PERMANENT ARBITRATION TRIBUNAL

VARIATION OF AWARD

R.N.561

Mr. H. Balgobin - President
Mr. M. Serret   - Member
Mr. H. Seebaluck - Member

Parties

C.E.B. Workers Union

and

C.E.B.

The Union has applied for a variation of the Award delivered by the Tribunal on the 30th December, 1996, as follows:

(1) That a reasonable salary structure be set up as proposed by the Union in Table D (Annex) in order to correct the existing disruption in relativities arising out of the implementation of the T.A.P Award for the Staff Grades, the conversion being based on the point to point principle.

(2) That a lump sum covering the period 1.7.90 to 31.12.94 equivalent to not less than twice the monthly salary of January 1995 be paid to all C.E.B employees irrespective of Grades in lieu and instead of the Rupees Ten Million already awarded to the CEBWU members.

(3) That daily replacement and acting allowances be re-introduced with effect from 01.01.1995 and

(4) that the passage credit be increased from 5% to 6% per annum.

The Tribunal has considered the evidence adduced as well as the submissions of Counsel.

The submissions of the Union are as follows:

Management agrees in so far as the passage benefit is concerned to place all employees on the same footing by granting a uniform rate of 6% of their annual salary as passage benefit, instead of the prevailing rates of 5% to manual workers and 6% to the staff.

In taking remedial action in respect of passage benefit, Management has implicitly recognised the need for treating all categories of workers in the same manner.

It is therefore submitted that the same reasoning should apply when dealing with the question of back pay for period 1.07.90 to 31.12.94.
The agreement reached with CEBWU should not be a bar to Management taking remedial action to correct a glaring anomaly.

The claim of the Union is therefore fully justified in that there should be uniformity of treatment for the back payment in respect of period 01.07.90 to 31.12.94 i.e. 2 months monthly salary.

As admitted by Management at Para. 14 of its statement of case dated 08.12.97, discussions for eliminating daily replacement and actingship allowances are still going on.

It is therefore unreasonable to deprive workers of the benefit of the said allowances before an acceptable alternative is agreed upon.

The Union therefore prays that until and unless an acceptable solution is worked out, daily replacement and acting allowances be restored.

In so far as salary structure is concerned, the Union wishes to stress that in accepting the MSD report, the Union, at page 2 of its statement of case dated 23.05.95 made it clear that "it would resist any disruption of the proposed MSD structure" as "any change either upward or downward with respect to any post in structure proposed by the MSD would amount to a total alteration of the relativities between the jobs as classified by the MSD".

In an introductory letter to its statement of case and summary of evidence dated 20.08.96 in the matter of

(i) Union of employees of CEB
(ii) CEB workers' Union
(iii) CEB Staff Association and Central Electricity Board

the Attorney of the Central Electricity Board wrote: "to put an end to a series of confusion and uncertainties dragging on since 1988, the parties were convinced that a comprehensive pay structure could only be obtained through a proper job evaluation based on a job analysis"

MSD Consultants were accordingly appointed to undertake the job evaluation and "all the parties agreed to this step and participated actively in the process."

MSD Consultants proceeded with a scientific job evaluation exercise and as was spelt in the letter referred to that exercise encompasses all the jobs.

At paragraph 5 of the Statement of Case and summary of Evidence management committed itself to the MSD report in the following terms: "However it would be but fair and reasonable to stress that the term "special status" cannot apply invariably to all categories of employees in the CEB. As a matter of fact, we should recall that the U.E.C.E.B and the C.E.B.W.U were the main exponents of the claim for special status and that the conclusion reached by Commissioners on this particular score can only apply logically to specific grades of employees who should work in strenuous conditions. Furthermore, 17 years after the Sidambaram Report had been published, the MSD consultants have come to give a concrete and real meaning to the term "special status" by re-assessing at higher level those jobs which are deserving of such status..............................After having invested in a job evaluation exercise at the Union's request and upon their insistence and given every opportunity to our social partners to participate therein, the CEB has no alternative but to stand by the MSD consultant's report".
At paragraph 6.2.1 of the report of the MSD Consultants it is stated that "the aim of the job evaluation is to design a pay structure into which jobs can be correctly graded on the basis of their relative value to the organisation.

