

PETROLEUM EMPLOYEES UNION

Founder : **RAJA KULKARNI**
President : **K. H. DASTOOR**

(Regd. No. 1657)
AFFILIATED TO NFPW & INTUC

Email : peumumbai@yahoo.co.in

Website : www.petroleumemployeesunion.com



Date : 11.06.2026

To,
ED – Chief HR Services
Mumbai Regional Office, ONGC (W.O.U.)
NBP Green Heights, BKC, Mumbai.

Subject: Release of Gratuity, Pension, EL/HPL Encashment and Other Retirement Benefits to Retiring Direct Employees Without Imposition of Illegal Conditions.

Respected Sir,

The Union wishes to draw the attention of the management towards the serious hardship being faced by Direct Employees (DEs) who have rendered long years of service in ONGC since 01.04.1997 and who are now gradually retiring in phases.

It is a matter of grave concern that despite their continuous contribution to ONGC's operations and production for nearly three decades, retiring Direct Employees are being denied or subjected to prolonged delays in the release of their legitimate retirement benefits such as:

- 1. Gratuity**
- 2. Pensionary benefits**
- 3. EL/HPL Leave Encashment**
- 4. Other consequential retirement dues**

The Union understands that these benefits have not been extended on the pretext of pending litigation concerning the status and service conditions of Direct Employees. However, there is no legal justification for withholding statutory and retirement benefits that have accrued to employees after rendering long and uninterrupted service.

It has further come to our notice that retiring employees are being asked to furnish undertakings as a pre-condition for release of gratuity and other retirement benefits. A specimen undertaking presently being insisted upon requires employees to:

- Withdraw their names from pending cases before Courts, Tribunals or Authorities;
- Declare that they shall not pursue any future claims against ONGC;
- Undertake that receipt of gratuity shall not be cited in future proceedings as evidence regarding their employment status or entitlement to regularization.

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Office : TEL - RASAYAN BHAVAN, Tilak Road, Dadar (E.), Mumbai - 400 014.

The Union strongly objects to such a practice. Neither the Payment of Gratuity Act, 1972 nor any other applicable service rule prescribes withdrawal of pending cases or surrender of legal rights as a condition precedent for payment of gratuity, pension or leave encashment. Further, no Court, Tribunal or Authority has directed employees to relinquish their legal remedies in order to receive their lawful retirement dues.

The insistence upon such undertakings appears to place retired employees under financial compulsion at a vulnerable stage of life and effectively seeks to secure waiver of legal rights through economic pressure. Such a condition is arbitrary, unjust and contrary to the principles of natural justice.

In view of the above, the Union requests that:

1. **All pending gratuity claims of retiring Direct Employees be processed and released immediately without insisting upon any undertaking, declaration or withdrawal of legal proceedings.**
2. **Pensionary benefits and all consequential retirement benefits be sanctioned and released without delay.**
3. **EL/HPL Leave Encashment benefits be paid to all eligible retiring Direct Employees on the same basis as applicable to other employees.**
4. **No employee should be compelled to abandon, withdraw or compromise any pending legal proceedings for receiving statutory or retirement benefits.**
5. **Dearness Allowance (DA) Merger and Extension of Periodic DA Increases to Direct Employees**

The long-pending issue of Dearness Allowance (DA) merger, which has remained unresolved for several years despite repeated representations by the Union & individuals, requires immediate review and implementation. In addition, the periodic increases in DA announced from time to time are also not being extended to Direct Employees, resulting in continued financial disparity and denial of legitimate service benefits.

This will ensure that employees who have rendered long and dedicated service to ONGC are not further deprived of the benefits currently available to other categories of employees, as well as the consequential benefits accruing from their years of service.

6. **Medical assistance from ONGC Sahayog Trust be extended to Serving/Retired Direct Employees and their dependent family members, considering their advancing age, medical requirements and their ongoing financial vulnerability.**
7. **A comprehensive policy be formulated for settlement of all retirement dues of Direct Employees within a stipulated timeframe so that retiring workers are not compelled to approach judicial forums for obtaining their lawful entitlements.**

The Union firmly believes that employees who have devoted the prime years of their lives to ONGC deserve dignity, fairness and timely settlement of their retirement benefits. Any further delay in this regard would amount to continuing injustice to a category of workers who have served the organization faithfully for nearly three decades.

