

MINUTES OF THE 71ST MEETING OF THE CENTRAL ADVISORY CONTRACT LABOUR BOARD HELD ON 21-22 FEBRUARY, 2008 AT MUMBAI

Dr. S. Balakrishnam Raju, Chairman of Central Advisory Contract Labour Board presided over the meeting. It was decided to hear all the parties who had been invited for the meeting and to allow them to make submissions, if any. The Board, however, did not take any decision on any item of the Agenda in view of the poor attendance of the Members. It was decided to defer it to the next meeting which is to be held at New Delhi wherein the issues will be decided in the presence of the adequate number of members for the Board. A list of Members and participants who attended the meeting is enclosed as Annexures I & II, respectively.

MAIN AGENDA (Discussed on 21/2/2008)

Item No. 1: Confirmation of the minutes of the last (70th) meeting.

The Board confirmed the minutes of the last (70th) meeting held on 16th October, 2007 at New Delhi.

Item No. 2: Consideration of the note on Contract Labour prepared by the Chief Labour Commissioner (Central)

The Board noted the report prepared by the Chief Labour Commissioner (Central) on the working of the Contract Labour system in the Central Sphere.

Item No. 3: Progress Report on working of various Committees formed by the Board for deciding on Abolition/otherwise of FCI Depots/Godowns.

Dr. V. Monterio, Member informed about the report pending with RLC(C) Mumbai. RLC(C) Mumbai was requested to expedite the report.

Item No. 4: Fixing of a Uniform Criteria for recommending abolition/otherwise of Contract Labour system in FCI Depots/Godowns in the Country.

The Board decided to defer it to the next meeting.

Item No. 5: Practical difficulties faced by Management of FCI in implementing the notifications issued u/s 10 of the CL (R&A) Act, 1970 from time to time.

The Board decided to defer it to the next meeting.

Item No. 6: Consideration of abolition/otherwise of Contract Labour in the FCI depot at Gandhidham (Gujarat).

The management of the FCI (Head Office & Zonal Offices) made the following submissions:

- a. The **management** representatives suggested that the criteria for the period recommended presently for **three** years should be taken and considered as **five** years.
- b. They further suggested that the Asnani Committee Report should be taken into consideration.
- c. The management representatives further submitted that they have the same views/criteria in relation to all states and there are no separate views in relation to different states.

The **Workers Union** made the following submissions:

- a. The Union representatives from above states submitted that Contract labour system should be abolished and all the workers should be regularized in service.
- b. FCI Mazdoor Sangh (FCI Khant Bharath sangh) from Uttar Pradesh further suggested that the criteria of 120 days be followed.
- c. FCI HANDLING WORKERS UNION from UP also suggested the same criteria as mentioned above. 120 days attendance in any financial year should be considered as criteria for abolition and regularization.

Item No. 7: Consideration of Question of abolition/otherwise of Contract Labour in FCI Depots/Godowns of FCI in the States of Uttar Pradesh, Uttaranchal, Himachal Pradesh, Punjab, Rajasthan and Haryana.

The **management** of FCI made the following submissions:

- a. The management representatives suggested that the criteria for the period recommended presently for three years should be taken and considered as five years.

- b. They further suggested that the Asnani Committee Report should be taken into consideration.
- c. The management representatives further submitted that they have the same views/criteria in relation to all states and there is no separate views in relation to different states.

In addition to the submissions made by the Workers Union mentioned in Item No. 6 following are the additional submissions made by the Unions in respect of the States of Punjab & Haryana.

All India Palledar (handling) Workers Federation (AITUC)/FCI WORKERS FEDERATION submitted that contract labour system should be abolished. **120 days** should be considered as as one criteria and should follow the criteria given by Iswari Prasad Committee Report. They further clarified that the direct payment system to the workers may be introduced in such FCI depots where actual work has taken place for **not less that 200 days in** each year during the last three consistently.

LAL GHANDA FCI Workers (Palledar) Union affiliated To CITU from Punjab had the same views.

Shri Palvir Singh, FCI Workers Union, representatives of Haryana also had the same views and criteria.

