ANNUAL REPORT | 2019

BANGLADESH EMPLOYERS' FEDERATION

Bangladesh Employers' Federation

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OFFICE-BEARERS AS IN DECEMBER 2019

PRESIDENT

Mr. Kamran T. Rahman

VICE-PRESIDENT

Mr. Habibullah N. Karim

Ordinary Members: (In alphabetical order)

Mr. Tahmid Ahmed
Ms. Tahsinah Ahmed
Mr. Tanvir Ahmed
Mr. Syed Tareque Md. Ali
Ms. Shusmita Anis
Mr. Selim Chowdhury
Mr. Syed Tanvir Husain
Mr. Kh. Asadul Islam
Ms. Vidiya Amrit Khan
Mr. Sakif Ariff Tabani

Group Members: (In alphabetical order)

Mr. M. Shah Alam
Mr. Shahid Alam
Mr. Fazlee Shamim Ehsan
Mr. Md. Munir Hossain
Mr. Zahirul Islam (Rinku)
Mr. Kedar Lele
Mr. Md. Zahid Miah
Mr. Mohammed Mahbubur Rahman Patwari

SECRETARY-GENERAL

Mr. Farooq Ahmed

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ANNUAL GENERAL MEETING :

IMPROTANT COURT CASES ON LABOUR MATTERS

STATISTICS:

LIST OF PAST PRESIDENTS

Year	President Name
1998-1999	Mrs. Rokia A. Rahman
1999-2000	Mr. A. S. M. Quasem
2000-2001	Mr. A. S. M. Quasem
2001-2002	Dr. Sarwar Ali
2002-2003	Mr. Iftekharul Alam
2003-2004	Mr. M. Anis Ud Dowla
2004-2005	Mr. M. Anis Ud Dowla
2005-2006	Mr. Syed Manzur Elahi
2006-2007	Mr. Syed Manzur Elahi
2007-2008	Mr. Kamran T. Rahman
2008-2009	Mr. Kamran T. Rahman
2009-2010	Mrs. Rokia A. Rahman
2010-2011	Mrs. Rokia A. Rahman
2011-2012	Mr. Md. Fazlul Hoque
2012-2013	Mr. Md. Fazlul Hoque
2013-2014	Mr. Tapan Chowdhury
2014-2015	Mr. Tapan Chowdhury
2015-2016	Mr. Salahuddin Kasem Khan
2016-2017	Mr. Salahuddin Kasem Khan
2017-2018	Mr. Kamran T. Rahman
2018-2019	Mr. Kamran T. Rahman
2019-2020	Mr. Kamran T. Rahman

PROCEEDINGS OF THE 22ND AGM OF BANGLADESH EMPLOYERS' FEDERATION (BEF) HELD ON WEDNESDAY, 29 JULY, 2020 AT 03:30 PM OVER ZOOM

Mr. Kamran T. Rahman, President of the Federation was in the Chair.

The following members of the federation attended the AGM.

Ordinary Members & Group Members

Sl. No.	Organization	Name and Designation
01.	ACI Formulations Limited	Ms. Shusmita Anis Managing Director
02.	Bangladesh Jute Mills Association	Mr. Mohammed Mahbubur Rahman Patwari Executive Committee Member
03.	Bangladesh Knitwear Manufacturers & Exporters Association (BKMEA)	Mr. Fazlee Shamim Ehsan Director
04.	Bangladeshiyo Cha Sangsad (Bangladesh Tea Association)	Mr. M. Shah Alam Chairman Dr. Kazi Muzafar Ahammed Secretary
05.	Bangladesh Petroleum Tanker Owners' Association (BPTOA)	Mr. K. M. Zaman Romel President
06.	Banglalink Digital Communications Ltd.	Mr. Md. Mahbub Islam Head of Industrial Relations
07.	Bengal Glass Works Ltd., The	Mr. Tahmid Ahmed Director Mr. Khandaker Gyasuddin Executive Director (Admin.)
08.	Chaldal Limited	Mr. Waseem Alim Managing Director
09.	Desh Garments Ltd.	Ms. Vidiya Amrit Khan Deputy Managing Director

Sl. No.	Organization	Name and Designation
10.	Dohatec New Media	Mrs. Luna Shamsuddoha Chairman
11.	Duncan Products Limited	Mr. Imran Ahmed Managing Director
12.	Envoy Garments Limited	Mr. Tanvir Ahmed Director
13.	Envoy Textiles Limited (ETL)	Mr. Tanvir Ahmed Director
14.	E-Zone HRM Ltd.	Mr. Md. Mominul Ahsan Managing Director
15.	Foreign Investors' Chamber of Commerce and Industry (FICCI)	Mr. M. H. M. Fairoz Executive Committee Member
16.	Green Textile Limited	Mr. Tanvir Ahmed Managing Director
17.	Grameenphone Ltd.	Mr. Syed Tanvir Husain Chief Human Resources Officer
18.	G4S Secure Solutions Bangladesh (P) Ltd.	Mr. Suranjit Dhar Chief Financial Officer
19.	International Beverages Private Ltd.	Mr. Kazi Mohammad Arif Moin Uddin Head of HR
20.	Industry Skills Council for Tourism & Hospitality	Dr. Rubina Husain Farouq Secretary-General
21.	Kapna Tea Company Limited, The	Mr. Kamran T. Rahman Managing Director
22.	Leathergoods and Footwear Manufacturers Association of Bangladesh (LFMEAB)	Ms. Kazi Roushan Ara Executive Director
23.	Lungla (Sylhet) Tea Company Limited, The	Mr. Imran Ahmed Managing Director
24.	Lub-rref (Bangladesh) Limited	Mr. Md. Salauddin Yousuf Director

Sl. No.	Organization	Name and Designation
25.	Micro Industries Development Assistance and Services (MIDAS)	Dr. A.S.M. Mashi-Ur-Rahman Managing Director
26.	Pubali Jute Mills Limited	Mr. Kamran T. Rahman Chairman & Managing Director
27.	Sheltech (Pvt.) Ltd.	Mr. Tanvir Ahmed Managing Director
28.	Sheltech Ceramics Limited	Mr. Tanvir Ahmed Managing Director
29.	Singer Bangladesh Limited	Mr. M. H. M. Fairoz Managing Director
30.	Softex Sweater Industries (Pvt) Ltd.	Mr. Md. Rezwan Selim Managing Director
31.	Square Fashions Limited	Mr. Tapan Chowdhury Managing Director Mr. Anjan Kumar Paul General Manager- HR
32.	Square Pharmaceuticals Ltd.	Mr. Tapan Chowdhury Managing Director Mr. Anjan Kumar Paul General Manager- HR
33.	Square Textiles Limited	Mr. Tapan Chowdhury Chairman Mr. Anjan Kumar Paul General Manager- HR
34.	Square Toiletries Limited	Mr. Anjan Kumar Paul General Manager- HR
35.	Technohaven Company Ltd.	Mr. Habibullah N. Karim Managing Director & CEO
36.	Unilever Bangladesh Limited	Ms. Sakshi Handa Human Resources Director

Sl. No.	Organization	Name and Designation
37.	Underprivileged Children's Educational Programs (UCEP) Bangladesh	Ms. Tahsinah Ahmed Executive Director
38.	Vision Technologies Limited	Mr. Anjan Kumar Paul General Manager- HR
39.	Women Entrepreneurs' Association, Bangladesh	Dr. Rubina Husain Farouq First Vice President

There being a quorum, The Chair called the meeting to order.

At the outset, the Chair took the opportunity to remember the great souls among the members and their nearer and dearer ones who passed away during this pandemic and prayed for the salvation of the departed souls.

The Chair stated that the notice for the AGM (which had been sent out to the members along with other enclosures like the annual report, audited accounts, etc., be taken as read. Since there was no disagreement, the notice and the relevant enclosures were taken as read.

Before taking up the formal agenda of the AGM, the Chairman apprised the members of some of the important events and activities of the Federation that took place during the period, January – June 2020, which were not covered in the annual report.

The Chair started stating that over the last six months, the deadly novel corona virus had completely changed the entire situation in the global business as well as the social eco-systems. With the virus still around, the economy would take time to recover. Unfortunately, the ever glorious event "Mujib Borsho" could not be celebrated in a befitting manner due to the pandemic. He hoped that the nation would be able to celebrate the golden jubilee in 2021 remembering Bangladesh's success in socio-economic and human development. At the same time, Bangladesh was on the path of graduation from the status of a Least Developed Country by 2024. The strong aspiration was still the same that the LDC graduation process would remain unaffected despite severe disruption due to COVID-19 pandemic and the recovery would be 'V' shaped though many views existed on the shape of recovery. A major economic shift was expected, so there was a need for being cautious about addressing the current and future industrial challenges such as, upskilling and re-skilling the labor force, employment and re-employment, capacity building to adopt the technological changes, good governance and many more issues. In order to meet these challenges and maintain a steady growth of the industry, it was imperative to have fruitful dialogues, hold effective training programs, formulate, enact and reform laws, rules and policies as and when necessary, and maintain strong industrial relations nationally, regionally and internationally.

The Chair added that BEF had been working relentlessly to protect the rights and interests of employers in an effective manner by promoting peace and harmony at the workplace and responsible business along the way. Now, more than ever, in a fast changing global scenario, the nation needed to keep on working together diligently to rise up to the new challenges in a timely and efficient manner to achieve long-term sustainable development for Bangladesh.

The Chair then mentioned that BEF had always maintained cordial relations with the government. As a result, BEF had regularly been involved with the government on various issues like reviewing Labor Rules, representing employers' in the high level government committees and so on.

BEF had been actively participating in conferences, seminars, workshops and symposiums locally, regionally and internationally raising voices for the employers when and where it was required.

BEF had a meeting with Plan international in early 2020 to discuss a possible partnership to undertake a joint program on Responsible Business Conduct (Business and Human Rights). The Plan International had expressed its keenness to support BEF on promoting responsible business conduct across various industrial sectors under the proposed "Regulatory Affairs and Compliance Facilitation Cell" to be set up in BEF in near future.

Then the Chair spoke about a lunch meeting with the national level trade union and workers' federation leaders on 22 January 2020 organized by the Federation at the Chamber building. The lunch was hosted as a goodwill gesture of BEF at the beginning of the year and was arranged keeping the spirit of "Mujib Borsho". It was attended by over 50 national level trade union leaders along with BEF's former Presidents and few Committee members. It was appreciated by the worker leaders and appeared to be immensely beneficial in fostering industrial relations in the country. BEF had organized similar luncheon meeting in the past but not on a regular basis. Experiencing the warmth and appreciation, BEF Committee unanimously agreed to make similar event as an annual one, where the employers and the worker leaders could share a common platform to express their mind as well as raise pertinent issues for mutual consultation.

The Chair then mentioned a meeting of BEF with a team of Bangladesh Institute of Management (BIM) led by Dr. Parveen Ahmed on starting a Post Graduate Diploma Course regarding Supply Chain. BIM requested BEF for industry collaboration while designing course curricula for the post graduate course in supply chain management. The Federation appreciated the initiative of BIM and welcomed the idea. Both BEF and BIM agreed to have such interactions which would benefit in addressing the industry needs and reduce the existing skills mismatch among the potential job seekers. In addition, BEF also assured to render all possible assistance while running the course by BIM. The following two major issues were agreed upon by BEF to support the post graduate supply chain management course:

a. Help BIM organize industry visit by the participating students; and

b. Organize mentorship program/ lectures by business leaders for the benefits of the participants to get a clear industry perspective.

The Federation developed a concept note which had already been submitted to the Bangladesh Technical Education Board (BTEB) for subsequent endorsement as well as to move forward in preparing modules and other curricula on developing soft skills across all the industrial sectors in Bangladesh.

The concept note included developing competency standards (CS) and competency based learning materials (CBLM), competency based assessment tools (CBAT) etc., for developing soft skills for various industrial sectors in Bangladesh. There would be three major components of the curricula:

a. CS, CBLM and CBAT on Labour Law, Rules, Legal aspects etc.;
b. CS, CBLM and CBAT on Compliance Related Issues; and
c. CS, CBLM and CBAT on Responsible Business Conduct;

It was at the final stage of getting BTEB's approval to roll out the activities according to the concept note.

On 08 March 2020, BEF organized a discussion among relevant industry stakeholders to discuss the potential impact of COVID-19 as well as the European Union's (EU's) response on Bangladesh's Roadmap on Labour Rights and other associated issues. The discussion was initiated by BEF to assess the impact of COVID-19 as imports of raw materials were being seriously affected due to having the pandemic in China which was affecting the export to USA and EU markets. In addition, EU has sent its observation on the Bangladesh's road map in addressing labour rights and associated issues. The following issues came up in the discussion:

i. Health issue;
ii. Supply chain disruption ;
iii. Cancelation or pushing back of orders by buyers especially in RMG sector;
iv. Unemployment/layoffs;
v. Payment of wages, bonuses and other fixed operational costs at factory level;
vi. Payment of bank loan installments by employers to respective banks; and
vii. Restoration of operation and supply chain – timeline.

About the EU observations on labour rights and standards, it was expected that under the current circumstances, the EU might not create additional burden by pushing labour rights issues forward where survival of the factories were at question due to severe impact of Coronavirus. Thereafter, the Labor Secretary and the Minister of Commerce have also been apprised of the issues discussed.

Then the Chair mentioned that BEF compiled a guidelines taking reference from World Health Organization (WHO), International Labour Organization (ILO), and Ministry of Health, Bangladesh on practicing and developing certain habits to prevent the workers/employees from being infected with Coronavirus like washing hands, using facial masks, social distancing etc. Since the pandemic was new to Bangladesh, therefore, the guidelines which was published through a handy booklet and circulated among various member-firms of BEF, was immensely beneficial especially for workers and supervisors since the booklet was published in Bangla. ILO Dhaka office rendered financial support for publishing the booklet.

With the commencement of the general holidays during end March 2020, BEF along with Metropolitan Chamber of Commerce and Industry, Dhaka made a comprehensive plan and submitted the same to the appropriate authority of the government highlighting a detailed strategy on what support would be needed for maintaining live and livelihood of employees and workers across various sectors in the country. It is believed that government considered the proposals and many of the reflections were visible in subsequent bailout package declared by the government.

The Chair then stated that BEF with the support of the ILO Dhaka Office organized a virtual meeting on 07 April 2020 to discuss the challenges of the RMG sector being faced due to COVID-19 and concerns raised due to massive cancellation of orders and likely chances of losing jobs by the workers in the RMG sector. It was attended by leaders from the RMG sector, some of the ambassadors among the countries of the development partners, Chairman, BIDA, Adviser to the Hon'ble PM on Industry and Investment, and Minister for Commerce. The concerns of massive cancellation of orders were noted by the ambassadors and policy makers which ultimately created some pressure among the buyers to rethink their decisions of cancellation of orders.

Following the meeting on RMG sector held on 07 April 2020, BEF approached ILO to organize another similar meeting to discuss the concerns and challenges of sectors other than RMG. BEF had emphasized the concerns

of the informal sector and other major sectors involved in the global supply chain such as leather, leather-goods & Footwear, Frozen Food, Jute & jute-goods etc. BEF also highlighted the urgency to maintain the supply of essential items during the general holiday period. The meeting was held on 13 April 2020 over Zoom and it was represented by all major industrial sectors and leaders of the Industry Skills Council (ISC). It was attended by senior officials from ILO Dhaka and Delhi office.

Then the Chair mentioned that BEF along with Metropolitan Chamber of Commerce and Industry, Dhaka had initiated a good number of letters to Ministry of Finance, Ministry of Commerce, Ministry of Labour and Employment, Governor, Bangladesh Bank, and Chairman, National Board of Revenue requesting clarification on various circulars issued by different important government agencies at different times on different bailout packages so that it would become relatively easier for the potential companies/loan seekers to get the loans without facing much bureaucratic hassles.

BEF in consultation with ILO Dhaka Office organized a virtual meeting with all United Nations (UN) agencies in Bangladesh on 20 May 2020 to discuss the challenges of the MSMEs in Bangladesh. The UN agencies were requested to come up with specific proposals to support the MSMEs so that the organization can remain sustainable during the COVID-19 pandemic and reduce the impact as far as possible.