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We therefore request your immediate intervention and suitable directions for release of all retirement benefits to retiring Direct Employees & streamline the availment/encashment process for EL/HPL Leave Encashment etc without any conditions, coercive undertakings or delay.

Thanking you in anticipation.

Yours faithfully,


11/06/26
(Vaibhav M. Lavekar)
General Secretary

Enclosures : Relevant Office Orders & Documents for reference.

Copy to :

1. **EO to Director (HR)** – PDDU Bhavan, New Delhi
2. **ED – Chief ER**, PDDU Bhavan, New Delhi
3. **GGM (HR)** – In Charge HR-ER, ONGC Mumbai Regional Office, NBP GH, BKC, Mumbai.
4. **General Manager (HR)** – In-Charge (IR), ONGC (W.O.U.), NBP Green Heights, Mumbai.
5. **President GEA**, Tel Rasayan Bhavan, Dadar (E), Mumbai.

MOST URGENT

OIL AND NATURAL GAS CORPORATION LIMITED
MUMBAI REGIONAL BUSINESS CENTRE

2-A, Vasudhara Bhavan
Bandra (East)
Mumbai-400 051.

No. MRBC/TR/III(45)/2001

Dated February 06, 2001

OFFICE ORDER

Sub: MOU signed on 29.12.2000 and 09.01.2001 regarding contract workmen.

This is further to the Office Order of even number dated 31.1.2001 regarding the Memorandum of Understanding (MOU) signed before the Regional Labour Commissioner (Central), Mumbai, on 12.7.1995 for regulating the service conditions of full time contract workmen engaged by various contractors in the establishments of ONGC, MRBC at Mumbai, Panvel, Nhava, 12 VD and Uran was valid for the period from 01.04.1994 to 31.12.1997.

It has been clarified that the above Memorandum of Understanding shall be applicable to the erstwhile contract workmen who were treated as Direct Employees with effect from 01.4.1997 based on the orders of the Hon'ble High Court of Mumbai, also for the grades, i.e. unskilled/semiskilled in which they have been working.

Accordingly, Efforts should be made to ensure that the payment of wages/salary to these Direct Employees for the month of January 2001 is made at the revised rates as per the MOU and the arrears for the period from 1.1.1998 to 28.02.2001 is paid latest by first week of March 2001.

N.K. Bhatia
6/2/01

(N.K. Bhatia)

General Manager (F&A-HO)

Distribution:

1. Heads of Business Groups (OBG/DBG/TBG/E&C/ERG) / Institutes (IOGPT/TEOT/RT)
2. Heads of P&A of all work-centres (OBG/DBG/TBG/E&C/EBG/CE/NPP/Nhava/Panvel/
Uran/Helibase/T&S Office/IOGPT/TEOT/RT/Panvel Hospital)
3. Heads of F&A of all work-centres (OBG/DBG/TBG/E&C/EBG/CS/Nhava/Panvel/
Uran/Helibase)
4. GGM (F&A)/GGM (P)-Uran
5. DGM (L)-Nhava/DGM (Med.)-He / DGM (Med.)-Offshore DGM (Security)
6. ACMO-Panvel Hospital CM (Log.)-12 VD / SE (Elect.Maint.) / SE (Civil Maint.) / Sr.Fire
Officer.

FAX

OIL AND NATURAL GAS CORPORATION LTD.
MUMBAI REGIONAL BUSINESS CENTRE

2-A, Vasudhara Bhavan
Bandra (East)
Mumbai - 400 051

No. MRBC/IR/III(33)/Judgement/97

Date : July 18, 2000

OFFICE ORDER

Grant of Casual Leave and Medical Leave to the Direct Employees was under consideration of the management for the past few months.

It has now been decided to grant :-

- a) 10 days Casual Leave every calendar year effective from 01.01.2000 ; and
- b) 18 days Half Pay Leave on Medical grounds.

The Half Pay Leave account of every employees shall be credited with HPL in advance, in 2 (Two) installment of 9 days each on 1st day of January and July of every calendar year with effect from 01.01.2000.

During the period of HPL, The Direct Employees shall be entitled to leave salary equivalent to Half of Basic plus Variable Dearness Allowance.