Item No. 8: Consideration of Question of abolition/otherwise of Contract Labour in FCI Depots/Godowns of FCI in the States of Andhra Pradesh, Tamil Nadu, Pondicherry, Karnataka, Maharashtra & Orissa.

The views of the management and the Workers Union are the same as mentioned in the previous agenda items.

Item No. 9: Consideration of Question of abolition/otherwise of Contract Labour in FCI Depots/Godowns of FCI in the States of Bihar, Assam, Sikkim, West Bengal, North Eastern States.

The views of the management and the Workers Union are the same as mentioned in the previous agenda items.

SUPPLEMENTARY AGENDA (Discussed on 22/2/2008)

Item No.1 Consideration of the request of the Grindlays Bank Employees Union, Mumbai for abolition of contract labour system in the establishment of Standard Chartered Bank Limited in its Branches in Mumbai.

The matter was deferred

Item No.2 Order dated 12th July, 2006 of the Hon'ble Supreme Court of India in Civil Appeal No.3741 of 2000 filed by M/s. Bharat Petroleum Corporation Vs. Union of India (S-16014/234/2000-LW)

It was placed in the 69th Meeting also. The report from Dy. CLC©, Mumbai under Rule 25(2) (v) (b) of C L(R&A) Central Rules, was placed before the Board. Dy. CLC(C), Mumbai was asked to provide a copy of the report to Shri R.G. Shetty, Secretary General, Petroleum employees Union. The management had no further comments to offer. The matter was deferred.

Item No. 3 Consideration of the request of Bharat Petroleum Workers Union, Thoothakudi for abolition of contract labour system the jobs/works of maintenance of loading & unloading operation cylinder handling, house keeping & cleaning, cylinder stay plate bend in the establishments of Bharat Petroleum Corporation Ltd, LPG Bottling Plant, Madurai Bye-Pass Road, Tuticurin, Tamil Nadu (S-/37/2005-LW) (S-16014/330/2001-LW)

It was placed in the 69th Meeting also. The report received from Dy. CLC(C), Chennai was placed before the Board. No one from the management and the Workers Union attended the meeting. The matter was deferred.

Item No. 4 Order dated 6.8.2001 of High Court of Mumbai in W.P. No.309/2000 – Anand Harishchandra Gaurv & Ors. Vs. IOC & Ors for abolition of contract labour system in OIC Mumbai.(S-16014/330/2001-LW)

The written submission dt. 27-09-2007 received from the Dy. CLC©, Mumbai was placed before the Board. No one from the management and the Workers Union attended the meeting. The matter was deferred.

Item No. 5 Consideration of the request of Mr. Manoujia Bharatiya Janata Maha Sangh, Maharashtra for abolition of contract labour in the job of Security Guard, Cylinder handling and House keeping in HPCL, Wardha Road, Nagpur.(S-16014/44/2004-LW)

It was placed in the 69th meeting also. The management, workers and Ministry of P & N G had been requested to arrive at a workable solution. No confirmation in this regard was received. No one from the management and the Workers Union attended the meeting. The matter was deferred.

Item No. 6 Consideration of the request of Shri Muniraj Singh Chauhan, Vill: Rangpuri, Mahipalpur, New Delhi for abolition of contract labour in the jobs of watch and guard in the establishment of Indian Oil Corporation Limited, World Trade Centre, Babar Road, New Delhi.(S-16014/25/2006-LW)

It was placed in the 69th meeting also. Neither the Management nor the workers attended this meeting. Hence, it was deferred.

Item No. 7 Consideration of the request of Prasanna Kumar for abolition of contract labour system in the jobs of maintenance of Mazdoor in the OIL India Limited, Duliajan, Assam. (S-16014/59/2004-LW)

It was placed in the 69th meeting also. No intimation was received regarding the understanding reached between the management and the workers. No one from the management and the Workers Union attended the meeting. The matter was deferred.

