

**BHARAT PETROLEUM CORPORATION LIMITED
(DETERMINATION OF CONDITIONS OF SERVICE OF POST-
NATIONALISATION REFINERY EMPLOYEES) SCHEME, 1989**

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SCHEDULE 3 :- SCHEDULE

**BHARAT PETROLEUM CORPORATION LIMITED
(DETERMINATION OF CONDITIONS OF SERVICE OF POST-
NATIONALISATION REFINERY EMPLOYEES) SCHEME, 1989**

G.S.R. 495 (E), dated 28th April, 1989.- In exercise of the powers conferred under sub-section (1) of Sec. 3 of the Bharat Petroleum Corporation Limited (Determination of Conditions of Service of Employees) Act, 1988 (44 of 1988), the Central Government, on being satisfied that for purpose of making the conditions of service of the officers and employees of the Corporation comparable with

the conditions of service of the officers and employees of other Public Sector Companies, it is necessary so to do, hereby frames the following Scheme, namely: Doctrine of implied repeal.- The doctrine of implied repeal is based on the postulate, the Legislature which is presumed to know the existing state of the law did not intend to create any confusion by retaining conflicting provisions. Court in applying this doctrine are supposed merely to give effect to the legislative intent by examining the object and scope of the two enactments. But in a conceivable case, the very existence of two provisions may by itself, and without more, lead to an inference of mutual irreconcilability if the later set of provisions is by itself a complete code with respect to the same matter. In such a case the actual detailed comparison of the two sets of provisions may not be necessary. It is a matter of legislative intent that the two sets of provisions were not expected to be applied simultaneously.³

1. Short title and commencement :-

With effect from the 1st day of January, 1988, the Wage Scales applicable to the employees shall be as follows : Grades:

1. Rs. 915-11-1047-15-1167-17-1303.
2. Rs. 945-13-1075-15-1195-17-1331.
3. Rs. 990-15-1140-17-1310-19-1443.
4. Rs. 1060-17-1230-19-1325-21-1472.
5. Rs. 1130-23-1268-25-1393-27-1555-29-1700.
6. Rs. 1230-30-1440-35-1650-40-1850.
7. Rs. 1280-40-1520-45-1790-50-2090.

NOTE.-The Wage Scales are consolidated at All India Consumer Price Index Number 608 published by Labour Bureau, Simla(1960-100).

1 \ Short title and commencement

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(1) This scheme may be called the Bharat Petroleum Corporation Limited (Determination of Conditions of Service of Post-nationalisation Refinery Employees) Scheme, 1989.

(2) The provisions of this scheme shall be deemed to have come

into force, on and from the 24th day of January, 1976.

2. Definitions :-

The employees who are on the pay roll of the Corporation on the date of notification of this Scheme shall be entitled to the Fitment Benefit of Rs. 125/- per month.

2 \Definitions

. . - In these rules, unless the context otherwise requires :

(d) "Schedule" means a Schedule appended to this scheme.

3. Application :-

(b) Employees who have joined the Corporation's service on or after the 1st day of January, 1988 upto the date of Notification shall be fitted, from the date of joining, at the minimum of the Grades applicable to them.

(c) The employees who have joined the Corporation's service after the date of the notification of the Scheme, shall be fitted in the appropriate Wage Scales on point-to- point basis.

3 \Application

. . - The provisions of this scheme shall apply to all clerical employees and labour employees who have joined the Refinery of the Corporation on or after 24th day of January, 1976 (hereinafter referred to as "the employee").

4. Conditions of service :-

(A) Fixed Dearness Allowance.-With effect from the 1st day of January, 1988, all eligible employees shall be paid Fixed Deameess Allowance at the rate of Rs. 100/- per month.

(C) Variable Dearness Allowance.-With effect from the 1st day of January, 1988, all eligible employees shall be paid Variable Dearness Allowance, linked to All India Price Index Number (1960=100) Series. For any increase or decrease in quarterly average of Consumer Price Index by a full point. Variable Dearness allowance shall be increased or decreased at the rate of Rs. 1.65 per point beyond All India Consumer Price Index No. 608.