The Chair then stated that BEF attended various meetings organized by the Ministry of Labour and Employment on payment of wages of workers of the RMG sector in the month of April and May 2020 including payment of Eid-ul-Fitr bonuses. Payment of monthly wages of the RMG sector in April and May was a huge sensitive issue since many buyers had either cancelled or withheld the orders for which many factories were not in a position to pay the monthly wages. Meanwhile, the issue of Eid-ul-Fitr bonuses appeared since the festival was imminent. Most of these meetings were physically held though many organizations resorted to holding meetings online. However, BEF represented physically in all the meetings.

Following general holidays for almost over 6 weeks starting from 26 March 2020, when the turn for reopening of factories and establishment came, BEF published another guidebook compiling a list of priority activities for employers, supervisors and workers regarding reopening of factories during the pandemic following a prescribed factory opening strategy. BEF guideline was a very useful tool to equip all the key personnel in the factory/establishment with basic knowledge and understanding of respective duties and responsibilities to be discharged during factory reopening. It was also translated into English for employees of other nationalities among BEF member-firms as well as for the members of the development partners to recognize BEF's initiative. The booklet was circulated among all possible enterprises within and outside BEF membership.

Then the Chair mentioned that ILO Geneva organized a virtual conference on 30 April 2020 connecting all employers and business organizations of ILO's member states where the Director-General, ILO, Mr. Guy Ryder had exchanged views and addressed the participants highlighting ILO's predictions about the impact of the COVID-19 pandemic on the labor market and also the priorities needed for the countries to safeguard lives and livelihood across the world. The President and the Secretary-General of BEF participated in the meeting.

ILO Geneva jointly with International Organisation of Employers (IOE) and International Trade Union Confederation (ITUC) and IndustryAll Global Union had come up with an initiative to support the industries affected in the RMG sector within the global supply chain due to COVID-19 pandemic. The initiative had been termed as "Call to Action". The objective of Call to Action would be to render financial support to the affected

industries in the global supply chain, to safeguard workers in receiving salary support if usual means ceases to function due to closure of factories and also to consider setting up social protection system at national level in the mid/long term, especially for those countries whose social safety network system was weak. BEF followed by BGMEA endorsed and got engaged with the initiative from the beginning. The BEF Secretary-General had been inducted as one of the members of the 13 member working committee globally for taking the initiative forward. Total 8 priority countries had been identified following a transparent criterion. Meanwhile, several meetings of this initiative had taken place where the Secretary-General represented Bangladesh and the sector. The BGMEA President Dr. Rubana Huq was also one of the active pioneer members of the initiative. BEF and BGMEA through joint collaboration made a strong visible representation in the Call to Action initiative. BEF had been maintaining constant engagement with ILO and IOE on taking the Call to Action initiative forward to attain its objective.

The Chair then spoke about BEF's continuous engagement with other development partners. As a result of BEF's incessant engagement, European Union Dhaka Delegation had requested for a meeting with BEF on 07 June 2020. The BEF President and the Secretary-General attended the meeting held over virtual means. The meeting had informed BEF that as part of social support, EU had declared an amount of 93 million Euros for supporting the retrenched workers of the export sectors in Bangladesh for 3 months. EU requested BEF to collaborate and cooperate with the EU Delegation in Dhaka to move forward in a transparent manner in identifying beneficiary sectors engaged in export along with workers maintaining specific criteria except RMG sector. BGMEA and BKMEA would separately handle the issues concerning the retrenched workers of RMG sector in coordination with BEF. BEF assured EU delegation that all possible assistance would be rendered to them in that regard.

Following the global initiative of Call to Action for supporting the RMG industries in the global supply chain, a similar initiative had also been taken at local level to form joint team among employers and workers supported by ILO Dhaka office and participated by government. The objective of local committee on Call to Action was to pursue and expedite the appeal at national level so that the initiative would get added impetus and beneficiary countries receive support as early as possible. The local committee had its first meeting on 23 June 2020 which was facilitated by ILO Dhaka office.

Then the Chair mentioned that BEF had submitted a detailed project proposal to the World Bank Dhaka office to get incorporated in the world Bank's upcoming project titled "Accelerating and Strengthening Skills for Economic Transformation" project. BEF's proposal mainly included development of soft skills among managers, supervisors and workers in seven selective industrial sectors in Bangladesh. The project duration would be 5 years and through the project if accepted by World Bank, BEF would be able to organize training on development of soft-skills for over 550,000 managers, supervisors and workers in the formal sector.

With these words, the Chair took up the agenda of the meeting and moved the resolution under Agenda no. 1:

Agenda No.1:

"That the Report of the proceedings of the Committee of the Federation for the period from the 1st January to 31st December 2019 be and is hereby passed and accepted."

Ms. Kazi Roushan Ara, Executive Director, Leather Goods and Footwear Manufacturers & Exporters Association of Bangladesh seconded the proposal and it was passed without any disagreement.

Agenda No.2:

As requested by the Chair, Mr. Habibullah N. Karim, Vice President moved the Resolution No. 2. While Mr. Karim attempted to read out the resolution, however, due to some technical problem, finally the Chair himself readout the resolution on behalf of Mr. Habibullah N. Karim.

"That the Income and Expenditure Accounts for the year ended on the 31st December 2019 and the Balance-Sheet as at that date, as audited and certified by the Federation's Auditors, be received and passed."

Mr. Md. Mominul Ahsan, Managing Director, E-Zone HRM Limited seconded it and it was passed without any disparity.

Agenda No.3:

As requested by the Chair, Mr. Tahmid Ahmed, Director, The Bengal Glass Works Ltd., moved the Resolution No. 3.

"That Messrs. A. Qasem & Co., Chartered Accountants, be and are hereby appointed as the Federation's Auditors for the year 2020-2021 at the remuneration of Tk.50,000/-"

Mr. M. Shah Alam, Chairman, Bangladeshiyo Cha Sangsad seconded it and it was passed unanimously

Agenda No.4:

Then, the Chair himself took up the Agenda no. 4 on electing committee members for the vacant seats. He informed the members that since there only 03 (Three) valid candidates against 03 (Three) vacant seats representing the Ordinary members and 02 (Two) valid candidate against 02 (Two) vacant seats representing Group members, the election was not required.

The Election Board declared the following persons (in alphabetical order) ipso facto elected to the Federation's Committee for the term, 2020–2022 under Rule 12 of the Bangladesh Employers' Federation (Election of the Members of the Committee) Rules, 1998 (as of the last amendment in 2018), which was adopted by the BEF Committee at its meeting held on 20 June 2020, the amendment was necessary due to exigencies arising because of Covid-19, subject to approval at this AGM:

Ordinary Members

1.	Mr. Waseem Alim	Managing Director Chaldal Limited
2.	Mr. Md. Rezwan Selim	Managing Director Softex Sweater Industries (Pvt) Ltd.
3.	Mr. Md. Salauddin Yousuf	Director Lub-rref (Bangladesh) Limited

Group Members

1.	Mr. M. H. M. Fairoz	Executive Committee Member Foreign Investors' Chamber of Commerce and Industry (FICCI)
2.	Mr. Mohammad Abdul Momen	Director Bangladesh Garment Manufacturers and Exporters Association (BGMEA)

The Chair then announced the composition of the new Committee of the BEF (in alphabetical order):

Ordinary Members:

1.	Ms. Tahsinah Ahmed	Executive Director, Underprivileged Children's Educational Programs (UCEP) Bangladesh
2.	Mr. Tanvir Ahmed	Director Envoy Textiles Limited
3.	Mr. Syed Tareque Md. Ali	Managing Director Modern Industries (Bangladesh) Limited
4.	Mr. Waseem Alim	Managing Director Chaldal Limited
5.	Ms. Shusmita Anis	Managing Director ACI Formulations Limited
6.	Mr. Syed Tanvir Husain	Chief Human Resources Officer Grameenphone Limited
7.	Mr. Habibullah N. Karim	Managing Director Technohaven Company Limited
8.	Ms. Vidiya Amrit Khan	Deputy Managing Director Desh Garments Limited
9.	Mr. Kamran Tanvirur Rahman	Managing Director The Kapna Tea Company Limited
10.	Mr. Md. Rezwan Selim	Managing Director Softex Sweater Industries (Pvt) Ltd.
11.	Mr. Sakif Ariff Tabani	Managing Director Khadim Ceramics Limited
12.	Mr. Md. Salauddin Yousuf	Director Lub-rref (Bangladesh) Limited

Group Members: (In alphabetical order)

1.	Mr. M. Shah Alam	Chairman Bangladeshiyo Cha Sangsad
2.	Mr. Shahid Alam	Director Bangladesh Textile Mills Association
3.	Mr. Fazlee Shamim Ehsan	Director Bangladesh Knitwear Manufacturers & Exporters Association
4.	Mr. M. H. M. Fairoz	Executive Committee Member Foreign Investors' Chamber of Commerce and Industry (FICCI)
5.	Mr. Zahirul Islam (Rinku)	General Member Bangladesh Ship Breakers and Recyclers Association

6.	Mr. Md. Zahid Miah	Chairman Bangladesh Jute Spinners Association
7.	Mr. Mohammad Abdul Momen	Director Bangladesh Garment Manufacturers and Exporters Association (BGMEA)
8.	Mr. Mohammed Mahbubur Rahman Patwari	Executive Committee Member Bangladesh Jute Mills Association

Then the Chair formally moved the following resolution –

"That election of the 03 (Three) Ordinary members, and 02 (Two) Group members, to the Federation's Committee for the term, 2020-2022, as per the report of the Election Board, be confirmed."

Ms. Tahsinah Ahmed, Executive Director, Underprivileged Children's Educational Programs (UCEP) Bangladesh seconded it and it was passed without any dissension.

Then, on behalf of all members of the Federation, the Chairman sincerely thanked Mr. M. Anis Ud Dowla, Chairman of the Election Board, Mr. Md. Samsul Alam Mallick, FCA, and Mr. Hasan Mahmood, FCA, Members of the Election Board for providing their valuable time in conducting this election process.

He also expressed his gratitude to Mr. Salahuddin Kasem Khan, Chairman of the Appeal Board and Mr. Syed Nasim Manzur, and Mr. Adeeb H. Khan, FCA, Members of the Appeal Board for having agreed to serve on this Board.

With that note, the Chair formally concluded the agenda of the 22nd Annual General Meeting.

In conclusion, The Chair thanked all the members of the Committee for their active support while discharging the responsibilities during the tenure and proposed a vote of thanks to the members of the Committee for their kind support in upholding employers' interest in the local forum and at the international level. The success had been possible because the members of the Committee extended due cooperation and worked as key team players. Without their support, solidarity, counsel, and advice, it would have been difficult for the Federation to achieve what it did.

The Chair then congratulated the newly elected Committee Members.

He also welcomed the newly elected members and hope that they, as well as the rest of the Committee members, would continue to contribute to the fruitful deliberations of the Committee in the coming days.

He then thanked the members of the BEF Secretariat for their excellent work through which they had maintained the quality of output of the Federation.

Then at the request of the Chair, Mr. Habibullah N. Karim, Vice-President proposed a vote of thanks. Mr. Karim started with thanking the BEF President for his vigorous leadership in the past year. He also thanked all the Committee members, the Chair and members of Standing Committee, and all other

members of BEF. He then congratulated the newly elected members of the Committee and hoped to have a very fruitful upcoming year. He especially thanked the BEF Secretariat and the Secretary-General for continuing the operations of BEF despised the numerous challenges imposed by the Covid-19 situation. He also hoped to keep up the current tempo and find ways to engage with the members and the stakeholders to take the agenda of the Federation forward both on the national and international platforms.

In the end, after wishing the Secretary-General and the Secretariat well, the Chair declared the 22nd AGM officially over.

(Kamran T. Rahman)
CHAIRMAN OF THE MEETING

(Farooq Ahmed)
SECRETARY-GENERAL

YEARLY REPORT ON THE PROCEEDINGS FOR THE PERIOD OF JANUARY – DECEMBER 2019

The Committee of Bangladesh Employers' Federation (BEF) has the pleasure of submitting to its members the following yearly report on the proceedings of the regular meetings of its Committee for the period of January – December 2019.

During the period, the Federation continued its efforts to uphold the interests of the employers at all levels. The Federation held several meetings with the Ministry of Labour and Employment on issues like wage, employment, and industrial relations in various industrial sectors, situation of the remittance inflow, skills development, and etc. The Federation regularly shared its views/opinions on growth, employment generation, social protection and social dialogue, productivity improvement, occupational safety and health, gender equality at workplace, social compliance, etc. with various national/international organizations including government. The Federation represented the employers in the Minimum Wages Board on a regular basis and made effective negotiations on fixation of minimum wages of concerned sectors which had been referred to the Board by the government.

On the international front, the Federation held meetings with the International Labour Organization (ILO), the International Organisation of Employers (IOE), the Confederation of Asia-Pacific Employers (CAPE), South Asian Forum of Employers (SAFE) and the Association for Overseas Technical Cooperation and Sustainable Partnerships (AOTS), Japan and the Dutch Employers Cooperation Program (DECP). In these meetings, the Federation projected the need for capacity building and technical assistance for rendering better services to the members, for effective strategy formulation for the employers' organizations in the developing economies for facing the challenges of human resource development, workplace safety and also for membership enhancing drive. The Federation also underscored the need for employment creation, social protection and safety net for the more vulnerable groups of workers, and for mainstreaming the physically challenged persons and women in the job market. The Federation has been able to maintain a stronger relationship with AOTS, Japan and nominated5/6 officials per annum from its member-firms for undergoing training various programs in Japan under AOTS Scholarship.

In addition to the international exposures, the Federation also actively took part in various consultation meetings of the National Skills Development Authority (NSDA), and continued to coordinate the activities of Industry Skills Councils (ISCs), Tripartite Consultative Council (TCC) meeting and ILO's Better Work Program in the RMG sector of Bangladesh and Migration Policy for Decent Work for Migrant Workers Project. BEF continued taking part in various national level seminars, symposiums, workshops, etc., on labor related issues, particularly on skills development, labor standards, occupational safety and health, etc., and represented the interests of the employers.

The representatives of the Federation also took part in various international and national level training programs, workshops, and seminars. Moreover, the Federation organized and facilitated a number of training programs for member-firms and other stakeholders on various issues of industrial relations, human resources development, workplace safety, regulatory compliance, and related topics.

1. Evaluation on Employment Injury Insurance Scheme

An Evaluation Meeting on Employment Injury Insurance Scheme took place on 21 January 2019 at ILO Office, Dhaka. The background of this initiative and the non-binding agreement (MoU) was signed by the government with the German government in 2016. In that context, a feasibility study project was undertaken to assess the viability of introducing Employment Insurance Injury Scheme (EIIM) nationally in Bangladesh. The discussion included few queries regarding the existing group insurance policy, other workplace injury compensations, contribution to the fund etc., which were clarified during the discussion. It was also mentioned that as per model calculation, 0.33% of the current wage bill amount of any enterprise would be needed to contribute to the EIIM fund. This would be an additional cost and there would not be any contribution from workers. There were brief discussions about the fund operations and possible limitations/shortcomings that might prop up while introducing the scheme.

The Federation decided to remain engaged with the process and know the pros and cons thoroughly.

2. Meeting with ILO Technical Expert

The Federation led by its President, Mr. Kamran T. Rahman had a meeting with ILO Technical Expert, Dr. Rizwanul Islam on Bangladesh Job Strategy, on 29 January 2019 at BEF secretariat.

The government, particularly the Ministry of Labour and Employment was keen to formulate a job strategy for Bangladesh with the technical support of ILO. Hence, ILO engaged an external consultant Dr. Rizwanul Islam to undertake a research on the issue. As per the request by Dr. Islam, the Federation organized a meeting with the representatives of some of the labour intensive sectors. There were representatives from BGMEA, BKMEA, Leather, Leather Goods & Footwear sector, and Hotel, Tourism & Hospitality sector in the meeting. Besides, the ILO Country Director Mr. TuomoPoutiainen was present in the meeting. The attendees discussed the macro and micro issues of various sectors particularly concerning employment. Dr. Islam appreciated BEF's support in organizing the first meeting of its kind and requested for many more such interactive meetings in future.

3. Meeting with the Adviser to the Hon'ble Prime Minister (Private Industry and Investment)

The Committee of the Federation had called on the Adviser to the Hon'ble Prime Minister (Private Industry and Investment), Mr. Salman F. Rahman, MP on 23 January 2019 at the Adviser's Gulshan Office. The Adviser gave a warm reception to the Committee and assured that he would do all his best to facilitate business to grow and remain competitive. He also mentioned his primary role of looking into the investment aspects, especially FDI which had been a bit sluggish in the recent past. The adviser also indicated about opening new markets/ products for exports and applying innovative strategy to remain relevant in the field.