MSD is of view that it is important that the skills of technical staff be upgraded.

MSD consultants consequently propose salary scales which enhance the status of the Tradesman and Technicians, while ensuring that "jobs of equal value are in the same pay level.

The Union agreed to the implementation of the report of the MSD Consultants on the understanding that the relativities established in the MSD structure would not be disrupted.

The Award of the Tribunal dated 23.04.97, as can be seen from table C, has significantly disrupted the MSD Structure, whereby the relative enhancement extended to technical workers has been taken away.

Following the Tribunal's award dated 23.04.97 the Top Management complained about the disruption of the relativities established by MSD, and at a conciliatory meeting on that issue arranged by the Ministry of Labour and Industrial Relations on 10th November 1997, an agreement was reached whereby the Top Management received, in lieu of the MSD report, and with effect from 01.01.96, an interim increase of 20% of their then gross basic salary.

It is therefore submitted by the Union that justice be done to the Technicians and related manual grades by restoring the relativities established by the MSD Consultants.

It is in this context that the Union claims that Award No.335 dated 30.12.96 has to be varied in such a way as to include the element of enhancement and the ensuing relativities established by the MSD Consultants.

The Union moves that a new salary structure be awarded as per Document D of the Statement of Case of the Union.

Counsel for the respondent has submitted as follows:

1. The CEB Workers' Union's application may be summarised as follows:

(a) Revision of the salary structure as contained in the Tribunal Award (RN 334 and RN335).
(b) Payment of compensation equivalent to 2 months' salary instead of the lump sum of Rs10 m.
(c) Reinstatement of acting allowances and daily replacement allowance.
(d) Revision of passage benefits from 5 per cent to 6 per cent of annual basic salary.

2. The CEB's stand is as follows:

Request of a payment of 2 months' salary as lump sum instead of Rs10m.

The Rs 10m already paid to the manual grades and the pensioners forms part of a package. An equal amount was originally proposed through the Tribunal to the Staff Grades, the object being to afford every employee a proportion of the lump sum in relation to the salary drawn by him. The CEB Staff Association rejected the Board's offer and the Tribunal advocated a lump sum equivalent to two months salary for the staff grades as part of package. The Board implemented the Award in its entirety.
3. The request of a new Wage Structure.

   The Board submits that any new revision of salaries, if any, should take effect as from 1st July 1996.

   It is also submitted that this issue be dealt with by the Salary Commission/Committee.

4. The re-introduction of the daily replacement and acting ship allowance (CEBWU)

   The Board shall propose new modalities relating to this issue to the Union.

5. Passage Credit to be increased from 5% to 6% (CEBWU)

   The Board has already given its approval to this request.

Dispute 1

   The Tribunal is aware that a Salary Commission is about to be set up. It would be pointless to determine new Salary Structures. The only manner for correcting the present anomaly following the extension of the CSAT award to the staff is by varying the original award in the same manner as in UECEB and CEB.

   The Tribunal shall therefore accept to vary the original award as follows:

   The recommended wages of the classification Table of Posts and Salary Structure should be adjusted by a 10% increase.

   The Tribunal awards accordingly.

Dispute 2

   The Tribunal in the CEBSA awards decided to grant 2 months' salary instead of the proposed Rs 10 m.

   The Tribunal feels therefore that it is logical and obvious that the original award be varied by awarding instead for period 1.7.90 to 31.12.94 a lump sum equivalent to twice the monthly salary of December 1994.

   The Tribunal awards accordingly.

Dispute 3

   This matter should be left to the proposed Salary Commission. The Tribunal awards accordingly.
Dispute 4

Agreement has been reached. This item is set aside. The Tribunal awards accordingly.

(H. Balgobin)
President

(M. Serret)
Member

(H. Seebaluck)
Member

20th July, 1998