

**Settlement  
on  
Wage Revision,  
Retirement Benefits  
and  
Conditions of Service of  
Port & Dock Workers  
at**

*The Major Ports*

**w.e.f. 01-01-2007  
(Signed on 19<sup>th</sup> January, 2010 at Goa)**

MEMORANDUM OF SETTLEMENT DATED 19th JANUARY, 2010 ARRIVED AT UNDER SECTION 12(3) OF THE INDUSTRIAL DISPUTES ACT, 1947 BEFORE THE DY. CHIEF LABOUR COMMISSIONER (CENTRAL), NEW DELHI OVER CHARTER OF DEMANDS OF WAGE STRUCTURE AND ALLIED MATTERS BETWEEN THE FOLLOWING FIVE MAJOR FEDERATIONS OPERATING IN MAJOR PORT TRUSTS AND DOCK LABOUR BOARDS AND MANAGEMENT

PRESENT

REPRESENTING MANAGEMENT

1. Shri S.S. Hussain, Chairman, Jawaharlal Nehru Port Trust & Bipartite Wage Negotiations Committee
2. Shri Rabul Asthana, Chairman Mumbai Port Trust
3. Shri Praveen Agarwal, Chairman, Mormugao Port Trust
4. Shri Ajeya Kallam, Chairman, Visakhapatnam Port Trust
5. Shri F. D. Vaghela, Chairman, Kandla Port Trust
6. Shri P. Tamilyan, Chairman, New Mangalore Port Trust
7. Shri G.J. Rao, Chairman, Tuticorin Port Trust
8. Shri A. Manojkar, Chairman i/c. K. J. & S. S. Port Trust
9. Capt. Subhash Kumar, Chairman i/c. Chennai Port Trust
10. Shri R. Shanmugam, Federation of Associations of Stevedores
11. Shri K.V. Krishna Kumar, Federation of Associations of Stevedores
12. Shri A Janadhana Rao, Managing Director, Indian Ports Association

REPRESENTING LABOUR

1. All India Port & Dock Workers Federation (AIPTW)
1. Shri S. R. Kulkarni, President
2. Shri Parbati Das, Vice President
3. Shri P. M. Mohammed Banceel, General Secretary
4. Shri D. K. Sarma, Addl. General Secretary
5. Shri M. L. Bellani, Secretary
6. All India Port & Dock Workers Federation (Workers) (AIPTW)
1. Shri Shanti Patel, President
2. Shri S.K. Shetye, General Secretary
7. Dock Transport Workers Federation of India (DTWFI)
1. Shri V.K. Pandey, Vice President
2. Shri T. Narendra Rao, General Secretary
8. Port, Dock & Waterfront Workers Federation on India (AITUC)
1. Shri V.V. Rama Rao, General Secretary
2. Shri V.K. Balakrishnan, Working President
9. Indian National Port & Dock Workers Federation (INTUC)
1. Shri G. Kalan, General Secretary

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**SHORT RECITAL**

Consequent upon the expiry of the period of operation of the Settlement dated 2.8.2000 on wage revision of Port and Dock Workers of the Major Port Trusts and Dock Labour Boards of India on 31.12.2006, Government of India, in the then Ministry of Shipping, Road Transport & Highways constituted a Bipartite Wage Negotiation Committee (BWNC) vide Ministry's Office Memorandum No. LB-11021/19/2006-L I dated 25.01.2007, as below:

MEMBERS REPRESENTING THE MANAGEMENT SIDE

- |                                                                                                                                                                  |                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 1. Chairman, Indian Ports Association                                                                                                                            | Chairman         |
| 2. Chairman, Tuticorin Port Trust                                                                                                                                | Member           |
| 3. Chairman, Kolkata Port Trust                                                                                                                                  | Member           |
| 4. Chairman, Chennai Port Trust                                                                                                                                  | Member           |
| 5. Chairman, New Mangalore Port Trust                                                                                                                            | Member           |
| 6. Chairman, Visakhapatnam Port Trust                                                                                                                            | Member           |
| 7. Chairman, Kandla Port Trust                                                                                                                                   | Member           |
| 8&9. Federation of Associations of Stevedores                                                                                                                    | Members          |
| 10. Managing Director, Indian Ports Association                                                                                                                  | Member Secretary |
| 11&12. 2 Members to be co-opted by Chairman,<br>IPA from other Chairmen, Port Trusts,<br>Retired Ministry/ Port Officers or Experts<br>from Professional Bodies. | Members          |

MEMBERS REPRESENTING THE PORT & DOCK WORKERS

1. All India Port & Dock Workers Federation (HMS)- Five Members
2. All India Port & Dock Workers Federation (Workers)(HMS)- Two Members
3. Water Transport Workers Federation of India (CITU)- Two Members
4. Port, Dock & Waterfront Workers Federation of India (AITUC)- Two Members
5. Indian National Port & Dock Workers Federation (INTUC) -One Member

All the five Federations representing the workers of the Port Trusts & Dock Labour Boards submitted their Charter of Demands individually. The Management requested the five Federations represented on BWNC to submit a Common Charter of Demands. The Federations submitted their Common Charter of Demands on 29<sup>th</sup> April, 2007.

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The first meeting of the Bipartite Wage Negotiation Committee was held at Delhi on 10.04.2007 followed by 25 meetings at New Delhi and at different Ports. The following terms of Settlement was arrived at under Section 12 (3) of the Industrial Disputes Act, 1947 as full and final settlement of all demands of the Federations.

REPORT  
BY  
MAY 2008  
@ GCA

1. **BIPARTITE WAGE NEGOTIATION COMMITTEE (BWNC)**

- 1.1 Consequent upon the expiry of the period of operation of the Settlement dated 2.8.2000 on wage revision of Port and Dock Workers of the Major Port Trusts and Dock Labour Boards of India on 31.12.2006, Government of India in the then Ministry of Shipping, Road Transport & Highways constituted a Bipartite Wage Negotiation Committee (BWNC) vide Ministry's Office Memorandum No. LB-11021/19/2006-L I dated 25.01.2007, as below:

MEMBERS REPRESENTING THE MANAGEMENT SIDE

- |                                                                                                                                                                 |                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 1. Chairman, Indian Ports Association                                                                                                                           | Chairman         |
| 2. Chairman, Tuticorin Port Trust                                                                                                                               | Member           |
| 3. Chairman, Kolkata Port Trust                                                                                                                                 | Member           |
| 4. Chairman, Chennai Port Trust                                                                                                                                 | Member           |
| 5. Chairman, New Mangalore Port Trust                                                                                                                           | Member           |
| 6. Chairman, Visakhapatnam Port Trust                                                                                                                           | Member           |
| 7. Chairman, Kandla Port Trust                                                                                                                                  | Member           |
| 8&9. Federation of Associations of Stevedores                                                                                                                   | Members          |
| 10. Managing Director, Indian Ports Association                                                                                                                 | Member Secretary |
| 11&12. 2 Members to be co-opted by Chairman, IPA from other Chairmen, Port Trusts, Members Retired Ministry/ Port Officers or Experts from Professional Bodies. |                  |