The Committee members were overwhelmed by the adviser's warm hospitality and expressed deepest gratitude to the Hon'ble Prime Minister for nominating Mr. Salman F. Rahman as the Adviser to the Hon'ble Prime Minister (Private Industry and Investment).

4. Review of the Labor Situation

The Federation Committee regularly reviewed and prepared reports on the labor situation prevailing in the country, and apprised the members. The year 2019 started with some degree of uncertainty concerning minimum wage in the RMG sector, the largest manufacturing sector employing over 4 million workers of which nearly 60% were female workers. The Government declared the revised schedule of the minimum wage in the RMG sector on 24 January 2019. The gross hike ranged from a token Tk.15 to a modest Tk.747, effective from December 2018 and to be adjusted from February 2019. Thereafter, it was rejected outright by some of the workers' Federations claiming that their expectations were not fulfilled. Workers protested demanding pay raise in 3 grades in particular – grade 3, 4 and 5. Prior to that, the Government formed a 20-member tripartite committee to discuss and resolve the issue. BEF monitored the situation and advised the relevant stakeholders to handle the issue effectively. Finally, the situation became calm and the majority of the workers and their leaders accepted the minimum wage in the RMG sector as per the revised schedule.

5. Meeting with the Minister of State for Labour and Employment

The Federation had a meeting with the Hon'ble Minister of State for Labour and Employment, Begum Monnujan Sufian, MP on 5 February 2019 at her Secretariat Office.

The State Minister was very receptive and welcoming to the delegation from BEF. She mentioned that she knew most of the delegation members since her past tenure during 2009-2014 and maintained cordial relations with employer community. The delegation was led by the BEF President. He briefed the State Minister on current issues and concerns. He also mentioned ILO's future of work initiative and centenary program in June 2019. The State Minister acknowledged the same and also informed that ILO had extended invitation to the Hon'ble Prime Minister to grace the centenary program which the Labour Ministry had forwarded to the Prime Minister's Office for consideration. The BEF delegation assured all possible cooperation to the State Minister.

6. Meeting with the Minister for Law, Justice and Parliamentary Affairs

A BEF delegation headed by its President had a meeting with the Hon'ble Minister for Law, Justice and Parliamentary Affairs, Mr. Anisul Huq, MP on February 2019 at his Secretariat Office.

The Minister warmly received the delegation. He recalled the position of Bangladesh prevailed during the International Labour Conference 2018 where the Minister had led the Bangladesh delegation for the conference. The BEF delegation appreciated the role played by the Minister in protecting the interest of the country at the international arena. Besides, it was also mentioned that all amendments in the Bangladesh Labour Act 2006 revised in 2018 had been enacted and gazetted. Now, the responsibility lied in ensuring implementation of the law. The delegation apprised the Minister of the need for reviewing the definition of worker in the Labour Act. In the current definition, the issue of knowledge workers had not been addressed. Therefore, confusion prevailed as to identify who would be worker among the knowledge worker community, especially in the IT sector. The Minister wanted to know the definition of worker including knowledge worker in neighboring countries. One of the members informed that he would be able to get a copy of the definition of worker in India. The Minister appreciated and assured all possible support in framing or reviewing laws/acts which would be necessary for the progress of the country.

7. Ceremony of Signing an MoU between NPO and BEF

A Signing Ceremony of a Memorandum of Understanding (MoU) between National Productivity Organisation (NPO) of the Ministry of Industries and Bangladesh Employers' Federation (BEF) was held on 05 February 2019 in the Ministry. The BEF President and the Secretary, Ministry of Industries signed the MoU on behalf of their respective organizations. The purpose of the MoU was to exchange information, best practices and take collaborative steps for improving productivity at enterprises, especially among the BEF member firms.

8. Seminar on Migration: Where Do We Stand?

The Federation organized a seminar titled "Migration: Where do we stand?" on 14 March 2019 at the conference room of BEF secretariat. The objective of the seminar was to make the social partners aware of the progress made in regulating the migration process globally by the ILO and its impact at country level where Bangladesh had also been benefitted as a major player in the field of migration. Mr. Shabarinath Nair, who had recently taken over as the ILO's Labour Migration Specialist in the Decent Work Team (DWT), New Delhi, explained the total scenario from global, regional as well as country perspective, and the total dynamics of labor migration from South Asia, particularly from Bangladesh to Middle East and other countries. He also mentioned the roles of various platforms like the Colombo Process and Abu Dhabi Dialogue and the involvement of different government and other stakeholders. Eventually, the importance of migration for any country, be it country of origin or destination,

was clarified amply. Skills developments of migrant workers, mutual recognition, protection of rights, etc., were also discussed in the seminar.

9. The 108th Session of the International Labour Conference (ILC)

BEF actively attended the annual International Labour Conference (ILC) in Geneva on a regular basis. Keeping with tradition, the federation represented the employers at the 108th session of the ILC in June 2019. The 108th ILC was a milestone event for the ILO as it celebrated its centenary initiative during the Conference held in June 2019. The ILO had published a document on the future of work envisaging how the world of work will shape up in the next century and encompassing the impact of technology, artificial intelligence, and other innovations. These documents and subsequently, the Centenary Declaration on the future of work remained as a guideline for the member states to evolve their respective strategies for their workforce in respective countries. Besides, the ILO also adopted a Convention and a Recommendation on ending violence and harassment in the world of work.

There was also a complaint lodged by a worker leader of Japan on behalf of International Trade Union Confederation, National Workers' Federations of Japan, Italy, South Africa, Iran and Pakistan against Bangladesh following the Article 26 of the ILO Constitution concerning violation of Convention 81, 87 and 98 narrating a severe situation existed in the country during the ILC this year. As a means to counter the allegation and protect the interest of the country, worker delegation from Bangladesh was advised to make a counter statement and project the fact on the observance of ILO Convention 81, 87 and 98 in the country which was done. This particular step helped the country by technically rejecting the allegation made by the Japanese worker leader and saved the image of the country in the presence of the members from over 187 countries and many other global organizations. The move was articulated by the BEF Secretary-General who was present during the session.

10. Consultation Meeting on the draft National Human Resource Development Fund (NHRDF)

A consultation meeting on the draft National Human Resource Development Fund (NHRDF) Operation Manual and TVET Financing Manual was held in June 2019. The government was in the process of preparing operational guidelines for the National Human Resource Development Fund. However, some grey areas existed regarding who should be on the driving seat in managing the operational activities of the fund. Then it was pointed out that the National Skills Development Authority (NSDA) should be the main actor of the fund.

11. Meeting with the European Union (EU) Delegation to Bangladesh

The Federation had a meeting with the EU Delegation to Bangladesh at the BEF secretariat office on 16 July 2019. This was an exploratory mission to identify a new EU support program for job creation for young people in Bangladesh.

A two member delegation from European Union visited BEF and met the President to discuss the future EU funded project on creation of youth employment in the country along with skills development. BEF emphasized on entrepreneurship development which would ultimately gear up skills development. Besides, BEF also shared an experience of opening a private employment service agency on a pilot basis to facilitate potential job seekers to find suitable jobs. This agency would also provide match-making and counseling services. Based on this meeting, an interactive session with the young students on the EU support program on job creation for young people in Bangladesh was held on 25 September 2019 at BEF's Gulshan Office, Police Plaza Concord, Gulshan-1, Dhaka. Ms. Funda Celikel Esser, Attaché, Skills Development and Employment, EU delegation in Dhaka was

present and interacted with a group of young students from different universities. The purpose of the session was to get firsthand information about the job market, the perception of the job market by the young potential job seekers, available opportunities, required counseling etc. After the interaction, the following views were expressed by Ms. Funda:

a. Challenges:

1. Low access to information on what the employers expected to find while hiring young people, what kind of jobs in which sectors were out there for young graduates;
2. Very stiff competition for both government and formal jobs. The education received at the universities was not providing young people with relevant skills that would help them compete for few available jobs. They did not know and learn how to seize the opportunities best, how to focus on their career target; and
3. Around 20% had aspirations to start up their own business; they however lacked business savvy skills and/ or were not aware of support mechanisms.

b. Probable Solutions:

1. Transparent information on what type of jobs one could apply for and how to do the best in the application and selection process, provided through a platform linked to employers;
2. Support to facilitate access to business networks and contacts; and
3. Short term trainings to increase success in obtaining a job.
4. Ms. Funda thanked BEF for facilitating the discussion.

12. Meeting with the Minister of State for Labour and Employment

The newly elected Committee members of the Federation had a courtesy call on the Hon'ble Minister of State for Labour and Employment, Begum Monnujan Sufian on 19 September 2019 at her Secretariat Office.

However, taking the opportunity, the following points were raised and discussed during the call on:

1. Complaints lodged by Japanese Worker leader on behalf of Worker leaders from five different countries, i.e., Japan, Italy, South Africa, Brazil and Pakistan. BEF delegation emphasized on taking appropriate steps in response to the complaint;
2. Framing of Rules in connection with Bangladesh Labour Act, 2006 revised in 2018;
3. Fixation of minimum wage for the Footwear sector; and
4. Extension of overtime for the workers of Leather and Footwear sector.

The meeting was held in the most cordial manner and issues raised were noted by the officials of the ministry.

13. ILO/UNICEF Initiative of Generation Unlimited

The ILO and the UNICEF had made a partnership and created a platform called Generation Unlimited. The objective of this platform was to promote decent employment creation, skills development, innovation,

technological advancement and engage with the young people. Since this platform needed to engage with the private sector and thus, they (ILO-UNICEF) invited the President and the Vice Presidents of FBCCI, MCCI, and BEF. The Secretary-General of BEF was also invited. After necessary discussion, it was advised that a concept note could be shared with relevant stakeholders to understand the issue. Besides, private sector representatives expressed their interest to support the initiative and derive maximum benefits through this new collaboration.

14. Meeting with EU GSP EBA Labour Rights Follow-up Mission to Bangladesh

A meeting with EU GSP EBA Labour Rights Follow-up Mission to Bangladesh was held on 15 October 2019 at the EU Delegation in Dhaka. This was a routine visit by the delegation from European Commission as part of periodical review of GSP facilities extended to Bangladesh under EBA. It was mentioned that Bangladesh had been receiving 66% of the EBA benefits globally; hence, Bangladesh became the spotlight for EBA benefits assessment. The delegation expressed concerns over the following issues:

- Need for further reduction of cap from 20% to 10% for trade union registration as per the Bangladesh Labour Act, 2006;
- Free trade union should be allowed in the factories within EPZs;
- Labor Inspectors under DIFE should be allowed to inspect the factories in the EPZfreely without any prior permission; and
- Thorough investigation of all unfair labor practices and a transparent mechanism should be there to resolve industrial disputes relating to labor disputes.

BEF delegation was led by its President Mr. Kamran T. Rahman. The other members were as under:

i.	Dr. Rubana Huq	– President, BGMEA
ii.	Mr. Habibullah N. Karim	– Vice-President, BEF
iii.	Mr. Syed Tareque Md. Ali	– Committee member, BEF
iv.	Mr. Tahmid Ahmed	– Committee member, BEF
v.	Mr. Md. Rezwan Selim	– Director, BGMEA
vi.	Mr. A N M Saifuddin	– Representative, BGMEA
vii.	Mr. Farooq Ahmed	– Secretary-General, BEF

BEF team members made logical responses on the above concerns. However, the EU delegation was persistently emphasizing that the government must take some tangible steps to address the above concerns so that a satisfactory report could be presented to the European parliament for further continuation of the GSP facilities that currently Bangladesh had been enjoying.

15. Discussion on SDGs Implementation and Role of Private Sector

At the request of the ILO, BEF jointly with MCCI, FBCCI, DCCI, CCCI, and SCCI, organizeda discussion on Capacity development of chambers of commerce in Dhaka, Chattogram and Sylhet on SDGs and implementation of Global report on Future of Work findings in Bangladesh. The workshop in Chattogram was held on 7 November 2019, in Dhaka on 16 November 2019 and in Sylhet on 07 December 2019. Members of various chambers of commerce at respected places attended these technical workshops. The participants were made aware of the necessity of engaging private sector in SDGs implementation and a suggested plan was shared with them to seek their views. Presentations were made by Ms. Khadija Khondoker, Senior Program Officer, ILO Dhaka and Mr. Ferdous Ahmed, Lead Consultant engaged by BEF on Capacity Building project. Field level knowledge was gathered on SDGs implementation through these technical workshops which were presented during the high level roundtable discussion held in Dhaka on 15 December 2019. The roundtable was attended by Mr. Salman F. Rahman, MP, Adviser to the Hon'ble Prime Minister on Private Industry and Investment as the Chief Guest. Ms. Mia Seppo, UN Resident Coordinator in Dhaka attended as the Special Guest and Mr. Tuomo Poutiainen, ILO Country Director in Dhaka as the Guest of Honor. Mr. Kamran T. Rahman, President, BEF Chaired the roundtable. Mr. Habibullah N. Karim, Vice-President, BEF made the keynote presentation where key important issues was proposed. In his presentation, Mr. Karim suggested a SDGs implementation governance structure goal wise involving public and private sector organizations terming those as Task Forces. Besides, there were some suggestions about SDGs financing where some ideas were floated during the discussion including officially introducing "Zakat Fund" as many countries had been practicing it. In addition, he suggested identification of SDGs Champions and introducing rewards through various ways including offering tax incentives for proactively engaging in SDGs implementation and setting up examples for others to follow. The Chief Guest in his remarks emphasized on partnership and collaboration between private and public sectors. The Special Guest and The Guest of Honor also spoke on SDGs implementation and made some suggestions. In addition, Dr. Rubana Huq, President, BGMEA, Mr. Osama Taseer, President, the Dhaka Chamber of Commerce and Industry, Mr. Asif Ibrahim, Founder Chairman, BUILD, Mr. Golam Mainuddin, Vice-President, Metropolitan Chamber of Commerce and Industry, Dhaka (MCCI), representatives from BGMEA, BKMEA, Leather & Footwear Association, ISCs, Agro-Food sector, Construction sector, and many other sectors as well as member-firms attended the roundtable and gave valuable suggestions.

16. Open Discussion with Business Innovators and Start-up Business Entrepreneurs

BEF in collaboration with Metropolitan Chamber of Commerce and Industry, Dhaka (MCCI) organized an open discussion with 30 recently award winners on innovations and new entrepreneurship in order to facilitate and render support in their moving forward. The discussion was held on 17 December 2019 at 02:30 pm at M. Anis UdDowla Conference Hall, Police Plaza Concord.

A good number of new entrepreneurs and start-ups attended the discussion. It was an open forum to discuss freely the challenges they faced as new entrepreneurs and innovators on their journey forward. Mr. Manik Mahmud, Head of Social Innovation Cluster, Access to Information (a2i) programme under the Prime Minister's Office also attended the meeting. Some of the interesting new ventures were as under:

- Developed a mobile phone app to increase energy efficiency of a building and ensure fire security and hazards management;
- Invented Bio-degradable polythene bags out of sweet-potatoes and cotton that would decompose after 4 months;
- Developed an app named 'Ishara-Bhasha" that could teach sign languages in Bangla to deaf and mute people and could also take online courses on physics, chemistry and math using sign languages;
- Designed an Electric skate-able and walk-able shoe that could be used for both walking and skating using lithium ion batteries; and
- Developed an online platform for cloth designers to submit their designs which could later be bought by customers all over the world.

The major challenges they faced were mentioned as under:

i. No 'Umbrella Organization' for the Start-ups/ new entrepreneurs;
ii. Lack of funding for scaling up;
iii. Limitation to outreach;
iv. Bureaucratic problem during certification/patenting;
v. Lack of policy support from the government; and
vi. Fighting social stigma.