Item No. 8 Consideration of request of Ms. Godawari, Nangal Diary, Tyre Sole Company, Gurgaon Road, New Delhi and 9 others for abolition of contract labour in the jobs of maintenance of cleaning and sweeping in the establishment of Punjab National Bank, New Customs House, New Delhi(S-16014/27/2004-LW)

It was placed in the 69th meeting also. A copy of the report received from the Punjab National Bank whether or not they were registered under the Shops and Establishments Act was placed before the Board. No one from the management and the Workers Union attended the meeting. The matter was deferred.

Item No. 9 Consideration of request of Shri C. Palani, General Secretary, Customs & Central Excise Commissionerate Service Tax Daily Wages Workers Association, Bangalore for stopping of contract system in the establishment of Commissioner of Central Excise, Bangalore. (S-16014/37/2007-LW)

It was placed in the 69th meeting also. Since the management was not clear about certain aspects, the matter was deferred. A copy of the grievances of the Workers association for consideration for regularization the services of daily wages staff in customs, CE and ST

Commissionerates Karnataka, Bangalore was placed before the Board. No one from the management and the Workers Union attended the meeting. The matter was deferred.

Item No. 10 Consideration of request of Shri M.D. Akbar Ali, General Secretary, Custom and Central Excise Contingents Welfare Association – A.P, 9-3-104, Harijanbasti, Hasmathpet, Secunderabad for abolition of contract system in the jobs of sweeping and cleaning in the establishment of Commissioner of Central Excise, Hyderabad.

It was placed in the 69th meeting also. It was deferred. A letter was issued to commissioner Central Excise, Hyderabad, concerned Ministry and RLC, Hyderabad to furnish their submissions which is still awaited. The matter is placed before the Board. No one from the management and the Workers Union attended the meeting. The matter was deferred.

Item No. 11 Order dated 6.9.2001 in Civil Appeal No, 6287/2001 filed by Board of Trustees of JNPT Vs. Nhava Seva Kamgar Sangathana (Antargat) & Others in the Supreme Court against the orders passed by the Bombay High Court on 28.06.2000 and 26.07.2000 in Civil Appeal No.4380/2000 arising from Writ Petition No.1297/2000 ion the matter of Nhava Sheva Bandar Kamgar Sangathan Vs., Board of Trustees, JNPT and Others regarding review of notification dated 1.10.1999 prohibiting employment of contract labour in certain jobs in JNPT.(S-16014/319/2000-LW)

It was placed in the 69th meeting also. The matter was under discussion between the Workers Union and the Management. No intimation in this regard was received from them. No

one from the management and the Workers Union attended the meeting. The matter was deferred.

Item No. 12 Consideration of abolition of contract labour system in the jobs of bus operations in the establishment of Jawaharlal Nehru Port Trust, Nhava Sheva District Raigad, Maharashtra.(U-23013/02/2003-LW).U-23013/02/2003-LW)

It was placed in 69th Meeting also. The Board of Trustees, JNPT had been requested to explore the possibility of employment of workmen under the new contract on the expiry/termination of the existing contract. The management informed the Board that a clause has been incorporated in the tender document to give preference to the existing workers. No one from the Workers Union attended the meeting. The matter was deferred.

Item No. 13 Order dated 16.09.2005 in Writ Petition No.3971 of 1995 filed by Koyla Shramic Sangh, Distt. Korea, Chhattisgarh, Bilaspur Vs,. UOI and Others regarding prohibition of employment of contract labour, Payment of correct wages and other consequential benefits and social security like Mines Provident Fund, Gratuity, etc. in the establishment of South Eastern Coalfields Chirimari Area, District Korea (Chhattisgarh). (S-16014/`12/2006-LW)

It was placed in the 69th meeting also. It was again deferred.

Item No. 14 Consideration of the request of Shri Laxman Kumar Jena and 53 Ors for abolition of contract labour system in the jobs of sweeping and cleaning in the establishment of Coal India Limited, Kolkata.

It was placed in the 67th meeting also. The matter was sub-judice. No one from the management attended the meeting. The Workers Union requested for total abolition of the contract labour in view of the dismissal of the WP and Order by the High Court. The matter was deferred.