- 1.2 At the time of constitution of BWNC, Chairperson, Mumbai Port Trust was the Chairman, Indian Ports Association. Consequent on superannuation of Smt. Rani Jadhav, Chairperson, Mumbai Port Trust on 30.06.2008 Chairman, Kolkata Port Trust was elected as the Chairman, IPA. Ministry vide their O.M. No LB-11021/19/2006-L-I dated 15<sup>th</sup> September, 2008 nominated Chairman, Mumbai Port Trust as a member of BWNC. Chairman, IPA co-opted Chairman, Mormugao Port Trust as a member of BWNC. Consequent on the repatriation of Dr. A.K. Chanda Chairman, Kolkata Port Trust to his parent cadre, Chairman, JNPT was elected as the Chairman, IPA.

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Members representing the Port & Dock Workers:

- 1.3 Representation of workers on B.W.N.C was based on the available results of Secret Ballot/ Check off system for the year 2006 as under:

Sl.No	Name of the Federation	No. of representatives appointed in BWNC
1	All India Port & Dock Workers Federation(HMS)	5
2	All India Port & Dock Workers Federation-(Workers)(HMS)	2
3	Water Transport Workers Federation of India (CITU)	2
4	Port, Dock & Waterfront Workers Federation of India (AITUC)	2
5	Indian National Port & Dock Workers Federation (INTUC)	1
	<b>TOTAL</b>	<b>12</b>

- 1.4 Names of the representatives of the Management side and each Federation are given in Appendix I

2. CHARTER OF DEMANDS

- 2.1 All the five Federations representing the workers of the Major Port Trusts and Dock Labour Boards submitted their Charter of Demands individually. The Management side requested the Federations represented on BWNC, for a Common Charter of Demands. The Federations submitted a Common Charter of Demands on 29<sup>th</sup> April, 2007.
- 2.2 A series of meetings were held wherein the Charter of Demands submitted by the Federations and measures suggested by the Management side to improve productivity were deliberated upon item-wise. Dates and venues of meetings held are in Appendix-II.

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3. TERMS OF SETTLEMENT

It is agreed that the wage structure, terms and conditions of employment applicable to Group C and D employees of Major Port Trusts and Dock Labour Boards will be revised as below:

4. COVERAGE

This Settlement will apply to and cover the following Group - C & D (erstwhile Class III & IV) employees / workmen:

- (i) Persons employed by the Major Port Trusts of Mumbai, Kolkata, Chennai, Visakhapatnam, Cochin, Mormugao, Kandla, Paradip, Tuticorin, New Mangalore and Jawaharlal Nehru and/ or paid directly by the Port Trusts;
- (ii) Persons employed by Calcutta Dock Labour Board; and
- (iii) Persons registered or unregistered (listed) under any of the Schemes framed under the Dock Workers (Regulation of Employment) Act, 1948.

5. DATE OF EFFECT AND PERIOD OF SETTLEMENT

This Settlement will take effect from the 1<sup>st</sup> January, 2007 and remain operative for a period of 5 years from the 1<sup>st</sup> January, 2007 to 31<sup>st</sup> December, 2011. The revised pay and allowances except those indicated otherwise, agreed to as per this Settlement are payable with effect from 01.01.2007

- 6. The revised pay scales will be linked to All India Consumer Price Index Number 126 for Industrial Workers (General) based on 2001=100(AICPI) series. Revised pay scales corresponding to the scales of pay from 1.1.2007 are at Appendix-III.

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7. FITMENT OF PAY ON THE 1ST JANUARY, 2007 IN THE REVISED PAY SCALE

7.1 Basic pay in the revised pay scale would be fixed as under:

A	B	C	D
Basic pay as on 31.12.2006 and Special Pay & Stagnation Increment and corresponding dearness pay as on 01-01-2007	Variable D.A. upto AICPI 2884 points (base year 1960 = 100) on basic pay and dearness pay as on 01.01.2007	23% of (A+B)	Aggregate amount # A+B+C

# The aggregate amount would be rounded off to next ten rupees and pay fixed in the revised pay scale.

- 7.2 The above fitment formula is not applicable to the employees appointed on or after 01.01.2007 and they will start at the minimum of the corresponding revised pay scale.
- 7.3 If the feeder and promotional posts fall in the same revised pay scale, the employee so promoted would be allowed fixation benefits as per the existing practice.

8. STAGNATION INCREMENT

Pay scales have been restructured in such a way that there will not normally be any stagnation. However, if there is stagnation, one stagnation increment will be allowed every two years. In addition, an employee stagnating after the expiry of the period of settlement will be granted stagnation increment every year subject to adjustments in the next wage settlement.

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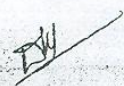
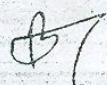


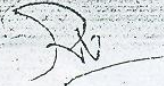

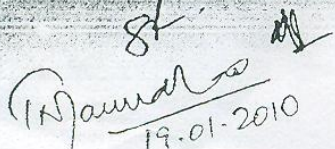


9. RATE OF INCREMENT AND DATE OF NEXT INCREMENT IN THE REVISED PAY SCALE

- 9.1 The annual increment will be granted at 3% of the revised basic pay with cumulative effect and the amount so arrived at shall be rounded off to the next Rs.10/-. After the pay of an employee is fixed in the revised scale of pay, his next increment will be due on the anniversary of the last increment drawn in the existing pay scale. In the case of those whose anniversary date of increment is 1<sup>st</sup> January, they will be allowed the normal increment of the revised pay scale from 1<sup>st</sup> January. Where the pay of two or more employees of the same category in the existing scale of pay and in the inter-se seniority gets fixed at the same amount in the revised pay scale and the date of increment of the senior of the two employees falls due after the date of increment of the junior employee, the date of increment of the senior employee will be advanced to coincide with the date of increment of the employee junior to him, provided other conditions for advancing the date of increment are fulfilled.
- 9.2 Employees will be permitted to opt for the revised scale with effect from 01.01.2007 or from the date of next increment due before 31.12.2007.
- 9.3 Employees promoted on or after 01.01.2007 will be permitted to exercise fresh option for fixation of pay as per the existing provisions.
- 9.4 On promotion, an employee will be granted one increment equal to 3% of his revised pay and pay fixed in the promoted pay scale by rounding off to next multiple of 10.