It shall be open to an employee to convert, not more than half of the Half Pay Leave due to him into commuted leave, subject to the condition that :

- a) Leave is required on medical ground duly supported by a medical certificate issued by or counter signed by ONGC Medical Officer.
- b) Twice the amount of commuted leave granted is debited against the Half Pay Leave due to him.
- c) The Direct Employee shall be entitled to the same leave salary in respect of the period of commuted leave which he would have been entitled had he been on earned leave during the period.

This will be purely ad-hoc arrangement subject to decision of Hon'ble High court of Mumbai, in the matters of appeals pending before its, pertaining to Direct Employees.

This also supercedes DO No. MRBC/IR/III(33)/Judgement/97 dated 20.03.2000 regarding Grant of Casual Leave to Direct Employees.


For GR. GEN. MANAGER (P&A)

DISTRIBUTION :

All concerned as per standard mailing list.

1. Petroleum Employees Union.
2. General Employees Union.



OIL AND NATURAL GAS CORPORATION LIMITED
Regional Office

4th Floor, Exchange Plaza,
NSE Building,
Bandra - Kurla Complex,
Bandra (East), Mumbai - 51

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MR/IR/RO/2008

April 23, 2008,

Office Order

In amplification to Office Order No. MRBC/IR/ III (33)/Judgement/2000 dated December 22, 2000 - issued for streamlining the procedure for dealing with matters related to Direct Employees (treated as such as per orders of the Hon'ble High Court, Mumbai in Writ Petition No.2244/92, 401/96, and 1240/96), Para 2.D on Leave may be read as follows:

2. D Leave:

Direct employees shall be entitled to the following leave in a year of service:

- i) 10 days casual leave in a year.
- ii) 21 days paid leave
- iii) 18 days HPL on medical ground wherein it shall be open to an employee to convert, not more than half of the HPL due to him into commuted leave, subject to the condition that :
 - a) Leave is required on medical ground duly supported by a medical certificate issued by or counter signed by ONGC Medical officer
 - b) To submit Medical Fitness certificate on joining counter signed by ONGC Medical officer and duly approved by controlling officer
 - c) Twice the amount of HPL is debited against commuted leave granted to individual
 - d) The Direct employee shall be entitled to the same leave salary in respect of the period of commuted leave which would have been entitled to, had he been on earned leave during the period.

Paid leave and HPL shall be credited /carried forward to the account of the respective direct employees. As regards grant of leave, encashment thereof etc the same shall be dealt by the HR/ER of the concerned Asset/Basin/Service by maintaining individual file. Leave taken beyond admissible period shall be treated as leave without pay and deductions shall be made for the whole period of such absence including inter-fixing holidays, by dividing the monthly wages by the no. of days of absence.

This issues with the approval of the competent authority.

(A.K. Shah)

DGM (HR) /C IR RO

Distribution: As per standard mailing list

✓ CM - (I/E)
1/c RO

1. CM (HR) RO
2. No. Machh. Agrom. No. Katta

UNDERTAKING ON THE LETTERHEAD OF UNION

To

**Plant Manager
ONGC Uran Plant**

Sub: Undertaking in the matter of claim of gratuity
Ref: Case No. (If any) WP No.

Sir,

This is to bring to your notice that Shri was a Direct Employee from to as in ONGC, Uran Plant

He has filed application for payment of gratuity for the above said period in form under the Payment of Gratuity Act, 1972 for the above said period.

We as a Union request you to consider the claim application in the capacity of Principal Employer, on humanitarian and sympathetic grounds and release the amount of Gratuity for the said period

We assure you that the said worker has got his name deleted from all the claims cases against ONGC before the Industrial Tribunal or any Court or Authority and has also enclosed the order of CGIT Court establishing that his name has been deleted from CGIT Case No. WP No. seeking

We also affirm that he is not a party in any other case filed against ONGC.

We further undertake that we will not cite this instance of payment of gratuity as precedent in future before the Industrial Tribunal or any Court or Authority to establish that the concerned Contract was sham and bogus or that ONGC has treated the Direct Employees as regular Workmen of ONGC.

Request kindly do the needful for releasing the gratuity.

Yours faithfully,

President / General Secretary