Item No. 15 Consideration of the request of Bokajan Cement Corporation Employees Union under section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 for abolition of contact labour system in various jobs/works in the establishments of Bokajan Cement Factory, Cement Corporation of India Ltd, Bokajan, Distt. Karbi Anglong, Assam. (S-16014/28/2004-LW)

It was placed in the 69th meeting also. The workers had not provided their details regarding the work force and work done by them. No one from the management and the Workers Union attended the meeting. The matter was deferred.

Item No. 16 Consideration of the request of Shri Promod Kumar and 16 others, Shri Shiv Kumar and 2 others and Shri Avdesh Kumar and 12 others for abolition of contract labour in the jobs/works of electrical maintenance in the establishment of Airport Authority of India.

It was placed in the 69th meeting also. A committee is being formed to look into the matter. This is in process. The matter was deferred.

Item No. 17 Consideration of the request for abolition of contract labour system in the jobs of operation and maintenance of AC Plants in the establishment of the Chief Engineer Military Engineering Service, Bhatinda Zone, Bhatinda Cantt. and Garrison Engineer (Utility) Bhatinda Military Station, Punjab.(S-16014/40/2007-LW)

It was placed in the 69th meeting also. The management had been requested to ensure the payment of wages by cheque. No one from the management and the Workers Union attended the meeting. The matter was deferred.

Item No. 18 Order dt 13-11-2000 of Hon`ble Calcutta H.C in Writ petition No. 17732/2000 filed by NBCC W. Union(Tikadar) and ors Vs. NBCC Ltd.,& Ors.

Dy. CLC (c) Kolkata had submitted the enquiry report that the contract workers have accepted employment and consequently their claim for abolition does not arise. No one from the management and the Workers Union attended the meeting. The matter was deferred.

Item No. 19 Consideration of the request of President, P.G.I. Employees Union, Chandigarh (Group B, C & D Employees) Chandigarh for

abolition of contract labour in various jobs in the establishment of P.G.I. Chandigarh.

The RLC, Chandigarh and Director PGMER had been requested to submit a report on this request of the workers which is still awaited. No one from the management and the Workers Union attended the meeting. The matter was deferred.

Item No. 20 Expediting submission of reports of Committees furnished by the Board.

It was seen that many committees had not submitted their reports. As a result, the decision/recommendation of the Board was pending. With a view to expediting the submission of these reports, the Secretary CALCB and the Section Officer would attend the meetings of the Committees and if required they would meet the member convener/members. The matter was deferred.

Item No. 21 Fixing date & venue of next meeting.

Practical problems had been experienced in fixing meetings at a short notice. Since elaborate agenda items are to be prepared and the members of the Board including Management, Workers Union and the administrative ministry had to be invited, it was proposed that in every meeting the date and venue of the next meeting may also be fixed. This would also provide sufficient time for making arrangements for the ticket, conveyance, accommodation etc. However, in emergent situations, the meeting may be held at a short notice. The Board agreed to this and decided to hold the next meeting in New Delhi during March, 2008 at a convenient date.

Item No. 22 Consideration of request of Shri J. George & 92 Others J.K. Niwas, Road No. 3, Chandrama Sadan Compound, Kandivli (East) Singh Estate, Mumbai-400101 for abolition of contract labour system in the jobs/works of commutation/transportation of passengers in the establishment of Airport Authority of India, Mumbai.

The matter was placed in the 69th Meeting. The management did not attend the meeting. However, its submissions were received much after the adjournment of the meeting. This will be placed before the Board in the next meeting. The Board also decided to issue specific instructions to Mumbai International Airport Private Limited (MIAL), to appear before the Board. The Workers Unions requested to **give job or give compensation** to the employees who lost their job due to contracting out the job to private agencies during the year 1998. They had been working from 1974 to 1998, who were ex-service men, employed by virtue of late Mrs. Indira Gandhi's decision. The matter was deferred.