10. PERSONAL PAY FOR SMALL FAMILY NORM

- 10.1 The existing amount of Family Planning Allowance will be doubled, subject to a minimum of 3% of the minimum of the lowest pay scale in Port Sector in respect of employees who are already in receipt of this allowance.




  



  


  
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10.2 Revised Rates of Family Planning Allowance in respect of employees who will earn Family Planning Allowance would be regulated by granting one increment equal to 3% of his respective revised pay scale.

11. INCREMENT GRANTED FOR EXCELLENCE IN SPORTS

Increment for excellence in sports will be regulated as per the instructions issued by the Central Government from time to time.

12. DEARNESS ALLOWANCE

12.1 All India Consumer Price Index Number for Industrial Workers (General) based on 2001=100 (AICPI) series will be used for grant of compensation to the employees for price rise.

12.2 D. A. installments would be released 4 times in a year, with effect from 1<sup>st</sup> January, 1<sup>st</sup> April, 1<sup>st</sup> July and 1<sup>st</sup> October.

12.3 D.A. would be paid for increase in AICPI above quarterly index average of 126 to which the pay scales are related.

12.4 The percentage increase in the Quarterly average of the AICPI for the period ending February, May, August and November over the index 126 would be taken up to two decimal points.

12.5 The rate of compensation to the employees over the basic pay at index average of 126 will also be in whole numbers with fractions carried forward.

12.6 The percentage of neutralization to employees in different pay ranges would be 100%.

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If and when Government announces its decision in respect of the revision of industrial Dearness allowance scheme, it will be made applicable to the port and dock workers also from the date as specified in the Government order.

Foot Note I

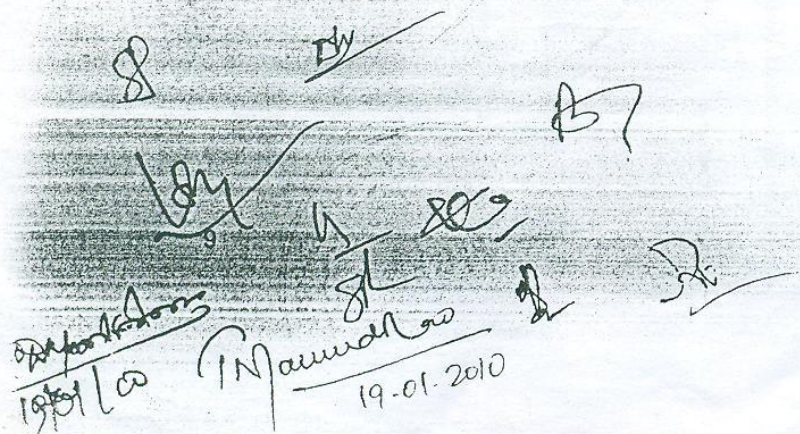
Payable from

September, October and November	1 <sup>st</sup> January
December, January and February	1 <sup>st</sup> April
March, April and May	1 <sup>st</sup> July
June, July and August	1 <sup>st</sup> October

Foot Note II

The Quarterly average of AICPI for the months of September, October and November, 2006 worked out to 126 and from 01.01.2007 is being merged in the basic pay. D.A. installment would be Nil on 01.01.2007.

- 12.7 The payment of D.A involving fractions of 50 paise and above will be rounded off to the next higher rupee and fractions of less than 50 paise will be ignored
- 12.8 The pay for the purpose of calculation of D.A. will be the basic pay drawn in the prescribed scale of pay including stagnation increment but will not include any other type of pay such like special pay personal pay etc.
- 12.9 The D.A will continue to be a distinct element of remuneration and will not be treated as pay within the ambit of FR 9 (21).


  
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13. HOUSE RENT ALLOWANCE

- 13.1 An employee, who is not allotted accommodation by the Port Trust and Dock Labour Board will be paid House Rent Allowance at the following rates, without production of rent receipt

Name of the Port	Rates of HRA
Mumbai, Jawaharlal Nehru, Chennai and Kolkata(excluding Haldia)	30% of actual basic pay plus stagnation increment.
Visakhapatnam, Cochin, New Mangalore and Mormugao	20% of actual basic pay plus stagnation increment
Kandla, Tuticorin,	15% of the actual basic pay plus stagnation increment
Paradip and Haldia	10% of actual basic pay plus stagnation increment

- 13.2 If the employees are posted to work in higher grade cities where the trade promotion centers / Guest houses of the respective port situate such employees shall be allowed the HRA at higher rate as applicable to that city.

14. HOUSE RENT RECOVERY

- 14.1 Recovery of rent for Port and DLB Quarters will be made on living area basis under Government of India's orders as revised from time to time under FR 45 (A).
- 14.2 For sub-standard quarters the recovery of rent will be as envisaged under FR 45. As regards recovery of rent for dormitory or bachelor accommodation, the recovery of rent may be made at fixed rates, to be calculated by Ports under FR 45 A (Standard Rent).

15. PORT ALLOWANCE

Employees will continue to get Port Allowance at the same rates as per the previous Settlement during the currency of the present Settlement.

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16. TRANSPORT REIMBURSEMENT

16.1 The existing rate of Transport Reimbursement will be enhanced from Rs.180/- per month to Rs. 270/- p.m. plus applicable DA to all eligible employees. Existing terms and conditions governing the grant of Transport Reimbursement procedure will continue to apply, also extending the facility to those who occupy port accommodation irrespective of any distance.

16.2 Transport Reimbursement will be allowed to handicapped employees at double the rate.

17. CHILDREN EDUCATION ALLOWANCE & REIMBURSEMENT OF TUITION FEES

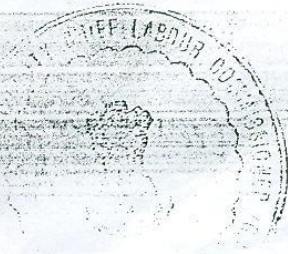
17.1 Children Education Allowance and Reimbursement of Tuition Fee which were hitherto payable separately will be merged and will henceforth known as "Children Education Allowance Scheme". Under the Scheme of Children Education Allowance reimbursement can be availed by an employee upto a maximum of 2 children.

17.2 Reimbursement as indicated above will be applicable for expenditure on the education of school going children only i.e., for children from classes nursery to twelfth, including classes eleventh and twelfth held by junior colleges or schools affiliated to Universities or Boards of Examination. Henceforth, the reimbursement of Children Education Allowance shall have no nexus with the performance of the child in his class. In other words, even if a child fails in a particular class, the reimbursement of Children Education Allowance shall not be stopped.