I. MEMBERSHIP:

New Member: During the period, the following organizations joined the Federation as new members:

Ordinary Members:

Sl.	Name of Company
01.	Marico Bangladesh Ltd.
02.	Sheltech Ceramic Limited
03.	Carlcare Technology BD Limited
04.	E-Zone HRM Limited
05.	Nielsen Company (Bangladesh) Limited
06.	Lub-rref (Bangladesh) Limited
07.	BD Venture Ltd.
08.	Purnava Limited
09.	Industrial and Infrastructure Development company Limited (IIDFC)
10.	Nitol Insurance Company Limited
11.	Mutual Trust Bank Limited
12.	IPDC Finance Limited
13.	AMMRA Technologies Limited
14.	Bandbox Limited
15.	United Dhaka Tobacco Company Limited
16.	New Zealand Dairy Products Bangladesh Limited
17.	Cupcake Exports Limited
18.	Energypac Power Generation Limited

Group Members:

Sl.	Name of Organization
01.	Bangladesh Association of International Recruiting Agencies
02.	Bangladesh Association of Call Center and Outsourcing (BACCO)
03.	Bangladesh Association of Software & Information Services (BASIS)
04.	Bangladesh Garment Buying House Association (BGBA)
05.	Bangladesh Petroleum Tanker Owners' Association (BPTOA)

Associate Member

Sl.	Name of Organization
01.	Construction Industry Skills Council
02.	Industry Skills Council (ISC) for Tourism & Hospitality Sector
03.	Furniture Sector Industry Skills Council Ltd.
04.	Informal Sector Industry Skills Council (ISISC)
05.	Pharmaceutical Industry Skills Council (PISC)
06.	Ceramic Industry Skills Council (CISC)
07.	Leather and Leather Goods Industry Skills Council
08.	Agro Food Industry Skills Council

Resigned:
None

Change of Company Name:
None

II. MANAGING COMMITTEE

At the commencement of the year, i.e., on the 1st January, 2019, the managing Committee of the Federation comprised of the following:

PRESIDENT

Mr. Kamran T. Rahman	Managing Director The Kapna Tea Company Limited

VICE-PRESIDENT

Mr. Ardashir Kabir	Managing Partner Sathgao Tea Estate

ORDINARY MEMBERS: (IN ALPHABETICAL ORDER)

01.	Mr. Tahmid Ahmed	Director The Bengal Glass Works Limited
02.	Mr. Tanvir Ahmed	Director Envoy Textiles Limited
03.	Mr. Miran Ali	Managing Director Remi Farms Limited
04.	Ms. Farzana Chowdhury	Managing Director & CEO Green Delta Insurance Co. Ltd.

05.	Mr. Selim Chowdhury	Managing Director G4S Secure Solutions Bangladesh (P) Limited
06.	Dr. Rubana Huq	Managing Director Mohammadi Group Limited
07.	Mr. Syed Tanvir Husain	Chief Human Resources Officer Grameenphone Limited
08.	Mr. Kh. Asadul Islam	Managing Director & CEO Alliance Capital Asset Management Limited
09.	Mr. Munawar Misbah Moin	Director Rahimafrooz Batteries Limited
10.	Mr. Sakif Ariff Tabani	Managing Director, Khadim Ceramics Limited

GROUP MEMBERS: (IN ALPHABETICAL ORDER)

01.	Alhaj Kamal Uddin Ahmed	General Member Bangladesh Ship Breakers and Recyclers Association
02.	Barrister Sumaiya Aziz	Director Bangladesh Textile Mills Association
03.	Mr. Mohammad Hatem	Former 1st Vice-President, Bangladesh Knitwear Manufacturers & Exporters Association
04.	Mr. Md. Munir Hossain	Director Bangladesh Garment Manufacturers & Exporters Association
05.	Mr. S. Humayun Kabir	Director Bangladesh Frozen Foods Exporters Association
06.	Mr. Kedar Lele	Executive Committee Member, Foreign Investors' Chamber of Commerce & Industry
07.	Mr. Mohammad Shahjahan	Chairman Bangladesh Jute Spinners Association
08.	Mr. Muhammad Shams-uz Zoha	Chairman, Bangladesh Jute Mills Association

The following members were to retire on the eve of the 21st AGM on 30 July 2019:

ORDINARY MEMBERS

01.	Mr. Tanvir Ahmed	Director Envoy Textiles Limited
02.	Mr. Miran Ali	Managing Director Remi Farms Ltd.
03.	Ms. Farzana Chowdhury	Managing Director & CEO Green Delta Insurance Company Limited
04.	Mr. Ardashir Kabir	Managing Partner Sathgao Tea Estate
05.	Mr. Munawar Misbah Moin	Director Rahimafrooz Batteries Ltd.
06.	Mr. Kamran T. Rahman	Managing Director The Kapna Tea Co. Ltd.
07.	Mr. Sakif Ariff Tabani	Managing Director Khadim Ceramics Limited
08.	Dr. Rubana Huq	Managing Director Mohammadi Group Limited
09.	Mr. Syed Tanvir Husain	Chief Human Resources Officer Grameenphone Limited

GROUP MEMBERS

01.	Alhaj Kamal Uddin Ahmed	General Member, Bangladesh Ship Breakers and Recyclers Association
02.	Mr. Mohammad Hatem	Former 1st Vice-President, Bangladesh Knitwear Manufacturers & Exporters Association
03.	Mr. S. Humayun Kabir	Director, Bangladesh Frozen Foods Exporters Association
04.	Mr. Mohammad Shahjahan	Chairman, Bangladesh Jute Spinners Association
05.	Mr. Muhammad Shams-uz-Zoha	Chairman, Bangladesh Jute Mills Association
06.	Mr. Shahid Alam	Director, Bangladesh Textile Mills Association

The Committee noted that the first paragraph of Clause 13(3)(i) of the Constitution of BEF as amended at the Extraordinary General Meeting (EGM) held on 31 July, 2017, envisages: "...on completion of the term of two years, members representing Ordinary members shall be eligible to seek re-election for another 2 years term and their respective organizations shall also be eligible to nominate them or any other persons from their organizations to contest the election for another 2 years term. After completion of consecutive 2 terms covering a period of four years, members representing Ordinary members shall not be eligible to contest the elections in the next 2 years and their respective organizations also shall not be eligible to nominate anyone else of their organizations to contest the next two elections".

Accordingly, of the 9 retiring Ordinary members mentioned above, 7 members, i.e., Mr. Tanvir Ahmed, Mr. Miran Ali, Ms. Farzana Chowdhury, Mr. Ardashir Kabir, Mr. Munawar Misbah Moin, Mr. Kamran T. Rahman and Mr. Sakif Ariff Tabani, having served one term of two years, would be eligible to seek re-elections under clause 9(b), paragraph 1 of BEF Election Rules, for the next two annual terms, i.e., 2019-2020 and 2020-2021. Their respective representative organizations also would be eligible to nominate anyone else to seek elections for the next two annual terms.

Dr. Rubana Huq and Mr. Syed Tanvir Husain, being co-opted Ordinary members, would retire at the 21st AGM and they as well as their representative organizations would remain eligible to contest in the next election.

Alhaj Kamal Uddin Ahmed, Mr. Mohammed Hatem, Mr. S. Humayun Kabir, Mr. Mohammad Shahjahan and Mr. Muhammad Shams-uz Zoha, being Group members, would retire on completion of their two-year term, 2017-2019 and would not be eligible to seek re-election for the next two annual terms. Their representative organizations, i.e.,Bangladesh Ship Breakers and Recyclers Association, Bangladesh Knitwear Manufacturers & Exporters Association, Bangladesh Frozen Foods Exporters Association, Bangladesh Jute Spinners Association and Bangladesh Jute Mills Association, would, however, remain eligible to nominate anyone else to contest the next election.

Mr. Shahid Alam, being a co-opted Group member, shall retire at the 21st AGM and he as well as his representative organization would remain eligible to contest in the next election.

In all, election would be needed for 15(fifteen) vacancies [9(nine) vacancies from Ordinary members and 6 (six) vacancies from Group members].

Thereafter, as required in Bangladesh Employers' Federation (Election of the Members of the Committee) Rules, 1998 (as amended up to 2018 and as adopted in the Committee meeting of the Federation held on 31 March 2019), a notice was issued to the following candidates (in alphabetical order), whose nominations were found valid, to find out whether anyone would like to withdraw his/her candidature. No withdrawal advice was received from them within the stipulated time-limit, i.e., 11 July 2019.

The final list of candidates for the election of the Federation Committee for the term, 2019-2021, was as under:

Sl.No.	Name of candidate (in alphabetical order)	Designation & Organization
Ordinary Members		
01.	Ms. Tahsinah Ahmed	Executive Director Underprivileged Children's Education Programs (UCEP) Bangladesh.
02.	Mr. Tanvir Ahmed	Director Envoy Textiles Limited
03.	Mr. Syed Tareque Md. Ali	Managing Director Modern Industries (Bangladesh) Limited
04.	Ms. Shusmita Anis	Managing Director ACI Formulations Limited
05.	Mr. Syed Tanvir Husain	Chief Human Resources Officer Grameenphone Limited
06.	Mr. Habibullah N. Karim	Managing Director Technohaven Company Limited
07.	Ms. Vidiya Amrit Khan	Deputy Managing Director Desh Garments Limited
08.	Mr. Kamran Tanvirur Rahman	Managing Director The Kapna Tea Company Limited
09.	Mr. Sakif Ariff Tabani	Managing Director Khadim Ceremics Limited
Group Members		
01.	Mr. M. Shah Alam	Chairman Bangladeshiyo Cha Sangsad
02.	Mr. Shahid Alam	Director Bangladesh Textile Mills Association
03.	Mr. Fazlee Shamim Ehsan	2nd Vice-President Bangladesh Knitwear Manufacturers & Exporters Association.

04.	Mr. Zahirul Islam (Rinku)	General Member No.1(c), Bangladesh Ship Breakers and Recyclers Association (BSBRA).
05.	Mr. Md. Zahid Miah	Chairman, Bangladesh Jute Spinners Association
06.	Mr. Mohammed Mahbubur Rahman Patwari	Executive Committee Member, Bangladesh Jute Mills Association

Since there are 9(nine) valid candidates against 9(nine) vacant seats representing Ordinary members and 6(six) valid candidates against 6(six) vacant seats representing Group members, election (polling) would not be required and the above-mentioned 15(fifteen) valid candidates – 9(nine) from Ordinary members and 6(six) from Group members–were hereby declared ipso facto elected to the Federation's Committee for the term, 2019-2021 under Rule 12 of the Bangladesh Employers' Federation (Election of the Members of the Committee) Rules, 1998 (as amended up to 2018 and as adopted in the Committee meeting of the Federation held on 31 March 2019), subject to usual confirmation at the next Annual General Meeting of the Federation.

The Management Committee of the Federation after the 21stAGM held on 30 July, 2019 was as follows:

PRESIDENT

Mr. Kamran T. Rahman	Managing Director The Kapna Tea Company Limited

VICE-PRESIDENT

Mr. Habibullah N. Karim	Managing Director Technohaven Company Limited

Ordinary Members: (In alphabetical order)

01.	Mr. Tahmid Ahmed	Director The Bengal Glass Works Limited
02.	Ms. Tahsinah Ahmed	Executive Director, Underprivileged Children's Education Programs (UCEP) Bangladesh
03.	Mr. Tanvir Ahmed	Director Envoy Textiles Limited
04.	Mr. Syed Tareque Md. Ali	Managing Director Modern Industries (Bangladesh) Limited
05.	Ms. Shusmita Anis	Managing Director ACI Formulations Limited
06.	Mr. Selim Chowdhury	Managing Director G4S Secure Solutions Bangladesh (P) Limited

07.	Mr. Syed Tanvir Husain	Chief Human Resources Officer Grameenphone Limited
08.	Mr. Kh. Asadul Islam	Managing Director & CEO Alliance Capital Asset Management Limited
09.	Ms. Vidiya Amrit Khan	Deputy Managing Director Desh Garments Limited
10.	Mr. Sakif Ariff Tabani	Managing Director Khadim Ceramics Limited

Group Members: (In alphabetical order)

01.	Mr. M. Shah Alam	Chairman Bangladeshiyo Cha Sangsad
02.	Mr. Shahid Alam	Director Bangladesh Textile Mills Association
03.	Mr. Fazlee Shamim Ehsan	2nd Vice-President Bangladesh Knitwear Manufacturers & Exporters Association
04.	Mr. Md. Munir Hossain	Director Bangladesh Garment Manufacturers & Exporters Association
05.	Mr. Zahirul Islam (Rinku)	General Member Bangladesh Ship Breakers and Recyclers Association
06.	Mr. Kedar Lele	Executive Committee Member Foreign Investors' Chamber of Commerce & Industry
07.	Mr. Md. Zahid Miah	Chairman, Bangladesh Jute Spinners Association
08.	Mr.Mohammed Mahbubur Rahman Patwari	Executive Committee Member, Bangladesh Jute Mills Association

REPRESENTATIVE FROM ASSOCIATE MEMBERS (ISC):

The following representative from Associate Members (ISC) joined in the Federation committee meeting as observer during the term, August 2019 – July 2020:

01.	Mr. A.K.M. Bari	Chairman Tourism & Hospitality ISC
02.	Mr. Shafquat Haider	Chairman ISC IT Sector and Coordinator all ISC (In absence of Mr. A.K.M. Bari)

III. SUB-COMMITTEES

As constituted by the Managing Committee, the following 15 (fifteen) Sub-Committees functioned during the term, August 2019 – July 2020:

1. FINANCE & MEMBERSHIP SUB-COMMITTEE

01.	Mr. Habibullah N. Karim (Chairman)	Technohaven Company Ltd.
02.	Mr. Tahmid Ahmed	The Bengal Glass Works Limited
03.	Mr. Syed Tareque Md. Ali	Modern Industries (Bangladesh) Limited
04.	Mr. Abul Bashar	Prime Composite Mills Limited
05.	Ms. Farzana Chowdhury	Green Delta Insurance Co. Ltd.
06.	Mr. Najmul Huq	Sadat Jute Industries Ltd.
07.	Mrs. Sabrina Islam	Osman Textiles Limited
08.	Mr. Golam Mainuddin	British American Tobacco Bangladesh Company Limited
09.	Mr. Adnan N. Rahman	Pubali Jute Mills Limited
10.	Mr. Mohammed Shams-uz-Zoha	Bangladesh Jute Mills Association

2. LABOUR RELATIONS SUB-COMMITTEE

01.	Mr. Fazlee Shamim Ehsan (Chairman)	Bangladesh Knitwear Manufacturers & Exporters Association
02.	Mr. Shahid Alam	Bangladesh Textile Mills Association
03.	Brig. Gen. Sharif Aziz, psc (Rtd)	Elite Security Services Limited
04.	Mr. Asif Ibrahim	Newage Garments Limited
05.	Mr. Ardashir Kabir	Bangladeshiyo Cha Sangsad
06.	Mr. Md. Zahid Miah	Bangladesh Jute Spinners Association
07.	Mr. Mohammed Mahbubur Rahman Patwari	Bangladesh Jute Mills Association
08.	Ms. Christabel Randolph	Marico Bangladesh Ltd.