ATTENDANCE SHEET

THE 71ST MEETING OF THE CENTRAL ADVISORY CONTRACT LABOUR BOARD HELD ON 21-22 FEBRUARY, 2008 IN CONFERENCE HALL, 6TH FLOOR: OIL AND NATURAL GAS COMMISSION: OFFICE OF EXECUTIVE DIRECTOR (WESTERN OFFSHORE BASIN): PRIYADARSHINI, RCF BUILDING: EASTERN EXPRESS HIGH WAY: MUMBAI-400022

Sl. No	Item No.	Name , Designation & Complete Address (In Capital Letter) Please	Phone No. & Fax No. With STD Codes
	1.	S.B. RAJU, CHAIRMAN 8-3-169/109, 2 ND FLOOR, SRINILAYAM SIDDARDAANAGAR, HYDERABAD-50038	MOB. 98481-35011, 9346565060 PHON. 040-23817817 FAX. 040-23817837 E-MAIL. drsbk_caclb@yahoo.com
	2.	P.S. PARMAR D-95, SECTOR II A P.O. KHETRI NAGAR (RAJ.)PIN-333504	MOB. 0941408311 PHON. 01593-22-313 FAX. 01593-220002 E-MAIL. Parmar-pritam@hotmail.com
	3.	DR. VIVEK MONTEIRO, SECRETARY, CITU MAHARSTRA STATE COMMITTEE, SANNGHARSH, QUARRY RAOD, BHAI DUP, MUMBAI 400018	MOB. 9869361602 PHON. 022-25940305, 25940251

FAX. 022-25940838

E-MAIL.

vivekmonteiro@yahoo.com

4. G.V.R. SARMA, ASST. GENL. SECRETARY, MOB. 9423103577
INMF (INTUC) 604, GIRIPETH
NAGPUR-440010 PHON. 0712-2522132 &
2540282 (6)
FAX.2220742

E-MAIL. kkmsoot@sisy.com
5. B.S PAWAR, DY CLC(c) MUMBAI 24051075
6. Shri B.A. Khan, Director M/o Labour & 23389081
Employment And Secretary, CACLB.
7. Shri Arun Kumar Saigal, Section Officer, 23389928
M/o L&E.

ATTENDANCE SHEET-(MANAGEMENT) FCI

THE 71ST MEETING OF THE CENTRAL ADVISORY CONTRACT LABOUR BOARD HELD ON 21-22 FEBRUARY, 2008 IN CONFERENCE HALL, 6TH FLOOR: OIL AND NATURAL GAS COMMISSION: OFFICE OF EXECUTIVE DIRECTOR (WESTERN OFFSHORE BASIN): PRIYADARSHINI, RCF BUILDING: EASTERN EXPRESS HIGH WAY: SION MUMBIA-400022

Item No.	Name , Designation & Complete Address (In Capital Letter) Please	Phone No. & Fax No. With STD Codes
1.	R. CHATURVEDI, GM (IR-L) FCI HQRS, 16.20, BARAKHAMBHA LANE NEW DELHI.	MOB. 9810222943 PHON. 23413705

FAX. 23414252

E-MAIL.
msala.fci@nic.in

2. TEJ SINGH, MANGER (IR-L) FCI HQRS NEW DELHI MOB. 09910785326
FAX-011-23414325
3. ANIL KAPOOR, AGM (IR-L), FCI HQRS NEW DELHI MOB. 9810442642
4. A.K. BHATTACHARYA, GM (IR-L) FCI, HQRS. MOB. 923156446
FAX. 3068-7079
5. DEEPAK SINGH, DGM (F&A), RO BHOPAL PH. 0755-2673402
6. D.K. SHUKLA AGM (ST & CONTRACT) RO, BHOPAL MOB. 9425037308
FAX. 2673407
PH. 0755-2673402
E-MAIL.
Srmnp.fci@nic.in
7. M.S.H Costa DGM (GUJ) FCI, RO, AHMADABAD MOB. 9830460936
mshcosta@yahoo.co.in
8. A.N. PILLOWAN AGM (IR-L) FCI, RO, AHMADABAD PH. 26753660
9. G.P. GUPTA MANGER (CONT) FCI RO. GOMTI NAGAR LUCKNOW. MOB. 9839477843
10. MOQUEET AKHTAR, A1 A2 SECTOR-24 AGM (IR) NOIDA ZONALA OFFICER, NOIDA PH. 0120-2411606

11.