17.3 Reimbursement for the following items can be claimed under this Scheme:

Tuition fee, admission fee, term fee, laboratory fee, special fee charged for agriculture, electronics, music or any other subject, fee charged for practical work under the programme of work experience, fee paid for the use of any aid or appliance by the child, library fee, games/sports fee and fees for extra-curricular activities. This also includes reimbursement for purchase of 1 set of text books and notebooks, 2 sets of uniforms and 1 set of school shoes which can be claimed for a child in a year

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- 17.4 The annual ceiling fixed for reimbursement of Children Education Allowance is Rs 12,000 per child upto a maximum of two children. Under this Scheme, reimbursement can be claimed once every quarter. The amount that can be claimed in a quarter could be more than Rs 3,000, and in another quarter less than Rs 3,000, subject to the annual ceiling of Rs. 12,000 per child being maintained.
- 17.5 For children with disabilities, reimbursement will be twice the normal rate and the annual ceiling will be Rs.24,000/-
- 17.6 In case, both the spouses are port employees, only one of them can avail reimbursement under Children Education Allowance Scheme.
- 17.7 The above limits would be automatically raised by 25% every time the Dearness Allowance goes up by 50%.

18 WASHING REIMBURSEMENT




Washing Reimbursement and special washing reimbursement will be enhanced from Rs.50 and Rs.65 per month to Rs 100 and Rs.130 respectively, with automatic increase of 25% when DA goes up by 50%. The claim of washing allowance in respect of hospital staff and fire brigade staff, who are currently in receipt of such allowance, will be discussed and settled locally.

19 REVISION OF T.A AND D.A  
The TA and DA rates will be as follows:

(A) Entitlement for travel on tour-Group C and D employees

Sr. No	Pay Range	Normal Trains #	Rajdhani express	Shatabdi Express
1.	Below Rs. 11000/-	Second sleeper	AC Chair Car *	
2.	Rs. 11000/- and above but below Rs. 19800/-	1 <sup>st</sup> Class/II AC 3 tier sleeper /AC Chair Car*	AC Chair Car **	
3.	Rs. 19800/- and above	Ind AC 2 tier sleeper/1 <sup>st</sup> Class/AC 3 tier	Ind AC 2 tier sleeper	AC Chair Car

# Normal trains mean trains other than Rajdhani and Shatabdi Express

  
  
  
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(\* Those who are entitled to travel by First class/ IInd AC 3 tier sleeper/ AC Chair car may at their discretion, travel by AC 2 tier sleeper, when any of the trains connecting the origins and destinations concerned by the direct shortest route do not provide these three classes of accommodation.

(\*\*) AC 3 tier sleeper in trains in which AC Chair Car is not provided.

The revised travel entitlements are subject to following

- (i) In case of places not connected by rail, travel by AC bus for all those entitled to travel by AC II tier by train and by Deluxe/ ordinary bus for others is allowed.
  - (i) In case of road travel between places connected by rail, travel by any means of public transport, including Air is allowed provided the total fare doesn't exceed the train fare by the entitled class.
  - (iii) All employees are allowed to travel below their entitled class of travel.
- (B) Entitlement for journey by sea or by river steamer

Pay Range	Travel Entitlement
Employees on pay of Rs.19800/- and above	If there be two classes only on the steamer, the lower class
Employees on pay of Rs.11000/- and above but less than Rs.19800/-	If there be two classes only on the steamer, the lower class If there be three classes, the middle or the 2 <sup>nd</sup> class If there be four classes, the 3 <sup>rd</sup> class.
Employees on pay below Rs.11000/-	The lowest class.

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## (C) Mileage allowance for journey by road (SR 46)

Pay Range	Travel Entitlement
Employees on pay of Rs.19800/- and above	Actual fare by any type of public bus including Air Conditioned bus Or At the rate of Rs 16/km for journeys by Taxi or Rs 8/km for journeys by auto rickshaw/ own scooter/ motorcycle/ moped etc.  Actual fare by ordinary bus only
Employees on pay of below Rs.19800/-	Or At the rate of Rs 8/km for journeys by auto rickshaw/ own scooter/ motorcycle/ moped etc.

## (D) Daily allowance on tour.

Pay Range	Daily Allowance
Employees on pay of Rs.11000/- and Above	Reimbursement for hotel accommodation of upto Rs 500/- per day, reimbursement of travel charges of up to Rs 100/- per diem for travel within the city and reimbursement of food bills not exceeding Rs 150/-day.  Reimbursement for hotel accommodation of upto Rs 300/- per day, reimbursement of travel charges of upto Rs 50/- per diem for travel within the city and reimbursement of food bills not exceeding Rs 100/day.
Employees on pay of below Rs.11000/-	

20. OVER TIME ALLOWANCE

If any employee is asked by the management to work beyond prescribed working hours, overtime allowance will be paid at prescribed rate as per present practice in Ports. In cases where Court cases are pending, payment of OTA will be regulated subject to final outcome of the Court Case.

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21. HOLIDAY WAGES

There will be no change in the existing method of calculation of Holiday Wages.

22. DESIGN ALLOWANCE

Junior Engineers posted for design work will be granted Design Allowance of Rs. 400/- per month prospectively.

23. OTHER ALLOWANCES

All the local allowances will be discussed and settled locally within a period of six months.

24. CONVEYANCE ADVANCE

Conveyance Advance for the purchase of vehicle will be sanctioned as below:

(a) Scooter/Moped/Motorcycle - 8 months basic pay subject to a maximum of Rs 50,000/- or 80% of the actual cost of the vehicle, whichever is less


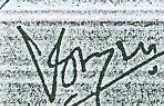

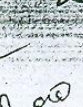

(b) Cycle - Maximum of Rs 2000/-

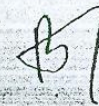

25. HOUSE BUILDING ADVANCE

Existing House Building Advance Regulations will be continued with the revised pay structure.

26. COMPUTER ADVANCE

Employees will be given an advance up to 10 months basic pay or Rs.80,000/- or the actual cost of computer, whichever is the least, for the purchase of a personal computer. Interest rate will be charged at the rate notified by the Central Government from time to time.

  
  
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27 FESTIVAL ADVANCE

Quantum of Festival Advance will be decided locally.

28 LEAVE TRAVEL CONCESSION

28.1 Travel entitlements for the purpose of LTC will be the same as for official tour, but no daily allowance shall be admissible for travel on LTC.

28.2 The parents and or step parents who are wholly dependent on the employees shall be included in the definition of family for the purpose of LTC, irrespective of whether they are residing with the employee or not. The definition of dependency will be linked to the minimum family pension prescribed and dearness relief thereon.

28.3 The facility shall be admissible only in respect of journeys performed in vehicles operated by the Government or any Corporation in the Public Sector run by the Central or State Government or local body.