Explanation.-For purposes of this sub-clause. Quarterly average of Consumer Price Index Number shall be computed as follows : For Variable Dearness Allowance payable for the first quarter of any year, average of Consumer Price Index Numbers for the months of

September, October and November of the preceding year shall be taken into account. Similarly, for Variable Dearness Allowance payable in the Second Quarter of any year, the average of Consumer Price Index Numbers for the month of December of the preceding year and January and February of the current year shall be taken into account. The Variable Dearness Allowance payable for subsequent quarters shall also be worked out on similar basis.

(D) In case Government of India revises its policy on neutralisation per point variation in Consumer Price Index Number in the Public Sector Undertakings, where the rate of Rs. 1.65 per point applies at present, the revised rate shall be made applicable to the employees covered by this Scheme from the date the said change becomes effective.

4 \ Conditions of service

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(2) Subject to the provisions of paragraph 5 of this scheme, the Corporation shall grant such benefit to every employee, as is applicable to him in accordance with sub- paragraph (1) above, depending upon the period of his employment in the Corporation.

Explanation.- For the purpose of calculation of such benefit, wages of the employee alongwith other benefits which were extended to him prior to the date of publication of this scheme in the Official Gazette shall be taken into account: Provided that where an employee has received emoluments more than the amount due to him in accordance with sub-paragraph (1) above, the Corporation shall have the right to recover such excess amount.

5. Computation of arrears :-

With effect from the 1st day of January, 1988, House Rent Allowance to eligible employees shall be payable on the following basis :

(i) In the case of employees who do not produce rent receipt. House Rent Allowance shall be paid at the rate of 30 per cent. of the basic salary or Rs. 1000/- per month whichever is less.

(iii) House Rent Allowance shall not be paid to the employees occupying Corporation owned/leased accommodation for which deductions on account of occupancy charges at 10 per cent. of basic salary shall be made from the date such Corporation owned or

leased accommodation is occupied by the employee.

(iv) House Rent Allowance shall not be paid for periods of absence on loss of pay.

(v) House Rent Allowance shall not be considered for contribution to Provident Fund or for the purposes of retirement benefits or for bonus/ex gratia or for any allowances whatsoever.

5 \Computation of arrears

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(2) Where an employee has received for any period an amount in excess of the amount computed in accordance with paragraph 4, the Corporation shall have the right to recover such excess amount from the amount of arrears payable to the employee.

6. Time limit for the payment of arrears :-

(a) With effect from the 1st day of January, 1988, City Compensatory Allowance shall be paid to eligible employees at the rate of 8% of basic salary subject to a maximum of Rs. 100/- per month.

(b) City Compensatory Allowance shall not be paid for periods of absence on loss of pay.

(c) City Compensatory Allowance shall not be considered for calculation of House Rent Allowance, contribution to Provident Fund or for the purposes of retirement benefits or for any bonus/ex gratia or for any allowance whatsoever.

6 \Time limit for the payment of arrears

..- The Corporation shall make the payment of arrears in accordance with paragraph 4 within six months from the date of publication of this scheme.

7. Categorisation of employees :-

With effect from the 1st day of January, 1988, all eligible employees working in two shifts rota or three shifts rota shall be eligible for Shift Allowance at the rate of Rs. 4/- per shift worked.

7 \Categorisation of employees

..- There shall be seven grades for the Clerical Employees and Labour Employees of the Corporation who are governed under the scheme, as set out in the Third Schedule.

8. General :-

With effect from the 1st day of January, 1988, Transport Allowance shall be paid to eligible employees as follows

(a) In respect of employees who do not own Scooter/Motor Cycle/Moped, at the rate of Rs. 50/- per month.

{b) In respect of employees who own Scooter/Motor Cycle, at the rate of Rs. 150/- per month.

(c) In respect of employees who own Mopeds, at the rate of Rs. 100/- per month.

(d) For eligibility of payment of Transport Allowance as per Cl. 8(b) and 8(c) above, individual employees shall produce proof of ownership of vehicle as on 1st January, 1988 to the Officer of the Corporation as may be notified by the Corporation.

(e) In the event of acquisition of the vehicle by employees later than 1st January, 1988, Transport Allowance as per Cl. 8(b) or 8(c) shall commence from the first day of the month after acquisition of vehicle. In such case also, individual employee shall produce proof of ownership to the Officer of the Corporation as may be notified by the Corporation.