M.S. SARNAG, AGM (IR-L) REGIONAL OFFICE, FCI SHIMAL (H.P) SECTOR-2 LANE-1 NEW SHIMLA (H.P)

0177-2672906

FAX. 2672904

12.

P.R. SHARMA, AGM (IR-L)FCI, RO, HARYANA, PUNCHKULA.

0172-2566554

13

MOHINDER PAL, M (IR-I) FCI RO. HARYANA, PANCHKULA.

-do- 0172

Fax. 2566496

14.

BERAMITA KR. DARH, MANAGER (IR-L) RO, FCI, BHUBANESWAR, ORRISA

9938511782

15.

ANIL B. CHAVAN , (C.L.I) ZONAL OFFICE CW FCI, MUMBAI-33 'E' SHED SEWRI COMPLES C/O REY ROAD RAILWAY STATION.

9869009562

16.

GANGESHWAR GOSAIN MANGER (IR-L) FCI RO. BAYS 34-38 SECTOR 31-A CHANDIGARH.

0172-2602545

17.

NIMMELE P.M AGM FCI MURMZI-BARIDRA ARANT KARISHKAR MARG BARDRA (E0 MUMBAI.

9820710154

18.

V.R. MALAGIMANI DGM (OPNI) FCI, RO. HYDERABD ANDRA PARADES.

040- 23244284

19.

M. TOLASIDAS DGM (IR-L) (CONT) ZONAL OFFICE (SOUTH) FCI CHENNAI.

044/28220164

20.

A. ALAGARSAMY AGM (IR-L) FOOD CORPORATION OF INDIA REGINAL OFFICE 124, GREAMS ROAD, CHENNAI-6

(O44) 28294487

21.

V.R. MALAGIMANAI DGM (OPNii) FOOD CORPORATION OF INDIA REGIONAL OFFICE HYDERABAD, A.P.

040 23244284

22.

M.V. VALSALA, DGM ® FOOD CORPORATION OF NDIA REGIONAL OFFICE,

080 26633398

9449597502

23.

D.P. GHOSH, CLI, FCI, RO (WB) 2, RAIPUR STREET, KOLKATA-16 S.B. RANA, MGR (CONT.) FCI, RO, (WB)

033-22656718

24.

M.A. RAZA, DGM ®,FCI, ARUNACHLA BUILDING, EXHIBITION ROAD, PATNA-4

9431822055

25.

S.P. SABALE DGM IR-L ZONAL OFFICE (W) DHURAJ ARMOR 2ND FLOOR BANLRA (E) MUMBAI.

9421038066

26.

P.C. KALITA CLI FCI, RO, GUWAHATI URUBARE, GUWAHAIT-7

0361 2510257

ATTENDANCE SHEET-WORKERS UNION FCI

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Item No.

Name , Designation & Complete Address (In Capital Letter) Please

Phone No. & Fax No. With STD Codes

1.

MURSHIDALAM ASSTT. SECRETARY FCI H- W.U, 8154, ARAKASAM ROAD

011-235406

098871269921

2.

MR. S.K. PASWAN JOINT SECRETARY FCI H-WU 8654, ARAKASAM &

DO

09910874181

3.

RAJESH KUMAR BHARTIA KHADY MAGDUR SHAHJAHNAPUR SANG (S.P.N) UP ADHAYKASH OF ATSALSA ROZADIRT

09839117121

www.rajeshituli.com

4.

SANDEEP S. TIWARI, ADVOCATE BHATIYA KHADY MAGDOOR SANGH (UP) SHAHJAHNAPUR, DEPOT. (UP) FLAD-250, BLOCK –IV ASHAP PUSP VIHAR, KAUSHAMBI, GAZIABAD-201010

9810833632

sandeepstiwari@yahoo.com

011-23782595

5.