28.4 The privileges with regard to class of travel currently being enjoyed by an employee will not be adversely affected by any decision taken as a result of the settlement.

29. NIGHT WEIGHTAGE



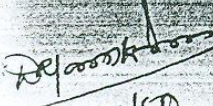
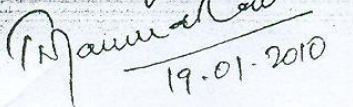
The existing practice of calculating Night Weightage will be continued.

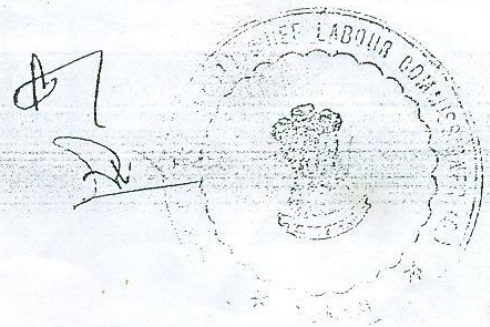
30. SPECIAL ADVANCE FOR EMPLOYEES AND THEIR WARDS MARRIAGE

Ports will provide possible arrangement to grant advance from welfare fund.

31. OUTSTATION ALLOWANCE

Employees who go to other Ports on board the port crafts for dry docking/ repairs would be allowed, in addition to normal pay and allowances, Outstation Allowance: at the rate of 33 1/3% of basic pay from the date of departure to the date of return to home port. The complement of staff to be deputed shall be decided by the management.

  
  
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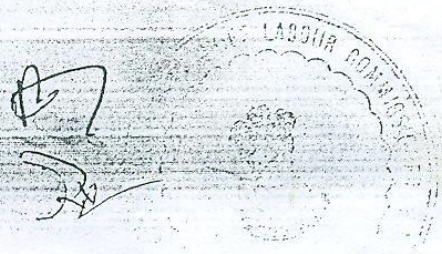
32. LEAVE ENTITLEMENTS

- 32.1 The existing ceiling of 135 days Maternity Leave shall be enhanced to 180 days.
- 32.2 Leave of the kind due and admissible (including commuted leave for a period not exceeding 60 days and leave not due) that can be granted in continuation of Maternity Leave shall be increased to 2 years.
- 32.3 Earned Leave and Half Pay Leave shall be considered for encashment at the time of retirement subject to overall limit of 300 days. However, no reduction on account of pension and pension equivalent of other retirement benefits shall be made from the cash equivalent payable for encashment of Half Pay Leave.
- 32.4 The above benefits will be extended prospectively. Hence, a woman employee in whose case the period of maternity leave has not expired as on date shall also be entitled to the maternity leave of 180 days.
- 32.5 Female employee, with fewer than two surviving children, on valid adoption of child below a age of one year, will be granted leave for a period of 135 Days immediately after the valid adoption.
- 32.6 Special Casual Leave for office bearers of unions will be granted as per Central Government Rules.
- 32.7 Special Casual leave for breakdown of public Transport system due to bandh etc will be granted as per Central Government Rules.
- 32.8 HRA is payable for first 180 days of leave at the rates applicable at the last place of duty; continuance beyond 180 days will be subject to the production of prescribed certificate.
- 32.9 All other conditions in the matter of grant of leave will be governed by the existing Leave Regulations.

33 RISK ALLOWANCE

Existing Risk allowance will be revised through local settlement within six months failing which the dispute will be referred for adjudication/ arbitration.

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34. TRAINING AND REDEPLOYMENT

The Management agreed in principle for training and redeployment of employees. However, the modalities in this regard may be discussed and settled locally.

35. FUNERAL EXPENSES

Management is agreeable for grant of funeral expenses of deceased employees. But the quantum may be discussed and settled locally.

36. CANTEEN FACILITIES

The employers agree to provide amenities including drinking water, sanitary facilities, subsidized canteens, rest rooms etc. near the place of work.

37. SETTING UP OF CRECHES

Ports may set up crèches, wherever necessary.

38. ASSURED CAREER PROGRESSION

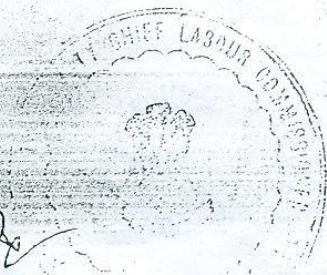
38.1 Three financial upgradations shall be granted under modified Assured Career Progression Scheme to Group C and D employees on completion of 10 years, 20 years and 30 years of regular service, provided there was no regular promotion during the period of 10, 20 and 30 years and subject to the existing conditions of ACP. The Modified ACPS will be operational from the date of this Settlement. 1.2.01 to 27.01.2010.

38.2 Clarifications issued by the Central Government from time to time in respect of ACP will apply.

39. PAYMENT OF ARREARS

All efforts will be made to make payment of arrears arising out of this Settlement within a period of two months from the date of signing of the Settlement.

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40. ADJUSTMENT OF ONE TIME LUMP SUM RECOVERABLE ADVANCE

One time lump-sum recoverable advance granted to all Class III and IV employees/ workers of all Major Port Trusts and Dock Labour Boards vide Ministry of Shipping, Road Transport and Highways letter No.LB-11011/7/2008-L.I. dated 16.7.2008 will be adjusted from the arrears due to the employees/ workers from 01.01.2007 on account of pay revision.

41. PENSION

41.1 Ports which are having their own Pension Regulations should update their Pension Regulations incorporating upto date amendments issued to CCS(Pension) Rules as advised by the Ministry within a period of six months. Similarly Ports which have not so far framed their own Pension Regulations in line with Central Government Rules should do so within a period of six months.

41.2 Pension of all categories of employees will be consolidated as per the methodology enumerated in Appendix-IV. Benefits of Central Government orders extended to the Port employees are also indicated in the Appendix.

42. The pay revision and benefits will have definite impact on the financial viability of the ports and increase cost of operations. The Federations thus agree to actively and positively participate with the management to take measures to improve the financial viability and productivity.

All parties recognize that Major Ports are passing through a difficult situation in view of the global recession and also due to emerging private ports in the vicinity of Major Ports. This calls for optimum utilization of the available infrastructure, technological upgradation, higher productivity and resource generation. The Challenges emanating from intra and/ or inter port competition, within the country/ region, calls for urgent need for improvement of efficiency, customer satisfaction, augmentation of financial viability and new enterprise culture in the Major Ports. Otherwise, the importance of State owned port operators would diminish unless productivity is increased and sustained. With a view to increase productivity it was agreed that revision of datum and piece rate incentive will be undertaken based on the performance of previous three years and duly taking into consideration the applicable guidelines, relevant factors and operational requirements. In case there is no settlement at local level on the above issue within six months from the date of signing the this settlement, the disputed matter will be sent for adjudication/ arbitration under Industrial Dispute Act, 1947.