3. LABOUR LAW SUB-COMMITTEE

01.	Mr. M. Shah Alam (Chairman)	Bangladeshiyo Cha Sangsad
02.	Ms. Kazi Roushan Ara	Leather goods and Footwear Manufacturers and Exporters Association of Bangladesh
03.	Mr. Md. Munir Hossain	Bangladesh Garment Manufacturers & Exporters Association
04.	Mr. Syed Tanvir Husain	Grameenphone Ltd.
05.	Mr. Md. Rafiqul Islam	Bangladesh Garment Manufacturers & Exporters Association
06.	Mr. Rafiqul Islam	Square Textiles Limited
07.	Mr. Abul Hashem Mazumder	Mirpur Ceramic Works Ltd
08.	Mr. Md. Golam Mostafa, MBA	Bangladesh Frozen Foods Exporters Association
09.	Mr. Md. Rokonuzzaman	Amann Bangladesh Limited

4. LABOUR COURTS SUB-COMMITTEE

01.	Mr. Mohammed Mahbubur Rahman Patwari (Chairman)	Bangladesh Jute Mills Association
02.	Mr. Md. Rafiqul Islam	Bangladesh Garment Manufacturers & Exporters Association
03.	Ms. Shusmita Anis	ACI Formulations Limited
04.	Adv. Iqbal Sayeed	Alpha Tobacco Mfg. Co. Ltd.
05.	Mr. Selim Chowdhury	G4S Secure Solutions Bangladesh (P) Ltd.
06.	Ms. Tram Anh Tran	Coats Bangladesh Limited
07.	Mr. M. Jamaluddin	Bangladesh Textile Mills Association
08.	Mr. A.S.M. Mainuddin Monem	Abdul Monem Sugar Refinery Ltd.
09.	Mr. Md. Akterul Hoque	Eastern Refinery Ltd.
10.	Ms. Kazi Roushan Ara	Leather goods And Footwear Manufacturers & Exporters Association of Bangladesh

5. SELECTION SUB-COMMITTEE

01.	Mr. Tahmid Ahmed (Chairman)	The Bengal Glass Works Limited
02.	Mr. Tanvir Ahmed	Envoy Textiles Limited
03.	Mr. Syed Tareque Md. Ali	Modern Industries (Bangladesh) Ltd.
04.	Mr. Md. Mominul Ahsan	E-Zone HRM Limited
05.	Mr. Adnan N. Rahman	Pubali Jute Mills Limited
06.	Mrs. Sadaf Siddiqi	Sidko Apparels Ltd.
07.	Mr. Fazlee Shamim Ehsan	Bangladesh Knitwear Manufacturers & Exporters Association

6. SEMINAR SUB-COMMITTEE

01.	Mr. Sakif Ariff Tabani (Chairman)	Khadim Ceramics Limited
02.	Ms. Tahsinah Ahmed	Underprivileged Children's Educational Programs (UCEP) Bangladesh
03.	Mr. Srinivasa Kumar Karavadi	Bayer CropScience Limited
04.	Mr. Mushfequr Rahman	Berger Paints Bangladesh Limited
05.	Mr. Syed Parvez Farrukh Ahmed	BRACNet Limited
06.	Mr. Rezwanul Hoque	Carlcare Technology BD Limited
07.	Mr. Mahbubul Anam	Expo Freight Limited
08.	Mr. Sulav Chowdhury	Bangladesh Knitwear Manufacturers & Exporters Association

7. WAGES CONSULTATIVE SUB-COMMITTEE

01.	Mr. Md. Munir Hossain	Bangladesh Garment Manufacturers & Exporters Association
02.	Mr. Mohammed Sayemul Karim	Nestle Bangladesh Limited
03.	Ms. Saiqa Mazed	Linde Bangladesh Limited
04.	Mr. A. S. M. Mohiuddin Monem	Abdul Monem Limited

05.	Mr. Muhammad Shamim Miah	Otobi Limited
06.	Mr. Sakif Ariff Tabani	Khadim Ceramics Limited
07.	Mr. Abu Luthfe Fazle Rahim Khan	Aftab Bahumukhi Farms Ltd.
08.	Mr. Aameir Alihussain, FCA	Bangladesh Steel Re-Rolling Mills Ltd.

8. MINIMUM WAGES RELATED SUB-COMMITTEE

01.	Mr. Syed Tareque Md. Ali (Chairman)	Modern Industries (Bangladesh) Limited
02.	Mr. Azizur Rashid Chowdhury	Malek Spinning Mills Limited
03.	Mr. Mansoor Ahmed	Bangladesh Knitwear Manufacturers & Exporters Association
04.	Mr. Md. Munir Hossain	Bangladesh Garment Manufacturers & Exporters Association
05.	Mr. Ahmed Rajeeb Samdani	Golden Harvest Agro Industries Ltd.
06.	Mr. Shahid Alam	Bangladesh Textile Mills Association
07.	Mr. M. Shah Alam	Bangladeshiyo Cha Sangsad
08.	Mr. Md. Zahid Miah	Bangladesh Jute Spinners Association
09.	Mr. Md. Abu Taher	Ship Breaker Association
10.	Mr. Khandaker Gyasuddin	Bengal Glass Works Limited
11.	Mr. Mahbubur Rahman	Independent Television Limited

9. PUBLIC RELATIONS SUB-COMMITTEE

01.	Mr. Selim Chowdhury (Chairman)	G4S Secure Solutions Bangladesh (P) Ltd.
02.	Mr. Tahmid Ahmed	The Bengal Glass Works Limited
03.	Dr. Roushan Alam	Libra Infusions Ltd.
04.	Barrister Sumaiya Aziz	Bangladesh Textile Mills Association
05.	Mrs. Sabrina Islam	Osman Textiles Limited
06.	Mr. Ardashir Kabir	Kedarpur Tea Company Ltd.
07.	Mr. Shehzad Munim	Foreign Investors Chamber of Commerce and Industry
08.	Mr. Abdul Momen	Apex Footwear Ltd.
09.	Mr. Md. Sazzadul Hassan	BASF Bangladesh Ltd.
10.	Ms. Mubina Asaf	British American Tobacco Bangladesh Company Ltd.

10. SAFETY AND WORKING CONDITIONS SUB-COMMITTEE

01.	Mr. Tanvir Ahmed (Chairman)	Envoy Textiles Limited
02.	Mr. Fazlee Shamim Ehsan	Bangladesh Knitwear Manufacturers & Exporters Association
03.	Mr. Md. Munir Hossain	Bangladesh Garment Manufacturers & Exporters Association
04.	Mr. Muin Uddin Mazumder	Sanofi Bangladesh Ltd.
05.	Mr. Mohiuddin Ahmed Mahin	Bangladesh Finished Leather, Leather goods& Footwear Exporters Association (BFLLFEA)
06.	Ms. Sanchia Chowdhury	Square Textiles Limited

07.	Mr. Munawar Misbah Moin	Rahimafrooz Batteries Ltd.
08.	Mr. Vishal Gupta	Reckitt Benckiser (Bangladesh) Ltd.
09.	Ms. Adeeba Rahman, ACII (UK)	Delta Life Insurance Co. Ltd.

11. TRAINING AND HUMAN RESOURCE DEVELOPMENT SUB-COMMITTEE

01.	Mr. Syed Tanvir Husain (Chairman)	Grameenphone Limited
02.	Mr. Mohamed Haniffa Mohamed Fairoz	Singer Bangladesh Limited
03.	Mr. Md. Ali Reza Khan	Social Marketing Company
04.	Ms. Farzana Chowdhury	Green Delta Insurance Company Limited
05.	Mr. Humayun Kabir	Siemens Bangladesh Limited
06.	Mr. Rabbur Reza	Beximco Pharmaceuticals Ltd.
07.	Mr. Tanvir Ahmed	Sheltech Ceramics Limited
08.	Mr. Najib Malek Chowdhury	Graphics Textiles Limited
09.	Mr. Shyaan Siraj	Elite Iron & Steel Industries Limited

12.WOMEN IN DEVELOPMENT SUB-COMMITTEE

01.	Ms. Shusmita Anis (Chairperson)	ACI Formulations Limited
02.	Ms. Vidiya Amrit Khan	Desh Garments Limited
03.	Mr. Fazlee Shamim Ehsan	Bangladesh Knitwear Manufacturers & Exporters Association
04.	Mrs. Sabrina Islam	Osman Textiles Limited
05.	Ms. Farzana Chowdhury	Green Delta Insurance Company Limited
06.	Mrs. Nilufur Ahmed Karim	Women Entrepreneurs' Association of Bangladesh
07.	Mr. Tahmid Ahmed	The Bengal Glass Works Limited
08.	Mr. M. Shah Alam	Bangladeshiyo Cha Sangsad
09.	Mrs. Luna Shamsuddoha	Dohatec New Media
10.	Ms. Farzana Hossain	Industrial and Infrastructure Development Finance Company Limited

13. SOCIAL DEVELOPMENT SUB-COMMITTEE (DECENT WORK FOLLOW-UP AND ILO DECLARATION ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK AND ITS FOLLOW-UP)

01.	Ms. Tahsinah Ahmed (Chairman)	Underprivileged Children's Educational Programs (UCEP) Bangladesh
02.	Mr. Kh. Asadul Islam	Alliance Capital Asset Management Limited
03.	Mr. Angelo Leanage	American &Efird (Bangladesh) Ltd.
04.	Mr. Kabir Reza	Dhaka Regency Hotel & Resort Ltd.
05.	Mr. Imran Ahmed	Duncan Products Limited
06.	Mr. Miran Ali	Remi Farms Ltd.
07.	Mr. Fazlee Shamim Ehsan	Bangladesh Knitwear Manufacturers & Exporters Association

14. IMPROVING SAFETY, WORKING CONDITIONS AND IR IN THE RMG SECTOR SUB-COMMITTEE

01.	Ms. Vidiya Amrit Khan (Chairman)	Desh Garments Limited
02.	Mr. Zahur Ahmed, Ph D	Apex Fashion Wear Ltd.
03.	Mr. Syed Iqbal Azim	Azim & Son (Pvt.) Ltd.
04.	Mr. Md. Hafijul Islam	Picard Bangladesh Limited
05.	Mr. Tanvir Ahmed	Green Textile Limited
06.	Mr. Reajul Islam	Momtex Expo Limited
07.	Ms. Sanjida Awal	Prime Composit Mills Limited

15. PROCESS AUTOMATION SUB-COMMITTEE

01.	Mr. Habibullah N. Karim (Chairman)	Technohaven Company Ltd.
02.	Mr. Tahmid Ahmed	The Bengal Glass Works Limited
03.	Mr. Syed Tanvir Husain	Grameenphone Limited
04.	Mr. Mohammed Mahbubur Rahman Patwari	Bangladesh Jute Mills Association
05.	Mr. M. Shah Alam	Bangladeshiyo Cha Sangsad
06.	Mr. Syed Parvez Farrukh Ahmed	BRACNet Limited
07.	Mrs. Luna Shamsuddoha	Dohatec New Media
08.	Mr. Md. Mominul Ahsan	E-Zone HRM Limited

IV. SECRETARIAT

Mr. Farooq Ahmed continued as the Secretary-General and the CEO of the Federation during the Year 2019.

V. Bangladesh Employers' Federation's representations at various BODIES (August 2019 – July 2020):

01.	International Organisation of Employers (IOE), Geneva	Mr. Kamran T. Rahman President, BEF Substitute: Mr. Farooq Ahmed Secretary-General, BEF
02.	Governing Body of Bangladesh Institute of Management	Mr. Habibullah N. Karim Vice-President, BEF
03.	Bangladesh Technical Education Board	Mr. Kazi Saifuddin Ahmed Labour Adviser, BEF
04.	Bangladesh Minimum Wages Board	Mr. Kazi Saifuddin Ahmed, Labour Adviser, BEF

05.	Tripartite Consultative Council (TCC) on Labour Matters of the Ministry of Labour and Employment	(1) The President, Bangladesh Employers' Federation
		(2) The Vice-President, Bangladesh Employers' Federation
		(3) Mr. Farooq Ahmed, Secretary-General, BEF
		(4) The President, Bangladesh Garment Manufacturers and Exporters Association
		(5) The President, Bangladesh Knitwear Manufacturers and Exporters Association
		(6) The Chairman, Bangladeshiyo Cha Sangsad
		(7) The Chairman, Bangladesh Jute Spinner Association
		(8) The Chairman, Bangladesh Jute Mills Association
		(9) The President, Bangladesh Aushad Shilpa Samity
		(10) The President, Bangladesh Textile Mills Association
		(11) Mr. Syed Tanvir Husain, Chief Human Resources Officer, Grameenphone Limited
		(12) Mr. M. Anis Ud Dowla, Chairman, Advanced Chemical Industries Ltd.
		(13) Mr. Sakif Ariff Tabani, Managing Director, Khadim Ceramics Limited
		(14) Mr. Mohammed Mahbubur Rahman Patwari, Executive Committee Member, Bangladesh Jute Mills Association
		(15) Ms. Shusmita Anis, Managing Director, ACI Formulations Limited
		(16) Mr. Keder Lele, Executive Committee Member, Foreign Investors' Chamber of Commerce & Industry
		(17) Mr. Tanvir Ahmed, Director, Envoy Textiles Limited
		(18) Mr. Syed Tareque Md. Ali, Managing Director, Modern Industries (Bangladesh) Ltd.
		(19) Mr. Selim Chowdhury, Managing Director, G4S Secure Solutions Bangladesh (P) Ltd.
		(20) Mr. Kazi Saifuddin Ahmed, Labour Adviser, BEF

Sd/-

(Kamran T. Rahman)

PRESIDENT

Sd/-

(Farooq Ahmed)

SECRETARY-GENERAL

TRAINING & CAPACITY BUILDING INITIATIVES IN 2019

Participation in AOTS / ITC- ILO / other International Organisation's Training Programmes:

The Federation nominated a number of participants to different training programmes conducted by The Association for Overseas Technical Cooperation and Sustainable Partnerships (AOTS), Japan / ITC – ILO Turin, Italy / and other International Organisations:

Sl. No.	Name of Participant	Designation & Name of the Firm	Training Programme	Place & Duration
1.	Mr. Abdullah-Al-Rashid	Assistant Manager (HR) Khadim Ceramics Limited	AOTS Program on Industrial Relations and Human Resource Management [ERHR2]	17 - 31 January 2019 Tokyo, Japan
2.	Mr. Moksud Belal Siddiqui	Senior Economist	AOTS Workshop of Joint Study on "Globalization and New Technologies – How do globalization and new technologies such as AI and RPA change companies' competitive environments and the labor markets?-" and "Bilateral Consultation meeting"	21 – 25 January 2019 Phnom Penh, Cambodia
3.	Mr. Khalid Shahrior	General Manager (HR) BEXIMCO Limited (Textile and Apparel Division)	AOTS "Invitation Program for Successful Former Participants - - Study of Latest Japanese Labour Practices and Opinion Exchange with Japanese Professionals – [ERFP]"	18 – 22 February 2019 Tokyo, Japan
4.	Mr. Mohammad Masudur Rahman	Deputy Secretary Bangladesh Employers' Federation	ILO's South Asian Regional Training Course on "Evidence-based Policy Making for Decent Work"	18-22 February 2019 New Delhi India
5.	Muhammad Habibur Rahman	Sr. Legal Officer Bangladesh Employers' Federation	International Training Programme on "Productive Employment and Decent Work in line with agenda 2030" organised by Swedish Public Employment Services	7 - 11 May 2019 Nairobi, Kenya

Sl. No.	Name of Participant	Designation & Name of the Firm	Training Programme	Place & Duration
6.	Mr. Nurul Islam	Lead – People Development & Talent Management, Human Resources SQUARE Pharmaceuticals Limited	AOTS Instructors' Training Course on the "Management Training Program- (MTP)" [ERMI]	27 May to 14 June 2019 Osaka, Japan
7.	Mr. A K M Ashiqul Haque	Company Safety Manager Grameenphone Ltd.	AOTS Program on "Occupational Safety and Health Management and Work Environment Improvement [ERWM]"	09 – 24 July, 2019 Tokyo, Japan
8.	Mr. Md. Nazrul Islam Chowdhury, ACS	Deputy Secretary – Regulatory Affairs, Bangladesh Employers' Federation (BEF)	GIZ Training course on "Return to Work (RTW)"	16-23 August 2019 Germany
9.	Mr. Md. Shahin Sharif	Sr. AGM (HR) Aftab Bahumukhi Farms Ltd.	AOTS Program on "Industrial Relations and Human Resource Management [ERHR1]"	20 August – 03 September 2019 Tokyo, Japan
10.	Mr. Md. Nazrul Islam Chowdhury, ACS,	Deputy Secretary – Regulatory Affairs, Bangladesh Employers' Federation (BEF)	ITC-ILO Training course on "Employment Injury Schemes and the Prevention of Occupational Accidents and Diseases"	02-13 September 2019 Turin, Italy
11.	Mr. Nashid Mahmood Hussain	Deputy Manager – HRD Social Marketing Company (SMC)	"AOTS Program on Industrial Relations and Human Resource Management for Executives [ERHE]"	18 – 29 November 2019 Tokyo, Japan

Bangladesh Employers' Federation's Participation in Seminars / Workshops / Symposiums and other National / International Affairs:

(1) Bangladesh Employers' Federation's participation in Seminars / Workshops / Symposiums in Bangladesh:

During the year 2019 representatives of the Federation participated in the following seminars/workshops/ conferences in Bangladesh:

1. Mr. Santosh Kumar Dutta, Joint Secretary, and Ms. Nishat Islam, Assistant Coordinator-Development & Training, Bangladesh Employers' Federation (BEF) attended the Capacity Building Workshop on the

Development of National Qualification Framework (NQF) organized by the ILO on 18-19 March, 2019 at the Conference Room, Directorate of Secondary and Higher Education (DSHE), Shikkha Bhaban, Dhaka.

