnight picnic out of Goa with proper quality and standard arrangement in the month of July every year for all workmen. If it is not possible each workmen should be given Rs. 5000/- towards the picnic. If any workmen required to be attend the duty on such days, he should be given cash benefits as mentioned above.
- (l) Family Day: Company should arrange Family day for all the workmen and their family member in month of November or once in every year. If it is not possible each workmen should be given Rs. 10000/- towards the picnic. If any workmen required to be attend the duty on such days, he should be given cash benefits as mentioned above.
- (m) Rest Room to be improved with well equipment facility.
- (n) Company should provide well-furnished Union Office, Union notice Board, Computer equipment to do the Union work.
- (o) Company should relieve Unit Committee to do union work/attending meeting/training programme etc., and grant them special leave for the same.
- (p) Checked by sign of the operator should be removed.
- (q) Change the Designation of the Boiler attendant as Factory and Boiler Rule.
- (r) Maintenance Allowance: Maintenance allowance of Rs. 500/- should be given to technicians who are working in engineering department.
- (s) Incentives: All workmen should give paid 1% of the profit share per annum.
- (t) Punching Card: Provisions of punching card should be near the security gate.
- (u) Snacks: All the workmen should give free snacks for 1st, 2nd and 3rd shift.
- (v) Lunch and Dinner: All the workmen should give free lunch 1st Shift and Dinner for 2nd Shift.
- (w) For prevention from dust and heat the boiler workmen should provide the cabin for their work.
- (x) Period of Agreement will be for three years only.
- (y) Retrospective effect: All the above demands should be given with effect from 01-04-2016.
- (11) Transport Facility:  
Existing Facility of providing transportation in all shifts should be given as,-
- (i) Verna Plant: Cortalim-Aggasium-Bambolim-Panjim-Porvorim-Mapusa.  
Verna Plant-Margao KTC-Nuvem-Power House.
- (ii) Verna Plant-Birla Cross-New Wada Vasco-KTC Vasco-Sada Vasco.
- (iii) Verna Plant-Titan-Kesrval-Lotalium-Ponda City.
- (iv) General Shift Transport-Verna Plant-Ponda-Margaon-Vasco-Panjim.
- (12) Donation: The company should deduct rise of one month salary as per the agreement of each employee and send the cross cheque of the total amount to Bhartiya Kamgar Sena.
- (13) Bonus Donation: 5% amount should be deducted from the total amount of Diwali Bonus from every employee and the cheque should be sent to Bhartiya Kamgar Sena.
- (14) Check of System: The annual Union subscription of each member workman of the Union should be deducted from the pay and the consolidated amount of Rs. 240+60 = Total - 300/- (Rs. Three Hundred) subscription so collected should be sent to Bhartiya Kamgar Sena by cross cheque.
- Demand No. 18:*  
Rs. 10,000/- (Rupees ten thousand only) be granted to each of the worker w.e.f. 01/04/2016 by way of Interim Relief pending finalization of the charter of demands.
- Demand No. 19:*  
In the night shift, the management should give 15 minutes rest after every hour of working with a reliever operator during the said period.
- (2) If answer to issue No. (1) above is in negative, then, what relief the workers are entitled to?"
- By order and in the name of the Governor of Goa.  
*Amalia O. F. Pinto*, Under Secretary (Labour).  
Porvorim, 29th January, 2021.