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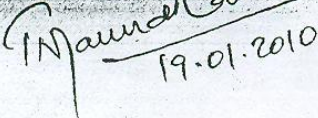
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43. EXISTING BENEFITS

As a consequence of the implementation of this Settlement, any facility, privilege, amenity, right, benefit, monetary or otherwise or concession to which an employee or a category of employees might be entitled to by way of any Award, practice or usage in force shall not be withdrawn, reduced or curtailed, except to the extent and manner as explicitly provided for in this Settlement. Provided, however, that this protection clause shall not be used by the Federations and their affiliated unions and any person or persons enjoying benefits under this Settlement for preventing Port/DLB Management from taking steps for the implementation of the provisions of this Settlement for improving productivity.

44. It is agreed that the demands of the five Major Labour Federations on the following matters submitted jointly through their Charter of Demands, shall be discussed and settled with the Federations/Unions at local level by mutual discussions.

1. Revision of various allowance as specified in this settlement
2. Pilotage Allowance
3. Change over Shift Allowance
4. Island Allowance/ Ferry Allowance
5. Unclean Allowance
6. Stream Allowance
7. Special Pay for Crane Operators /Crane Drivers/Winch Operators
8. Cash handling allowance
9. Hardship Allowance
10. Uniforms
11. Separate restroom facilities for women employees
12. Welfare measures (General)
13. Special Gift
14. Accommodation to unions for office and office bearers
15. Posting of adequate paramedical staff
16. Insurance Coverage for High Risk Jobs



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 19.01.2010

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45. GENERAL



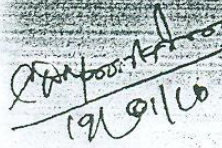
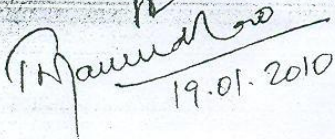
Chairmen of Port Trusts may use their good offices to ensure that Dock Workers not covered by coverage of this settlement and who are getting wages as per the previous settlements by virtue of any statutory settlements/ court orders continue to get benefits as per this settlement.

46. CONCLUSION



46.1 Any discrepancies/ anomalies and disputed interpretations arising out of this Settlement and matters relating to implementation of this Settlement will be discussed between the five Federations and the Port Management with a view to resolving them. It is further agreed that in the event of any disagreement between the parties on any points concerning any Clause including issues to be discussed at local level under this settlement, the disputed point will be referred to an Arbitrator/ Adjudicator under the Industrial Disputes Act, 1947 for an Award.

46.2 The Federations and their affiliated unions agree that no fresh issues involving additional financial implication will be raised during the period of this Settlement, excepting those claims pending in the courts, tribunals, conciliation proceedings and arbitration, including those issues which the parties have agreed to discuss and decided at local level by this settlement, and also the issues which are referred to arbitration/ adjudication. This Clause will not estop employees/ workmen from receiving Productivity Linked Reward during the currency of this Settlement.

46.3 According to the interim order dated 14.08.2007 of the Hon'ble High Court of Orissa on W.P.C. No.8966/2007 filed by Indian National Federation of Port & Dock Workers praying nomination of one more representative to BWNC, this Settlement is subject to the final outcome of the Writ Petition.

  
  
  
  
 19.01.2010



(26)

REPRESENTING MANAGEMENT

REPRESENTING LABOUR

*[Signature]*

All India Port & Dock Workers Federation (HMS)

S.S. Hussain,  
Chairman, JNPT & BWNC

*[Signature]*  
S. R. Kulkarni,  
President 21-1-2010

*[Signature]*  
Rahul Asthana,  
Chairman Mumbai Port Trust

*[Signature]*  
Parbati Das,  
Vice President 21/1/2010

*[Signature]*  
Praveen Agarwal,  
Chairman, Mormugao Port Trust

*[Signature]*  
P. M. Mohammed Haneef,  
General Secretary 21/1/2010

Ajeya Kallam,  
Chairman, Visakhapatnam Port Trust

D. K. Sarma,  
Addl. General Secretary

*[Signature]*  
P. D. Vaghela,  
Chairman, Kandla Port Trust

*[Signature]*  
M. L. Bellani,  
Secretary 21/01/2010

*[Signature]*  
P. Tamilvanan,  
Chairman, New Mangalore Port Trust

All India Port & Dock Workers Federation (Workers) (HMS)

*[Signature]*  
Shri G.J. Rao,  
Chairman, Tuticorin Port Trust

~~Dr. Shashi Patil~~ *[Signature]*  
President *[Signature]*  
Secretary 19.01.2010

*[Signature]*  
A. Majumdar,  
Chairman i/c, Kolkata Port Trust

S.K. Shetye,  
General Secretary

Subhash Kumar,  
Chairman i/c, Chennai Port Trust

Water Transport Workers Federation of India (CITU)

~~M.K. Pandya~~ *[Signature]*  
Vice President

*[Signature]*  
T. Narendra Rao,  
General Secretary 19.01.2010

*[Signature]*  
C.D. NANDA KUMAR  
SECRETARY 19/01/10

*[Signature]* 13/1/2010

Port, Dock & Waterfront Workers Federation on India (AITUC)

Shri R. Shanmugam,  
Federation of Associations of Stevedores

*V.V. Rama Rao*  
V.V. Rama Rao,  
General Secretary

*K.V. Krishna Kumar*

K.V. Krishna Kumar,  
Federation of Associations of Stevedores

*V.K. Balakrishnan*  
V.K. Balakrishnan,  
Working President

Indian National Port & Dock Workers Federation (INTUC)

*A. Janadhana Rao*  
A. Janadhana Rao,  
Managing Director, Indian Ports Association

*G. Kaian*  
G. Kaian, General Secretary

*R. Venkateswarlu*  
(R. VENKATESWARLU) 19/1/2002  
DY. C.L.C. (C) MUMBAI

Deputy Chief Officer, Port of Mumbai  
MUMBAI



*WITNESSES*

- 1. T. BAKARISHMIAN, Consultant (P&S) *T. Bakarishmian*
- 2. B. S. NEGI, JEO (ARL) IPA. *B. S. Negi*



APPENDIX-I

REPRESENTATIVES ON BIPARTITE WAGE NEGOTIATION COMMITTEE

MANAGEMENT SIDE

1. Shri S.S. Hussain,  
Chairman, Jawaharlal Nehru Port Trust & Bipartite Wage Negotiation Committee
2. Shri Rahul Asthana,  
Chairman, Mumbai Port Trust
3. Shri Praveen Agarwal,  
Chairman, Mormugao Port Trust
4. Shri Ajeya Kallam,  
Chairman, Visakhapatnam Port Trust
5. Shri P.D. Vaghela,  
Chairman, Kandla Port Trust
6. Shri P. Tamilvanan,  
Chairman, New Mangalore Port Trust
7. Shri G.J.Rao,  
Chairman, Tuticorin Port Trust
8. Shri A. Majumdar  
Chairman i/c Kolkata Port Trust
9. Capt. Subhash Kumar,  
Chairman i/c, Chennai Port Trust
10. Shri R. Shanmugam,  
Federation of Associations of Stevedores
11. Shri K.V. Krishna Kumar,  
Federation of Associations of Stevedores
12. Shri A. Janardhana Rao,  
Managing Director,  
Indian Ports Association.