(f) Transport Allowance shall not be paid for periods of absence on loss of pay exceeding 10 continuous days,

8 \ General

. .- Subject to the condition that there shall be no retrenchment of any employee, the Corporation shall undertake such steps as may be necessary for increasing productivity by way of work-simplification, reallocation of work, redeployment of employees, installation of improved and more efficient equipment, closure of unproductive units, relocation of establishments or part thereof, relocation of plants and machinery or introduction of new lines of production and manufacture.

9. Transfers :-

With effect from the 1st day of January, 1988, all confirmed employees shall be entitled to Leave Fare Assistance once in every calendar year as provided hereunder: Length of Service Amount

(i) Upto 3 years Rs. 900/-

(ii) Above 3 years and upto 7 years Rs. 1000/-

(iii) Above 7 years and upto 11 years Rs. 1150/-

(iv) Above 11 years and upto 19 years Rs. 1300/-

(v) Above 19 years Rs. 1400/-

9 \Transfers

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(i) The Corporation shall be entitled to transfer employee from one unit to another unit in the same Department or from one Department to another Department in the same establishment of the Corporation.

(ii) An employee of the Corporation may be transferred from one establishment of the Corporation to another establishment in the interest of increasing productivity of the Corporation.

10. Interpretation :-

(a) With effect from the 1st day of January, 1988, employees who have school/college going children shall be eligible for Education Allowance at the rate of Rs. 25/- per month per child, subject to maximum for two children.

(b) A Declaration of school/college going children shall be furnished by individual employees to the Officer of the Corporation, as may be notified by the Corporation.

10 \Interpretation

. - If any question arises as to the interpretation of this scheme, the decision of the Central Government thereon shall be final.

11. 11 :-

(b) Existing procedures in respect of acting in higher grades shall continue.

(c) Acting Allowance shall not be taken into consideration for calculation of Overtime, Ex gratia. Provident Fund, C.C.A., H.R.A., and/or any other benefits including retirement benefits.

11 \11

. All other conditions of service of employees which are not specifically covered by this scheme shall continue to be applicable.

SCHEDULE 1

SCHEDULE

1. Wage Scales :-

- 2. Fixation of salary :-**
 - 3. Dearness Allowance :-**
 - 4. House Rent Allowance :-**
 - 5. City Compensatory Allowance :-**
 - 6. Shift Allowance :-**
 - 7. Transport Allowance :-**
 - 8. Washing Allowance :-**
 - 9. Leave Fare Assistance :-**
 - 10. Leave :-**
 - 11. Working Hours :-**
 - 12. Provident Fund :-**
 - 13. Gratuity :-**
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- 13. Gratuity :-**

SCHEDULE 2

Conditions of service with effect from the 1st day of January, 1988

- 1. Wage Scales :-**
- 2. Fitment Benefit :-**
- 3. Fixation of salary :-**
- 4. Dearness Allowance :-**
- 5. House Rent Allowance :-**
- 6. City Compensatory Allowance :-**
- 7. Shift Allowance :-**
- 8. Transport Allowance :-**
- 9. Leave Fare Assistance :-**
- 10. Education Allowance :-**
- 11. Acting Allowance :-**
- 12. Bhatta :-**
- 13. Reimbursement of Medical Expenses :-**
- 14. Leave :-**
- 15. Working Hours :-**

16. Provident Fund :-

17. Gratuity :-

18. Retirement Age :-

SCHEDULE 3

SCHEDULE

(See paragraph 7) GRADES CLASSIFICATION OF JOBS Grade 1 General Operative Sanitation Workmen Grade 2 Security Watchman General Operative (Office) General Operative (Field) Grade 3 General Operative (Drum Plant) General Operative (INLN) General Operative (Stacker) General Operative (Locomotives) Driver Havildar Grade 4 Leading Hand General Operative (Fork Lift) Driver Grade 5 Clerk-cum-Typist Clerk-cum-Typist-Pool Refinery Craftsman Security Jamadar Fire Operator Utility Operator Process Technician Laboratory Analyst Driver Grade 6 Accounts Clerk General Office Clerk IR Office Clerk Training Centre Clerk Materials Clerk Secretary Male Nurse/Female Nurse Project Clerk Operations Clerk