- 2. Mr. Santosh Kumar Dutta, Joint Secretary, Bangladesh Employers' Federation (BEF) attended the workshop to review the "Model Factory Design Guideline – Terms of Reference" organized by the ILO on 15 July, 2019 at the Pan Pacific Sonargaon, Dhaka.

- 3. Mr. Joha Jamilur Rahman, Senior Training Coordinator, and Ms. Nishat Islam, Assistant Coordinator-Development & Training, Bangladesh Employers' Federation (BEF) attended the workshop on "Enterprise Level Productivity Enhancement" organized by the NPO on 24 July, 2019 at the NPO Conference Room, National Productivity Organization, Ministry of Industries, Dhaka.

- 4. Mr. Md. Nazrul Islam Chowdhury, ACS, Deputy Secretary – Regulatory Affairs, Bangladesh Employers' Federation (BEF) attend the ILO's "Validation Workshop" on independent mid-term evaluation of the ILOs SDIR Project Organized by ILO on 24 July 2019 at the ILO Country Office, Dhaka.

- 5. Mr. Md. Nazrul Islam Chowdhury, ACS, Deputy Secretary – Regulatory Affairs, Bangladesh Employers' Federation (BEF) attend the National Consultation on National Plan of Action (NPA) of National Child Labour Elimination Policy (NCLEP): Challenges and Way Forward organized by Bangladesh Shishu Oodhikar Forum (BSAF) on 25 July 2019 at NHRC,B Conference Hall, Dhaka.

- 6. Mr. Md. Moslem Uddin, Deputy Secretary (Membership and Communication), and Mr. Muhammad Habibur Rahman, Legal Officer, Bangladesh Employers' Federation (BEF) participated in the "Train the Trainer" (ToT) workshop organized by the ISC Tourism & Hospitality during 24 - 28 July, 2019 at the SEIP-ISC office, Dhaka.

- 7. Mr. Md. Nazrul Islam Chowdhury, ACS, Deputy Secretary – Regulatory Affairs, Bangladesh Employers' Federation (BEF) attend the "Validation Workshop" on independent mid-term evaluation of the ILOs SDIR project organized by the ILO on 24 July 2019 at the Conference Room of the ILO Country Office.

- 8. Mr. Muhammad Habibur Rahman, Legal Officer, and Ms. Nishat Islam, Assistant Coordinator-Development & Training, Bangladesh Employers' Federation (BEF) participated in the "Pilot Training" workshop organized by the ISC Tourism & Hospitality during 20 - 23 August, 2019 at the office of the Institute of Hotel Management & Hospitality, Dhaka.

- 9. Mr. Muhammad Habibur Rahman, Legal Officer, and Mr. Samiur Rahman Khan Adit, Assistant Coordinator: SDG and Climate Change, Bangladesh Employers' Federation (BEF) attended the "Stakeholder's consultation on the upcoming ILO project on Child Labour in Bangladesh" organized by the ILO on 28 August 2019 at Green View, BICC, Dhaka.

- 10. Ms. Nishat Islam, Assistant Coordinator-Development & Training, Bangladesh Employers' Federation (BEF) participated in the "National Stakeholder's Consultation" organized by the ILO on 3 October 2019 at Pan Pacific Sonargaon Dhaka.

- 11. Mr. Joha Jamilur Rahman, Sr. Training Coordinator, Bangladesh Employers' Federation (BEF) attended the "Consultative Workshop on Sustainable Small and medium Enterprises (SMEs) Development" organized by the ILO on 24 October 2019 at Green View, BICC, Dhaka.

- 12. Ministry of Labour and Employment (MOLE) jointly with Employers and Workers' organization aims to hold a National Dialogue on Future of Work and Centenary Celebration 2019 on 28 November 2019 at BICC, to discuss with stakeholders the impact of Future of Work for the development of Bangladesh and its graduation to Middle Income Country by 2024.

  Representatives of the Bangladesh Employers' Federation (BEF), Sectoral Associations, Industry Skills Council (ISC) and other stakeholders attended the event.

(2) Bangladesh Employers' Federation's representations at various International Seminars / Workshops / Conferences:

During the year 2019 representatives of the Federation participated in the following international seminars/ workshops/conferences:

- (i) Mr. Farooq Ahmed,Secretary-General, Bangladesh Employers' Federation and Mr. Santosh Kumar Dutta, Joint Secretary, Bangladesh Employers' Federation joined the 7-member tripartite team study tour organized by the ILO IPEC Global project "Country level engagement and assistance in reducing child labour" Project held during 09 -11, January 2019 in Manila, Philippines

- (ii) Mr. Syed Tareque Md. Ali, Member, Finance and Membership Sub-Committee, Bangladesh Employers' Federation, and Mr. Farooq Ahmed, Secretary-General, Bangladesh Employers' Federation attended the 8th SAFE annual meeting held during 11 - 13 February 2019 in Delhi

- (iii) Mr. Mohammad Hatem, Member of the Committee, Bangladesh Employers' Federation attended the "ILO Tripartite Meeting of Experts on Cross-Border Social Dialogue" held during 12 – 15 February 2019 in Geneva

- (iv) Mr. Badiur Rahman, Joint Secretary, Bangladesh Employers' Federation attended the JILAF International Tripartite Meeting on 'Supporting Grass Roots Activities through the International Employer's and Worker's Network (SGRA)' held during 17-18 February 2019 in Bangkok, Thailand

- (v) Mr. Habibullah Neyamul Karim, Founder & CEO, Technohaven Company Ltd. attended the ILO "Global Dialogue Forum on decent work in the management of electrical and electronic waste (e-waste)" held during 9 – 11 April 2019 in Geneva

- (vi) Mr. Farooq Ahmed, Secretary-General, Bangladesh Employers' Federation (BEF) and Mr. Md. Mamunur Rahman, Additional Secretary, The Federation of Bangladesh Chambers of Commerce and Industry (FBCCI) attended the ITC-ILO programme "Employers' and Business Members Organizations (EBMOs) and Sustainable Development Goals" held during 9 -11 July 2019 in Bangkok, Thailand

- (vii) Mr. Asif Ayub, Additional Secretary, Bangladesh Employers' Federation (BEF) attended a five-day long workshop on developing a roadmap on Industry 4.0 implemented by the China Productivity Center (CPC) under the guidance of Asian Productivity Organization (APO) on 19-23 August, 2019 in Taipei, Republic of China.

- (viii) Mr. Kamran T. Rahman, President, Bangladesh Employers' Federation (BEF) attended the UNICEF Regional Youth Skills Forum, held during 29 – 31 October 2019 in Mumbai, India

- (ix) Mr. Tahmid Ahmed, Member of the Committee, Bangladesh Employers' Federation (BEF) attended the ILO "Asia Regional Conference on Reaching SDG Target 8.7 on Forced Labour, Human Trafficking and Child labour" held during 20-22 November 2019, in Kathmandu, Nepal

- (x) Mr. Farooq Ahmed, Secretary-General, Bangladesh Employers' Federation (BEF), and Mr. Asif Ayub, Additional Secretary, Bangladesh Employers' Federation (BEF) attended the ITC-ILO workshop on the role of ACE/SAFE EOs in fostering safe and productive migration held in 21-22 November 2019 in Kuala Lumpur, Malaysia

- (xi) Mr. Shameem Ahmed Chowdhury Noman, Secretary- General, Bangladesh Association of International Recruiting Agencies (BAIRA), as the representative of Bangladesh Employers' Federation (BEF) attended the ILO's Tripartite interregional consultation entitled "Labour mobility between Asia and the Arab States: Sharing of experiences and progress under the Bali Declaration with specific focus on women migrant workers" held during 3-4 December 2019 in Bangkok, Thailand

Bangladesh Employers' Federation (BEF) - Joint programs with ILO, AOTS, JILAF and other National and International Organizations

Following joint activities were undertaken during the year 2019:

1 Seminar on "Migration: Where do we stand?" held on 14 March 2019.

The Bangladesh Employers' Federation (BEF) organized a seminar on "Migration: Where do we stand?" held on 14 March 2019 at the conference room of BEF secretariat with a view to make the social partners aware of the progress made in regulating the migration process globally by the ILO and its impact at country level where Bangladesh had also been benefitted as a major player in the field of migration. In the seminar, Mr. Shabarinath Nair, who had recently taken over as the ILO's Labour Migration Specialist in the Decent Work Team (DWT), New Delhi, explained the total scenario from global, regional as well as country perspective, and the total dynamics of labor migration from South Asia, particularly from Bangladesh to Middle East and other countries. He also mentioned the roles of various platforms like Colombo Process and Abu Dhabi Dialogue and the involvement of different government and other stakeholders. Eventually, the importance of migration for any country, be it country of origin or destination, was clarified amply. Skills developments of migrant workers, mutual recognition, protection of rights, etc., were also discussed in the seminar.

2. "BEF - AOTS Joint Seminar: "Globalisation and Changing Role of Managers: Japanese Experience -" held in Dhaka on 23 – 24 September 2019.

The Association for Overseas Technical Cooperation and Sustainable Partnerships (AOTS) of Japan and Bangladesh Employers' Federation (BEF) Jointly organized a two-day long seminar for "Globalisation and Changing Role of Managers: Japanese Experience -" in Dhaka. The seminar program was held in the Conference Hall at the Chamber Building (4th floor), 122-124 Motijheel C. A., Dhaka during 23 – 24 September 2019.

The program aimed for the participants to deepen their understanding of changes of managers' role in the era of Globalisation with examples of Japanese-affiliated companies. Also, the program is designed to enhance participants' capabilities in handling IR, HR, individual skill development and leadership through lectures by Japanese and Bangladeshi lecturers and group discussions.

Mr. Kamran T. Rahman, President, Bangladesh Employers' Federation (BEF) delivered inaugural address and inaugurated the seminar. In the opening ceremony, Mr. Habibullah N. Karim, Vice-President, BEF, extended

the vote of thanks. Dr. A K M Moazzem Hussain, Honorary Adviser to AOTS Activities in Bangladesh, Mr. Eiji Teshima, Assistant Manager, AOTS, Mr. Farooq Ahmed Secretary-General, BEF, also spoke in the opening ceremony. Mr. Kazuteru Kuroda, Principal, Global Management Consultants, Japan Productivity Center, Tokyo, Japan, conducted and facilitated the seminar discussions. Ms. Yuka Homma, Programme Coordinator of the AOTS, was also present in the seminar.

Mr. Kazuteru Kuroda, Principal, Global Management Consultants, Japan Productivity Center Conducted Lecture sessions and facilitated group discussions on (i) Handling cultural diversity -Hofstade's cultural index -Cultural value lens, (ii) Shifting IR to HR -Overview of Japanese HR changes -Global trends of HR changes, (iii) Shifting IR to HR -Overview of Japanese HR changes -Global trends of HR changes, (iv) Development of management (leadership) -Situational leadership theory -Different expectation for leaders by countries -Case of HRD in global, (v) Global management now and beyond -Generic HR systems -Current HR programs in Japan.

Besides, one of the former participants who was nominated by Bangladesh Employers' Federation (BEF) and participated in an AOTS programme held in Japan made presentation on his learning experience from the AOTS programme and how he utilized his gathered knowledge in the workplace and also how he disseminated his learning.

The participants actively participated in the discussions and seminar deliberations. The participants also contributed in the group discussion & made group presentation. The participants also prepared Action Plan for future course of action.

About 40 participants nominated from the member organizations of the Bangladesh Employers' Federation (BEF) attended and participated in the seminar. Certificate of participation was awarded to the participants after successful completion of the seminar programme.

3. BEF – ILO joint activity on "Capacity Development of Chambers of Commerce and Business Organizations in Dhaka, Chattogram and Sylhet on SDGs and Implementation of ILO's Global Report on Future of Work findings in Bangladesh"

Bangladesh Employers' Federation (BEF) jointly with International Labour Organisation (ILO), Dhaka Office organizied and facilitated three technical workshops and one high level roundtable discussion on SDG implementation and the role of private sector including implementation of ILO's Global Report on Future of Work initiatives in Bangladesh.

BEF represents the employer community nationally and internationally with whom ILO works very closely following the spirit of tripartism. BEF in association with MCCI, DCCI, CCCI, SCCI, BGMEA and BKMEA organized three technical workshops in Dhaka, Chattogram and Sylhet. The high level roundtable discussion was held after conducting the three technical discussions taking inputs from those sessions.

All activities under the Work Plan were implemented and completed successfully as shown below:

(a) Divisional discussion workshop with the Chambers of Commerce and businesses in Chottogram held on 16 November 2019;

(b) Divisional discussion workshop with the Chambers of Commerce and businesses in Dhaka held on 26 November 2019;

(c) Divisional discussion workshop with the Chambers of Commerce and businesses in Sylhet held on 07 December 2019;

(d) High-level discussion with SDG coordinators and UNCT in Dhaka on Private Sector's contribution on SDG achievement and implementation of findings of Global Report on Future of Work held on 15 December 2019.

EXECUTIVE SUMMARY OF THE REPORT ON THE ACTIVITIES:

- The 17 Sustainable Development Goals (SDGs) define global priorities and aspirations on the road to 2030 in order to combat huge economic, social and environmental challenges of our world. In September 2015 – leaders from 193 countries around the world joined to develop the SDGs that are universal, integrated and transformative.

- Organizations can harness the 17 SDGs which are based on 5Ps (Planet, People, Prosperity, Peace & Partnership) to drive organization's growth, address risk, attract capital and focus on purpose. Worldwide Governments have already agreed to these goals; however, SDGs will not be reached without the effective engagement of the private sector organizations and key stakeholders.

- Considering this situation, with the guidance and support of the ILO Bangladesh, the activities under this assignment are divided under the two phases. The assignment facilitates discussion workshops on SDGs and implementation of Global report on Future of Work findings in Bangladesh

- As discussed during our workshops and high-level discussion session, we have found that with the adoption of the 2030 Agenda, UN Member States have pledged to ensure "no one will be left behind". However, yet many people are being left behind. While governments must take the lead in ensuring that their SDG pledges are implemented, the private sector should also play its part by instilling innovations and adopting smart technologies to complement the work of governments with the objective of improving the lives and living of the people.

a) with: Chambers of Commerce and businesses in Dhaka, Chittagong and Sylhet

b) Based on the findings of the divisional level discussions with Chambers of Commerce:

- Organized a high-level discussion in Dhaka with the presence of Mr. Salman F. Rahman MP, Advisor to the Prime Minister on Private Industry & Investment and Ms. Mia Seppo, UN Resident Coordinator in Bangladesh, along with leaders of Chambers, Business Organizations and Govt. officials. on Private Sector's contribution on SDG achievement and implementation of Global report on Future of Work findings.

Our world is ever changing! Technology will take over some of our existing jobs and will also create new ones - the only way to cope up with the future world is through adaptation. This adaptation will come with the skilled labour force - not only in one particular work but also in different dynamics say the 21st Century Skills including,

Critical thinking, Creativity, Collaboration, Communication, Information literacy, Media literacy, Technology literacy, Flexibility, Leadership, Initiative, Productivity, Social skills etc.. Private Sector can support this human-centred development initiatives to meet these new challenges while achieving the SDGs. Industries need to be localized and transformed from the job-less growth to job-centered growth. In this changing business environment, Private Sector needs to look at these problems from 'Business Problem' point of view, because if these problems are unsolved, then our business opportunities will definitely be minimized.

Thus, Private Sector can look at the SDGs and see that there is a 'new market opportunities' and 'new business model' to reach those opportunities. So instead of looking at it - as charity, CSR or the Mandate of the Govt., Development Agencies or NGOs, Private Sector can look at the SDGs - from the 'Business Perspectives' - identify the business opportunities, choose the right business model, collaborate with the partners and take strategies accordingly to achieve business success. Thus, we need business leaders to use their enormous influence to push for inclusive growth and business opportunities while achieving SDGs.

One of the major challenges towards this journey of achieving SDGs in Bangladesh includes the lack of understanding of the 'Business Case' among business stakeholders because of the complexity of the agenda, considering individual business. There is also a lack of Top Management. buy-in, due to not seeing what they will get back in return while existing data are not dynamic, useable, accessible, open, or used effectively. Besides, there is a lack of coordinated efforts among Govt., Private Sector and Civil Society initiatives, including the lack of integration on reporting and clarity on regulatory implications.