WORKERS FEDERATION

All India Port & Dock Workers Federation (HMS)

1. Shri S.R.Kulkarni,  
President
2. Shri Parbati Das,  
Vice President.
3. Shri P.M. Mohammed Haneef,  
General Secretary
4. Shri D.K. Sarma .  
Addl. General Secretary
5. Shri M.L. Bellani  
Secretary

All India Port & Dock Workers Federation-  
Workers (HMS)

1. Dr. Shanti Patel,  
President
2. Shri S.K. Shetye,  
General Secretary

Water Transport Workers  
Federation of India (CITU)

1. Dr. M.K. Pandhe,  
Vice President
2. Shri T. Narendra Rao,  
General Secretary

Port, Dock & Waterfront Workers  
Federation of India (AITUC)

1. Shri V.V. Rama Rao,  
General Secretary
2. Shri V.K. Balakrishnan  
Working President

Indian National Port & Dock Workers  
Federation (INTUC)

1. Shri G. Kalan,  
General Secretary

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Deputy Chief Labour Commissioner  
KOLKATA

- (i) Shri S.S. Hussain replaced Dr. A.K. Chanda after his reversion to his parent cadre.
- (ii) Shri Rahul Asthana replaced Smt. Rani Jadhav on her superannuation.
- (iii) Shri Ajeya Kallam replaced Shri K.R. Kishore after his reversion to his parent cadre.
- (iv) Shri P.D. Vaghela replaced Shri A. Janardhana Rao after his transfer to IPA.
- (v) Shri G.J. Rao replaced Shri N.K. Raghupathy after his transfer to Central Govt.
- (vi) Shri A. Majumdar replaced Dr. A.K. Chanda after his reversion to his parent cadre.
- (vii) Capt. Subhash Kumar replaced Shri K. Suresh after his reversion to his parent cadre.
- (viii) Shri T. Narendra Rao replaced Shri Subhas Chakraborty consequent on his sad demise.
- (ix) Shri V.K. Balakrishnan replaced Shri P. Krishnaiah consequent on his sad demise.

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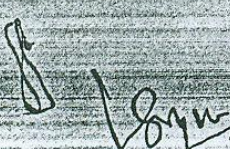



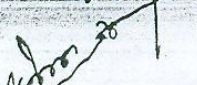


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APPENDIX-II  
BIPARTITE WAGE NEGOTIATION COMMITTEE







Sl.No.	DATE OF MEETING	MEETING HELD AT
01	10.04.2007	New Delhi
02	06.06.2007	New Delhi
03	06.07.2007	Mumbai
04	16.11.2007	Chennai
05	06.02.2008	New Delhi
06	29.03.2008	Mumbai
07	27.06.2008	Mumbai
08	28.08.2008	New Delhi
09	13.09.2008	New Delhi
10	03.10.2008 & 04.10.2008	Kolkata
11	21.10.2008	New Delhi
12	27.11.2008	New Delhi
13	07.01.2009	New Delhi
14	23.01.2009	New Delhi
15	11.02.2009 & 12.02.2009	New Delhi
16	18.02.2009	New Delhi
17	30.03.2009	New Delhi
18	24.07.2009	New Delhi
19	12.08.2009	Mumbai
20	27.08.2009	New Delhi
21	09.10.2009	Chennai
22	31.10.2009	New Delhi
23	30.11.2009	New Delhi
24	14.12.2009	New Delhi
25	04.01.2010	New Delhi
26	19.01.2010	Goa





  



  
 Deputy Chief Labour Officer

APPENDIX-III

EXISTING PAY SCALES AND CORRESPONDING REVISED PAY SCALES W.E.F.01.01.2007

Sl.No	Existing Pay Scales	Revised pay Scales w.e.f. 01.01.2007
1	Rs.3700-60-4180-75-5830	Rs. 7800-15800
2	Rs.3840-80-4320-100-6720	Rs. 8100-18200
3	Rs.3900-90-4260-100-6860	Rs. 8300-18600
4	Rs.4000-100-4800-115-7330	Rs. 8600-19900
5	Rs.4160-115-5195-125-7820	Rs. 9000-21200
6	Rs.4300-120-5260-130-8120	Rs. 9400-22000
7	Rs.4640-140-5740-170-9500	Rs. 10200-25700
8	Rs.5000-150-5450-200-10850	Rs. 11000-29400
9	Rs.5500-200-6100-220-11380	Rs. 12100-30800
10	Rs.6170-230-7320-245-11975	Rs.13600-32400

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APPENDIX-IV

METHODOLOGY OF CONSOLIDATION OF PENSION W.E.F. 01.01.2007 AND EXTENSION OF BENEFITS AS PER LATEST ORDERS OF THE CENTRAL GOVERNMENT

1. The pension and family pension of past retirees of Ports and Dock Labour Boards linked to AICPI 1708 points will be consolidated with effect from 01.01.2007 by adding together :-
  - i. The existing pension/ family pension
  - ii. Dearness Pension, where applicable
  - iii. Dearness Relief upto AICPI average index 2884( Base year 1960=100) on Basic Pension/ Family Pension plus Dearness Pension
  - iv. Fitment benefit @ 23% of (i)+(ii)+(iii)  
The amount so arrived at will be regarded as consolidated pension/ family pension with effect from 01.01.2007.
  - v. The case of pensioners drawing basic pension determined on pay including piece rate/ incentive shall be examined separately
  - vi. Difference in Pension granted to post 01.01.1998 retirees to protect the drop in pension was compared to pre 01.01.1998 retirees as per Ministry of Shipping Orders issued in compliance of interim orders of the Hon'ble High Courts of Andhra Pradesh and Madras shall be continued upto the final outcome of the Writ Petitions filed by the Pensioners' Association/Federation.
2. The fixation of pension will be subject to the provision that the revised pension, in no case, shall be lower than fifty per cent of the minimum of the revised pay scale corresponding to the pre-revised pay scale from which the pensioner had retired, if he had 33 years of qualifying service. In case where the retiree had less than 33 years of qualifying service there will be proportionate matching and the pension in no case shall be less than 50% of the lowest pay scale in Major Port Trusts. The consolidated family pension, in no case, shall be lower than thirty percent of the revised pay scale corresponding to the pre-revised pay scale of the held by the deceased employee. In any case pension family pension shall not be less than 50% of the minimum of the lowest pay scale in the port sector
3. No commutation will be admissible on additional amount of pension accruing as a result of revision. Since the consolidated pension will be inclusive of commuted portion of pension, if any, the commuted portion will be deducted from the said amount while making monthly disbursements.