SACHDEV D.L. SECRETARY AITUC 35-36 JJU MARG NEW DELHI.

9818120775

6.

LAL JHANDA, FCI, WORKERS & PALLEDAR UNION PB(C.I.T.U)

7.

HEAD OFFICE ,CHEEMA BHAWAN SECTOR-30-B CHANDIGARH POSTAL ADRESS- F.C.I.F.S

8.

11.

M.P. YADAV PRESIDENT FCI WORKERS UNION 98/1 DAIMENAL HARHAR ROAD, CALCUTTA-23 (W.B)

9433022210

12.

KEWAL SINGH

PRESIDENT FCI WORKERS UNION

9814300180

13.

KHASHI MOHAMAL, ASSTT. SECRETARY, FCI WORKERS UNION

9878119600

14.

M.L. SHARMA, FCI WORKERS UNION

9811130127

15.

N.C. BHAGAT, SAHUR VILLAGE

9818120775

16.

JAYA P. NAIR A-504 MAYOR TOWER MILITARY

9969182694

17.

A.R. KAMBLE B 5114 ASHOK CHAL ROAD JB.

9324829513

SAHNEWAL DISTT. LODIANA (PB) GEN. SECY. AMAR NATH KOOM KALAN

09815757066

9.

FCI WORKERS PALLEDM UNION AMLAH ROAD KLENN

10.

FCI WORKERS PALLEDDUE UNION TOHANA (HR)

item No.

Name , Designation & Complete Address (In Capital Letter) Please

Phone No. & Fax No. With STD Codes

1.

P.R. NERURKAR

2437098

2.

M.S. PUMSHITAMAN

2475029

3.

H. TANADIA

9825083816

4.

L.T. VAILY SR. MANAGER ER BPCL REFIONERY MUBIA-400074

MOB. 9820571241

FAX. 25542954

E-MAIL. Valiyltbp2.in

5.

S.K. SHARMA MANGER ER

9819001366

6.

S.K. KAUL, CHIEF MANGER I/C

27244067

7.

MANISHA JADHAW, DM(IR)

27244027, 98194994238

8.

R.R. SINGH , AM.

9892036885

9.

SH. S.K.C

10.

VILAS BHUJANG, GM (PER) AAI

09891924428

11.

R.C. SHETTY PETROLEUM EMPLOYEES UNION

9820797611

12.

KARIM CHAND ADVOCATE FOR THE EMPLOYEES

09831081822

13.

SHYAMAL ADLIKARY 12.C.L.S.ROAD CIL. GUEST KOLKATA-72

14.

GOPAL KRISHNA, SAIL CHARKOTO SAFALYA SOCIETY PLOT NO. 241318 SEC-3 CHANKOP KADIVALI (M)

28698309

15.

ARUM K. GAURI 5/3 GURU APPORAS OIDTHASN NAGAR JM ROAD BHANDAR- 78

2299458

16.

MADHUKAR,ANAT, SALURIKE J.PAUDO VIHAR CAVE-3/2 JP ROAD BHANDU UP-78

9221261747

17.

SAMBHAJI B KOLI SABLENAGAR KURLA (E) BOMBAY NO. 24

9869686588

18.

JAIWANT M. AYANT JAI SANTOSHI MATA NIWAS ROOM NO.3 LOKMANYA NAGAR BHAHP (W) 400078

25953365

9820318197

19.

SHAM S SAWANT KK VIRA DAUUOOSAN 2ND FLLOR ROOM NO 27 ASIFA VILLAGE CHATKAPUR BB. 86

20.

SHIV RAM N. SAWANT NAVJIWANN SOCITY VIKA PATEL NAGAR MN-44

21.

MAHENDAR SINGH A/6 SACHIN KUNJ SHIVRAM SINGH KARWAHU BHAUEYA 38

22.

APPARAO V. SINAMY SWUMY, HUSAS ANLARI MUMBAI 99

23.

SURAJ SINGH BHARAT NAGAR BANDRA MUMBIA MO51

9920485169