Hence, we must recognize that achieving SDGs will require a new way of thinking. The goals are complex and interconnected, and their success will depend on new partnerships among all stakeholders including Bangladesh Govt., Private Sector and Civil societies. The Govt. of Bangladesh has already institutionalized SDGs in their 7th5-year plan. Govt. has also arranged mapping of all the 17 SDGs with respective Ministries and has also prioritized 39 indicators (plus 1 indicator – leaving no one behind). Now Govt. can inform, involve and evolve with the Private sector with specific KPIs and measurement criteria and reward champions. Moving forward, we need to develop a Way Forward journey on how Employers' and Business Organizations (EBO) may approach achieving SDGs, what would be the SDG Governance Structure, what would be the SDG incentives for Private Sector and above all, how to map the prioritizations of SDGs for Bangladesh along with goal-wise accountability of task forces. Tracking, Monitoring and Reporting of our work are also important.

Hence, as an immediate next step, we should start more coordinated efforts and finalization of Governance Model involving specific stakeholder with accountabilities for each prioritized goal. We also need to explore best practices and innovative approaches on SDG Financing model while discuss/finalize Govt. incentive packages for private sector to speed up the entire value chain. Private Sector Working Group needs to contribute to government mechanism, so need to put Government in the driving seat and the Private Sector Working Group should coordinate with the assistance from UN/ Development Agencies (including ADB, WORLD Bank IFC etc.) amongst private sectors. We may establish the Private Sector Working Group under the leadership of the biggest Federation in Bangladesh (i.e. FBCCI), while we will also need to put Bangladesh Employers' Federation (BEF) to lead specific SDGs e.g. 'Goal 8' which is all about Decent Work and Inclusive Growth. Based on the insights, outcomes and discussions from the key stakeholders during the workshops, an integrated Way Forward model and the next steps of our journey have also been proposed in this report for further review, discussions and relevant modifications to take sustainable solutions in our journey towards achieving SDGs.

Now it is the time to take actions because there's so much more to do. We all should be part of the solutions. All we need is alignment to make things happen – all together – to achieve SDGs and above all, to Rebrand Bangladesh.

CONCLUSION:

Bangladesh Govt. has been doing lots of activities in achieving SDGs. Private sector is doing many SDG related activities without actually knowing it. UN organizations and Civil society organizations have also been doing their part. However, most of these activities are not integrated or well-coordinated. Hence as an immediate next step, we
should do the following:

• Coordinated efforts: There is a huge need for coordinated efforts among Bangladesh Govt., Private Sector & other stakeholders to define a result-driven and sustainable governance framework for all stakeholders. Our Govt. should take part in leading this great initiative to achieve SDGs. We need to minimize the gap among chambers and business organizations on how to achieve SDGs. SDG Cell can be established in this regard at all chambers and associations for effective coordination among Govt. and various working groups. Formal and informal engagement among chambers, business associations, civil society, and other actors along with the Govt. is a must.

• Finalization of Governance Model: The proposed way forward model, as discussed in the earlier chapter, needs to be reviewed, discussed, modified and locked. Effective Task force should be created according to prioritize SDGs to map all these ideas and activities into real results. Bangladesh Government can also come up with their guidelines, KPIs and measurement criteria on Goal-by-Goal as well as sector wise. As shown in 'Proposed Way Forward' model, for each goal – one specific Govt. ministry should be the driving force, while one private sector organization should lead and accountable, for better results. There is also a need for collecting the 'real-time data' for monitoring and decision making. In fact, there should be more dialogues on this, among all relevant stakeholders in order to finalize the engagement framework with the help of the Govt. Moving Forward; we need to incorporate SDGs and private sector involvement framework in our 8th Five-year plan.

• Approaches on SDG Financing: We should explore best practices and innovative approaches on SDG Financing - a separate committee can be set up to discuss and explore new approaches on SDG Financing, for example, how to bring our "Zakat" fund into the SDG financing mechanism. On the other hand, Govt. Incentive Package is very much essential to boost up SDG financing mechanism and effective incentive model needs to be further discussed, identified and finalized among stakeholders.

Hence, Private Sector Working Group needs to contribute to government mechanism, putting Government in the driving seat and the Private Sector Working Group should coordinate with the assistance from UN/ Development Agencies (including ADB, WORLD Bank IFC etc.) amongst private sectors. In fact, for the achievement of SDGs, every single day is important. In order to leave 'No One' behind, 'No Goal' can be left behind. What we need – we need alignment and public-private governance strategy– we need much more concrete action plans;new governance model integrating all relevant stakeholders to transform the entire value chain. It's time to take action. We should be part of the solutions. There's so much more to do. All we need is to make things happen – all together – to achieve SDGs and above all, to Rebrand Bangladesh. **Time is Now.**

MONTHLY WORKSHOP FOR THE OFFICERS OF THE MEMBER-FIRMS

Bangladesh Employers' Federation organises workshop every month for the officers of the member-firms dealing with labour laws, administrative matters, human resources, service conditions, occupational health and safety and various other subjects under the Labor Laws of Bangladesh. It is generally held on Tuesday of the last week of every month at the Conference room of the Federation. The officers directly benefit from attending the workshop. Neither the participating officers nor the member-firms are to pay fees for the workshop.

Four or five agenda of the workshop are sent to the member-firms at least one week ahead of the workshop. This facilitates lively discussion on the agenda containing labour law and occupational safety issues. The participating officers can discuss any other issue in respect of their organisations concerning labour laws and their application. The workshop is conducted by the Labour Adviser of the Federation.

The Federation organised 12 workshops in the previous year (2019) where more than 261 officers of the member-firms attended and took part in discussion.

Snapshots from Training Activities 2019


Training program on
LEAN MANUFACTURING SYSTEM AND APPLICATIONS
Jointly Organized by
GEORGE WONG


LEAN
PPLICATIONS


TRAINING PROGRAM ON
BANGLADESH LABOUR LAW
WITH THE LATEST AMENDMENT 2018


TRAINING PROGRAM ON
BANGLADESH LABOUR LAW


BANGLADESH LABOUR LAW


TRAINING PROGRAM ON


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INCREASE PRODUCTIVITY FOR BETTER FUTURE


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WITH THE LATEST


BEF
TRAINING PROGRAM ON
BANGLADESH LABOUR LAW
LABOUR
LAW


Training program on
Strategy to adopt
the changes in
NEW VAT LAWS
efficiently
September 17, 2019, Dhaka, Bangladesh


Training program on
Strategy to adopt
the changes in
NEW VAT LAWS
efficiently


BEF
Training program on
Strategy to adopt
the changes in
NEW VAT LAWS
VALUE ADDED TAX
VAT
money
price


September 26, 2019 Dhaka


The Seminar for
PRODUCTIVITY FOR
BETTER FUTURE
Jointly Organized by

REPRESENTATIVES ON THE LABOUR COURTS

প্রথম শ্রম আদালত, ঢাকা

১.	মোহাম্মদ জহিরুল ইসলাম ব্যবস্থাপক (প্রশাসন) বাংলাদেশ পাটকল কর্পোরেশন (বিজেএমসি) আদমজি কোর্ট (এনেক্স-১) ১১৫-১২০, মতিঝিল বা/এ ঢাকা-১০০০ মোবাইল: ০১৯১৪ ৩৭৪১৯২	২.	মোঃ রফিকুল ইসলাম অতিরিক্ত সচিব (শ্রম) বাংলাদেশ গার্মেন্ট ম্যানুফেকচারার্স এন্ড এক্সপোর্টার্স এসোসিয়েশন (বিজিএমইএ) বিজিএমইএ কমপ্লেক্স প্লট নং- ৭/৭এ, সেক্টর-১৭ ব্লক নং- এইচ-১, উত্তরা, ঢাকা-১২৩০ মোবাইল: ০১৯১৩ ৫২৯৮৬২
৩.	মুহাম্মাদ হাবিবুর রহমান জ্যেষ্ঠ আইন কর্মকর্তা বাংলাদেশ এমপ্লয়ার্স ফেডারেশন (বিইএফ) চেম্বার বিল্ডিং (৫ম তলা) ১২২-১২৪, মতিঝিল বা/এ ঢাকা-১০০০ মোবাইল: ০১৭১১ ২০৪৬১৩	৪.	ফারজানা সারমীন যুগ্ম সচিব (কমপ্লায়েন্স সেল) বাংলাদেশ নীটওয়্যার ম্যানুফেকচারার্স এন্ড এক্সপোর্টার্স এসোসিয়েশন (বিকেএমইএ) প্লানার্স টাওয়ার (৫ম তলা) ১৩/এ, সোনারগাঁও রোড বাংলামোটর, ঢাকা-১০০০ মোবাইল: ০১৭১২ ৫৭৭০২৭
৫.	মোঃ মমিনুল ইসলাম ব্যবস্থাপক (মানবসম্পদ বিভাগ) পপুলার ফার্মাসিউক্যালস্ লিমিটেড শেলটেক পান্থকুঞ্জ ১৭, শুক্রাবাদ, পশ্চিম পান্থপথ ঢাকা-১২০৭ মোবাইল: ০১৮১৪ ৬৬০৬৫২	৬.	মোঃ মনজুর মোরশেদ সহঃ মহাব্যবস্থাপক (এইচআর এন্ড এডমিন) এনভয় ফ্যাশন লিঃ (এনভয় গ্রুপ) দিয়াখালী, ইয়ারপুর জামগড়া, আশুলিয়া ঢাকা-১৩৪১ মোবাইল: ০১৭১৩ ৪৮৩০৬১

দ্বিতীয় শ্রম আদালত, ঢাকা

১.	মোঃ আব্দুল মান্নান ব্যবস্থাপক (বোর্ড ও কোং) বাংলাদেশ পাটকল কর্পোরেশন (বিজেএমসি) আদমজি কোর্ট (এনেক্স-১) ১১৫-১২০, মতিঝিল বা/এ ঢাকা-১০০০ মোবাইল: ০১৮১৭ ৫৪৯৬২৫	২.	কাজী রওশন আরা নির্বাহী পরিচালক লেদারগুডস এন্ড ফুটওয়্যার ম্যানুফেকচারার্স এন্ড এক্সপোর্টার্স এসোসিয়েশন অব বাংলাদেশ ইরেক্টর হাউজ (১০ম তলা) ১৮, কামাল আতাতুর্ক এভিনিউ ঢাকা-১২১৩ মোবাইল: ০১৯৭৭ ৭৭৮২৭২

৩.	মার-আ-নূল ইসলাম সভিন সহঃ যুগ্ম সচিব (কমপ্লায়েন্স ও শ্রম) বাংলাদেশ নীটওয়্যার ম্যানুফেকচারার্স এন্ড এক্সপোর্টার্স এসোসিয়েশন (বিকেএমইএ) ১৩/এ, সোনারগাঁ রোড বাংলামোটর ঢাকা-১০০০ মোবাইল: ০১৭১২ ১৪৭৯৭৩	৪.	মোহাম্মদ মোস্তাফিজুর রহমান কোম্পানী সেক্রেটারী এসিআই ফরমুলেশনস্ লিমিটেড ২৪৫, এসিআই সেন্টার তেজগাঁও শিল্প এলাকা ঢাকা-১২০৮ মোবাইল: ০১৭১৩ ০৫৩০৫৩
৫.	কে এম সাব্বির আহমেদ উপ-পরিচালক ও শিল্পসম্পর্ক প্রধান গ্রামীণফোন লিমিটেড জিপি হাউজ বসুন্ধরা, বারিধারা ঢাকা-১২২৯ মোবাইল: ০১৭১১ ৫০৬৮৭০	৬.	মোহাম্মদ রেজা মাহমুদ নির্বাহী পরিচালক (কারখানা) নিটটেক্স ইন্ডাস্ট্রিজ লিঃ প্লট নং- ২৪৭-২৫২ বাইমাইল, কোনাবাড়ী গাজীপুর-১৩৪৬ মোবাইল: ০১৭১৪ ০৯৬২৬০

তৃতীয় শ্রম আদালত, ঢাকা

১	মোঃ সাজ্জাদ-আল-জামান ব্যবস্থাপক বাংলাদেশ পাটকল কর্পোরেশন (বিজেএমসি) আদমজি কোর্ট (এনেক্স-১) ১১৫-১২০, মতিঝিল বা/এ ঢাকা-১০০০ মোবাইল: ০১৭১৫ ৪৭০৬৫৯	২	মোঃ মমিনুল আহসান ব্যবস্থাপনা পরিচালক ই-জোন এইচআরএম লিমিটেড প্ল্যানার্স টাওয়ার (দশম তলা) সিআর দত্ত রোড (সোনার গাঁও রোড) ঢাকা-১০০০ মোবাইল: ০১৭১৩ ৩৬৩০৫৫
৩	মাহমুদ হাসান ব্যবস্থাপক (ল এন্ড এডমিন) সিঙ্গার বাংলাদেশ লিমিটেড বাড়ী নং- ৫বি, রোড নং- ১২৬ গুলশান-১, ঢাকা-১২১২ মোবাইল: ০১৭১১ ১৫৬১১৩	৪	আবুল হাশেম মজুমদার উপ-মহাব্যবস্থাপক (মানবসম্পদ বিভাগ) মিরপুর সিরামিক ওয়ার্কস্ লিমিটেড ৬২, কালসি রোড, সেকশন-১২ পল্লবী, মিরপুর, ঢাকা-১২১৬ মোবাইল: ০১৮১১ ৩৪৩৪০২
৫	মোঃ মাহফুজুর রহমান অতিরিক্ত মহাব্যবস্থাপক (কমপ্লায়েন্স) জিন্নাত নীটওয়্যারস্ লিঃ (ডিবিএল গ্রুপ) ক্যাপিটা সাউথ এভিনিউ টাওয়ার (৭ম তলা) হাউজ-৫০, রোড-০৩ গুলশান এভিনিউ, ঢাকা-১২১২ মোবাইল: ০১৭১৩ ১৪৮৮৪৬	৬	মোঃ মজিবুর রহমান মহাব্যবস্থাপক (এইচআর এন্ড এডমিন) কনফিডেন্স নীটওয়্যার লিমিটেড ধনুয়া, শ্রীপুর গাজীপুর মোবাইল: ০১৮২০ ৫২৩০৮০

প্রথম শ্রম আদালত, চট্টগ্রাম

১	মোঃ মামনুর রশিদ মহাব্যবস্থাপক ও আঞ্চলিক সমন্বয় কর্মকর্তা বাংলাদেশ পাটকল কর্পোরেশন (বিজেএমসি) চট্টগ্রাম আঞ্চলিক কার্যালয় সাত্তার চেম্বার ৯৯, আগ্রাবাদ বা/এ, চট্টগ্রাম মোবাইল: ০১৭৮৭ ৬৭৬০৪৫	২	মোহাম্মদ আতিক পরিচালক বাংলাদেশ গার্মেন্ট ম্যানুফেকচারার্স এন্ড এক্সপোর্টার্স এসোসিয়েশন (বিজিএমইএ) বিজিএমইএ ভবন (লেভেল-৪ ও ৫) ৬৬৯/ই, ঝাউতলা রোড দক্ষিণ খুলশী, চট্টগ্রাম মোবাইল: ০১৮১৯ ৩১৫৩৩৭
৩	মীর মাহবুবুল হক কমিটি সদস্য বাংলাদেশীয় চা সংসদ বাসা নং-৪৬০ (৭ম তলা) রোড নং-৩১, নিউ ডিওএইচএস মহাখালী, ঢাকা-১২০৬ মোবাইল: ০১৮১৮ ৩৫৮৭৫৩	৪	মোহাম্মদ মহসীন চৌধুরী অতিরিক্ত সচিব বাংলাদেশ গার্মেন্ট ম্যানুফেকচারার্স এন্ড এক্সপোর্টার্স এসোসিয়েশন (বিজিএমইএ) বিজিএমইএ ভবন (লেভেল-৪ ও ৫) ৬৬৯/ই, ঝাউতলা রোড দক্ষিণ খুলশী, চট্টগ্রাম মোবাইল: ০১৫৫৪ ৩৩৭৭৪৮
৫	মোহাম্মদ গিয়াস উদ্দিন যুগ্ম সচিব (কমপ্লায়েন্স ও শ্রম) বাংলাদেশ নীটওয়্যার ম্যানুফেকচারার্স এন্ড এক্সপোর্টার্স এসোসিয়েশন (বিকেএমইএ) প্রেস ক্লাব ভবন (১ম ও ২য় তলা) ২৩৩/১, বি.বি. রোড নারায়ণগঞ্জ-১৪০০ মোবাইল: ০১৭১৬ ২৬০০৮০	৬	মোঃ সোহেল উপ সচিব (কমপ্লায়েন্স) বাংলাদেশ নীটওয়্যার ম্যানুফেকচারার্স এন্ড এক্সপোর্টার্স এসোসিয়েশন (বিকেএমইএ) চেম্বার হাউজ (৫ম তলা) ৩৮, আগ্রাবাদ সি/এ চট্টগ্রাম মোবাইল: ০১৮১৯ ৯৫১১৩৭