Min. amount  
Rs. 3900/-

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Deputy Chief Labour Commissioner

- 4. The upper ceiling of pension/ family pension shall be 50% and 30% respectively of the highest pay **15200/-** in Major Port Trusts. **FR 972**
- 5. The quantum of pension/ family pension available to the old pensioners/ family pensioners shall be increased as follows:-

Age of pensioner/ family pensioner	Additional quantum of pension
From 80 years to less than 85 years	20% of revised basic pension/ family pension
From 85 years to less than 90 years	30% of revised basic pension/ family pension
From 90 years to less than 95 years	40% of revised basic pension/ family pension
From 95 years to less than 100 years	50% of revised basic pension/ family pension
100 years or more	100% of revised basic pension/ family pension

- 6. Since the consolidated pension/ family pension arrived at as per paragraph 1 includes dearness relief upto average index level of 2884 (Base Year 1960=100), Dearness Relief will be admissible thereon only beyond index average 2884/ 126 (Base Year 2001=100).
- 7. Linkage of full pension to 33 years of qualifying service shall be dispensed with. Once an employee renders minimum pensionable service of 20 years, pension shall be paid at 50% of the average emoluments received during the past 10 months or the pay last drawn, whichever is more beneficial. This will be effective from 01/01/2007. In view of this, the entant benefit of adding years of qualifying service for the purpose computation of pension shall stand withdrawn.
- 8. Port employees shall continue to be entitled to commute pension for a lumpsum payment upto 40% of pension based on the revised commutation table as per Central Govt. Rules. The revised commutation table is applicable prospectively. Whenever the commutation table is further revised, the same shall be made applicable to Port & Dock employees.
- 9. The maximum limit of all kinds of gratuity payable under the Pension Rules/Regulations shall be **Rs. 10 lakhs** with effect from 01.01.2007.
- 10. The enhanced family pension shall be payable to the family of an employee who dies in service from the date of death of the employee for a period of **ten years**, without any upper age limit. There will be no change in the period of payment of enhanced family pension to the family in the case of death of a pensioner.

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 19/01/2010  
 M. J. ...  
 19.01.2010

*Handwritten signature:* ...  
 19/01/2010  
 Deputy Chief Labour Commissioner (Central)  
 मुंबई/MUMBAI.

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11. For the purpose of grant of Family Pension, the 'Family' shall be categorized as under:

Category-I

- (a) Widow or widower, upto the date of death or remarriage, whichever is earlier;
- (b) Son/daughter (including widowed daughter), upto the date of his/her marriage/remarriage or the date he/ she starts earning or till the age of 25 years, whichever is the earliest.

Category-II

(a) Unmarried/Widowed/Divorced daughter, not covered by Category-I above, upto the date of Marriage/remarriage or till the date she starts earning or upto the date of death, whichever is the earliest;

(b) Parents who are wholly dependent on the employee when he/she was alive provided the deceased employee had left behind neither a widow nor a child. Family pension to dependent parents, unmarried/divorced/widowed daughter will continue till the date of death. Family pension to unmarried/widowed/divorced daughters in Category II and dependent parents shall be payable only after the other eligible family members in Category I have ceased to be eligible to receive family pension and there is no disabled child to receive the family pension. Grant of family pension to children in respective categories shall be payable in order of their date of birth and younger of them will not be eligible for family pension unless the next above him/her has become ineligible for grant of family pension in that category. Dependency criteria for grant of family pension shall be minimum family pension with dearness relief thereon.

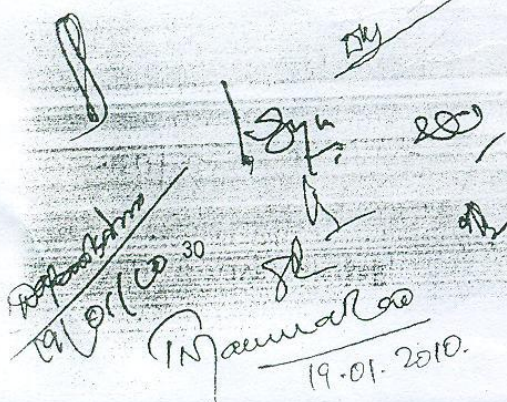
12. For the purpose of computing average emoluments in the case of employees who have opted for fixation of pay in the revised pay scales and retire within 10 months from the date of coming over to the revised pay scales, basic pay for 10 months period shall be calculated as follows:

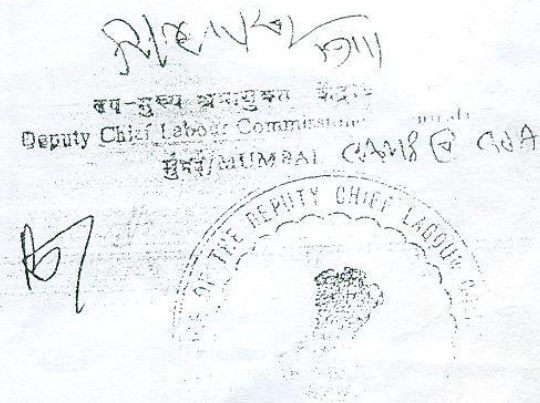
- (i) For the period during which pay is drawn in the revised pay structure, pay drawn in the revised scales of pay.
- (ii) For the remaining period during which pay is drawn in pre-revised scales of pay:
  - (a) Basic pay plus dearness pay and actual D.A appropriate to the scale at the rates in force on 01.01.2007 drawn during the relevant period.
  - (b) Notional increase of the pay by applying the fitment benefit of 23% of the basic pay plus dearness pay plus D.A.

13. The eligible pensioners shall continue to receive Medical Allowance at Rs. 150/ p.m. which will be reviewed on receipt of Central Government orders.

14. The demands of the Federations regarding one time pension option of CPF retirees and piece rate workers will be taken-up with Government for consideration.

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 19/01/2010  
 19.01.2010


  
 Deputy Chief Labour Commissioner  
 MUMBAI