দ্বিতীয় শ্রম আদালত, চট্টগ্রাম

১	আরিফ আহমদ সহঃ মহাব্যবস্থাপক, ট্রেনিং এন্ড ডেভেলপমেন্ট চিটাগাং স্টক এক্সচেঞ্জ লিমিটেড সিএসই বিল্ডিং ১০৮০, শেখ মুজিব রোড আগ্রাবাদ, চট্টগ্রাম মোবাইল: ০১৭১১ ৮১২১১০	২	আ ন ম সাইফুদ্দিন প্রাক্তন পরিচালক বাংলাদেশ গার্মেন্ট ম্যানুফেকচারার্স এন্ড এক্সপোর্টার্স এসোসিয়েশন (বিজিএমইএ) বিজিএমইএ কমপ্লেক্স প্লট নং- ৭/৭এ, সেক্টর-১৭ ব্লক নং- এইচ-১, উত্তরা, ঢাকা-১২৩০ মোবাইল: ০১৯৭১ ৭২০১৩২

৩	মোঃ আব্দুল হাই নির্বাহী পরিচালক মাসুদ ফিস প্রসেসিং এন্ড আইস কমপ্লেক্স লিঃ বি.এফ.ডি.সি প্লট-২২, ব্লক-বি ইছানগর, কর্ণফুলী চট্টগ্রাম মোবাইল: ০১৭১৩ ১১০৫২৩	৪	রঞ্জন কুমার রায় যুগ্ম সচিব (কমপ্লায়েন্স এন্ড লেবার) বাংলাদেশ নীটওয়্যার ম্যানুফেকচারার্স এন্ড এক্সপোর্টার্স এসোসিয়েশন (বিকেএমইএ) প্রেস ক্লাব ভবন (১ম ও ২য় তলা) ২৩৩/১, বি.বি. রোড নারায়ণগঞ্জ-১৪০০ মোবাইল: ০১৭১২ ৫৯২০৮৯
৫	মোহাম্মদ আরিফ উল্লা উর্ধ্বতন ব্যবস্থাপক (এইচআর, প্রশাসন) পেডরোলো এনকে লিমিটেড পেডরোলো প্লাজা ০৫, জুবিলী রোড চট্টগ্রাম মোবাইল: ০১৯১৯ ২১০৩০৩	৬	মোঃ গোলাম নেওয়াজ উর্ধ্বঃ মহাব্যবস্থাপক (এইচআর, কমপ্লায়েন্স) সেকশন সেভেন লিমিটেড প্লট- ২১-২৬, রোড- ০৪ সেক্টর-০৩, সিইপিজেড চট্টগ্রাম মোবাইল: ০১৭১৩ ১৪৮১৭৩

খুলনা শ্রম আদালত

১	মোঃ কামরুজ্জামান উর্ধ্বতন প্রশাসনিক কর্মকর্তা (এইচআরএম) খুলনা শিপইয়ার্ড লিমিটেড বাংলাদেশ নৌবাহিনী খুলনা মোবাইল: ০১৭১৮ ৬২৭০৪৮	২	সঞ্জয় কুমার বিশ্বাস ব্যবস্থাপক (প্রশাসন) প্লাটিনাম জুবিলী জুট মিলস্ লিমিটেড খালিসপুর খুলনা মোবাইল: ০১৭২৩ ৪২৬০২৬
৩	মোঃ আব্দুল খালেক চেয়ারম্যান এ্যারিষ্ট ফুড এক্সপোর্টার্স লিঃ ১৬৬-১৬৭, রামনগর মুরুলীর মোড়, রাজার হাট যশোর মোবাইল: ০১৭৩৬ ২৪৭৭৬৪	৪	খন্দকার আইনুল ইসলাম ব্যবস্থাপনা পরিচালক সাউথফিল্ড ফিশারিজ লিমিটেড বাগমারা পূর্ব রূপসা-৯২৪১ খুলনা মোবাইল: ০১৭১৩ ০০৬৩০৫
৫	মোঃ ফজলুর রহমান সহঃ মহাব্যবস্থাপক (প্রশাসন) শুন শিং সিমেন্ট মিলস লিঃ লবণছড়া, শিপইয়ার্ড-৯২০১ খুলনা মোবাইল: ০১৭৩০ ৭৮৯৫৫৩	৬	মোঃ জাকারিয়া খালেদ সহকারী সচিব (কমপ্লায়েন্স সেল) বাংলাদেশ নীটওয়্যার ম্যানুফেকচারার্স এন্ড এক্সপোর্টার্স এসোসিয়েশন (বিকেএমইএ) প্লানার্স টাওয়ার (৫ম তলা) ১৩/এ, সোনারগাঁ রোড বাংলামোটর, ঢাকা-১০০০ মোবাইল: ০১৬৮৪ ৩২৯৮৫৬

রাজশাহী শ্রম আদালত

১	মোঃ আশরাফুর রহমান উপ-ব্যবস্থাপক (ভান্ডার ক্রয়) রাজশাহী জুট মিলস্ শ্যামপুর রাজশাহী মোবাইল: ০১৭১৮ ৯৩৩৮২৩	২	মোঃ সাদরুল ইসলাম পরিচালক রাজশাহী চেম্বার অব কমার্স এন্ড ইন্ডাস্ট্রি চেম্বার ভবন স্টেশন রোড রাজশাহী-৬১০০ মোবাইল: ০১৭১১ ১১১৬৬৯
৩	রিয়াজ আহমেদ খান পরিচালক রাজশাহী চেম্বার অব কমার্স এন্ড ইন্ডাস্ট্রি চেম্বার ভবন স্টেশন রোড রাজশাহী-৬১০০ মোবাইল: ০১৭১১ ৩৭৫৯৪৩	৪	মোঃ আব্দুল গাফ্ফার পরিচালক রাজশাহী চেম্বার অব কমার্স এন্ড ইন্ডাস্ট্রি চেম্বার ভবন স্টেশন রোড রাজশাহী-৬১০০ মোবাইল: ০১৭১৫ ০৫৭৫২০
৫	মোঃ আসাদুজ্জামান পরিচালক রাজশাহী চেম্বার অব কমার্স এন্ড ইন্ডাস্ট্রি চেম্বার ভবন স্টেশন রোড রাজশাহী-৬১০০ মোবাইল: ০১৭৪৫ ৫০০৫০০	৬	মাসুদুর রহমান পরিচালক রাজশাহী চেম্বার অব কমার্স এন্ড ইন্ডাস্ট্রি চেম্বার ভবন স্টেশন রোড রাজশাহী-৬১০০ মোবাইল: ০১৭১১ ২৬৯১৯২

রংপুর শ্রম আদালত

১	মোঃ আনিছুর রহমান (রাজু) সদস্য নবাবগঞ্জ বাজার ব্যবসায়ী সমিতি নবাবগঞ্জ রংপুর মোবাইল: ০১৭১৬ ৪৩৭১০৬	২	এ কে এম আজিজুল ইসলাম রাজু যুগ্ম সম্পাদক রংপুর জেলা মটর মালিক সমিতি দক্ষিণ গুপ্তপাড়া রংপুর মোবাইল: ০১৮১৯ ১৪৬৪৬৮
৩	মোঃ জাকির হোসেন স্বত্তাধিকারী সাঈদ বেকারী নবাবগঞ্জ রংপুর মোবাইল: ০১৭১৬ ১০৭৩৩৮	৪	মোঃ আব্দুর রাজ্জাক (দুলন) সদস্য রংপুর ক্রোকারী সমিতি দেওয়ানবাড়ী রোড রংপুর মোবাইল: ০১৭৪৭ ০৩৩৪৪৬
৫	মোঃ কামরান আলী সিটি ফ্লাওয়ার মিল ও মিনার অটো রাইস মিল স্টেশন রোড আলমনগর রংপুর মোবাইল: ০১৭১১ ১০৮১৩৩	৬	মোঃ আব্দুর রাজ্জাক মেসার্স নর্দার্ন এজেন্সি আর কে রোড রংপুর মোবাইল: ০১৭১৬ ৪০৪৫৫১

সিলেট শ্রম আদালত

১	সৈয়দ মহিউদ্দিন মহাব্যবস্থাপক এম. আহমেদ টি এন্ড ল্যান্ডস কোম্পানী লিঃ দরগামহল্লা সিলেট মোবাইল: ০১৭১৩ ৪৮৫৩৫৩	২	শামসুল আলম সেলিম চেয়ারম্যান ও পরিচালক নন্দন এ্যাগ্রো ফিসারিজ লিঃ শুভেচ্ছা-১৮৮, আপন গ্রীন টাওয়ার মিয়া ফাজিল চিশতি সিলেট সদর, সিলেট মোবাইল: ০১৭১১ ৩৪১৩৮৯
৩	মুঃ জসিম উদ্দীন খন্দকার ফুলকলি ফুড প্রোডাক্টস্ লিমিটেড ৯-১০, বিসিক ইন্ডাস্ট্রিয়াল এরিয়া খাদিম নগর সিলেট মোবাইল: ০১৭৪২ ১৫৭০৮২	৪	মোহাম্মদ এনামুল হক উপ-মহাব্যবস্থাপক (এইচআর এন্ড এডমিন) লাফার্জহোলসিম বাংলাদেশ লিমিটেড নোয়ারাই, ছাতক সুনামগঞ্জ মোবাইল: ০১৭১৩ ০৬৬৮৯৩
৫	হেলেন আহমদ স্বত্তাধিকারী ও চেয়ারম্যান আহমদ হাউজিং ও হোটেল রাজমহল ১নং কমলা বাগান মজুমদারী বিমানবন্দর, সিলেট-৩১০০ মোবাইল: ০১৭১১ ৯৭৫৩৪১	৬	মেহেরুন্নেসা আকতার এইচআর ম্যানেজার নির্বানা ইন মির্জাজঙ্গল সিলেট মোবাইল: ০১৭১১ ২৮১০০৬

বরিশাল শ্রম আদালত

১	সুলতান মাহমুদ ব্যবস্থাপনা পরিচালক মেসার্স মুলাদী নেভিগেশন কোম্পানী বান্দ রোড স্টীমার ঘাট বরিশাল মোবাইল: ০১৭১১ ২৪৫৬৬৭	২	সৈয়দ মোঃ ইয়াহিয়া মহাব্যবস্থাপক মোহাম্মাদী ইলেক্ট্রিক ওয়্যারস এন্ড মাল্টি প্রোডাক্টস্ লিমিটেড স্বরুপ আলী চেয়ারম্যান সড়ক হাটখোলা, বরিশাল মোবাইল: ০১৭৫৫ ৫২০৮৫১
৩	আলমগীর হাওলাদার ব্যবস্থাপনা পরিচালক সাউদার্ন ইন্টারন্যাশনাল কোম্পানী ২নং মধ্য টিয়াখালী কলাপাড়া পটুয়াখালী মোবাইল: ০১৭৩৫ ৯৩৪৮৯৭	৪	মোঃ কাওছার হোসেন শিপন সাধারণ সম্পাদক বরিশাল-পটুয়াখালী বাস মালিক সমিতি রূপাতলি বরিশাল মোবাইল: ০১৭১১ ৩৬৮০৩৭
৫	বিজয় কৃষ্ণ দে ব্যবস্থাপনা পরিচালক অমৃত মোমে জে এন্ড কোম্পানী লিঃ অমৃত মোমে জে সড়ক বরিশাল মোবাইল: ০১৮১৯ ৭৯০০২১	৬	কাজল ঘোষ মহাব্যবস্থাপক কেমিস্ট ল্যাবরেটরিজ লিমিটেড কলেজ রোড বরিশাল মোবাইল: ০১৭১১ ১৩১৮০১

IMPORTANT COURT CASES ON LABOUR MATTERS:

JANUARY -2019

High Court Division
(Special Original Jurisdiction)
Writ petition No. 3226 of 2013 with writ petition No. 8639 of 2015

Zubayer Rahman Chowdhury J
Md Khasruzzaman J
Sohel Rana (Md) and others ..... Petitioner
vs
Government of the People's Republic of Bangladesh,
represented by the Secretary, Ministry of Power,
Energy and Mineral Resources,
Bangladesh Dhaka and others..... Respondents
Judgment
August 24th, 2016

30. Replying to the aforesaid contention of Mr Salauddin, the learned Advocate for the petitioners has drawn our attention to a list published by GSB, wherefrom it appears that during I980- 1985, under the development project, out of a total 258 posts, 228 posts were transferred under the Revenue Budget on 1-7-1991 . Serial No. 11 indicates that there are 22 posts of Assistant Director.

31. Similarly, for the corresponding period (1985- 1990), out of 74 posts, ECNEC (Executive Committee of the National) Economy Commission) accorded its approval for transferring 51 posts out of 74 to the Revenue Budget on 1-7- 1991 . Serial No.9 indicates that there are 6 posts of Assistant Director.

32. In the instant case, the core issue relates to determining the seniority between the petitioners and respondent Nos. 7- 12.

33. Admittedly, two advertisements were published in the national dailies on two different dates. The first advertisement dated 30-6-2006 was published on 15-5-2006 and the second advertisement dated 18-5-2006 was published on 27-5-2016.

34. The first advertisement invited applications for appointment of Assistant Directors in 28 vacant, but permanent posts. The second advertisement invited applications for appointment of Assistant Directors in 6 temporary vacant posts. In the very same advertisement, there was a corrigendum stating that the 28 permanent posts mentioned in the first advertisement was to be read ("পড়তে হবে") as 6 permanent vacant posts.

35. Although at first glance, there appears to be two different advertisement published on two different dates, yet, in our view, one cannot be read in isolation of the other, but must be read together. This view of ours is in fact substantiated by the second advertisement itself which stipulates "বিশেষ দ্রষ্টব্য: বিজ্ঞাপনের সংশোধনী পড়তে হবে" thereby referring to the first advertisement.

36. In the second advertisement, there is no mention of the words "permanent post"; all that the second advertisement disclosed was that applications for appointment to 22 temporary posts were being invited along with three other posts of Assistant Geo Physicist. However, it is only with reference to the corrigendum, ie., "বিজ্ঞাপনের সংশোধনীচ that one is led to infer that the advertisement also relates to inviting applications for six permanent posts of Assistant Director. However, in order to ascertain the criteria for making the application for appointment to the six permanent posts, one has to refer to the first advertisement dated 30-4-2000. Without doing so, an applicant can, by no means, apply for the permanent post relying solely upon the second advertisement. Therefore, in our view, both the advertisements are to be read together and considered as one advertisement, even though they were published on two different dates.

37. Let us now consider the case before us for a more practical approach. Admittedly, the petitioners and the respondents are all serving in GSB. The petitioners applied for appointment to the post of Assistant Director. On being selected by the Public Service Commission through viva voce examination, they were appointed on ' 11 -2- 2007 and they joined in their respective posts on 12-2-2007. Subsequently, they were made permanent in the said posts from the date of their joining. On the other hand, the respondents were appointed on' 20-2-2007. They joined in their respective posts on 25-2-2007 and they were subsequently made permanent, also from the date of joining in their respective posts. Therefore, the unassailable position is that the petitioners were appointed in service at an earlier point of time than the respondents.

38. Although it has been urged by Mr Salahuddin that 'the petitioners were selected through a lesser rigorous process of selection than the respondents, who sat for both written and viva examination which took a longer period of time, that by itself cannot be a determining factor with regard to their interse seniority. It was not for the petitioners to decide the mode of examination that PSC would undertake to select them. As noted earlier, the Rules of PSC provides for four different methods of examination for selection/ appointment of candidates. It is for the PSC to decide the mode or method of examination that they would adopt in a particular case.

39. In the instant case, the petitioners were selected through a viva voce examination only, whereas the respondents were asked to appear in both written and viva voce examination. Therefore, it is not correct to suggest that the consumption of a longer period of time in completing the selçction process would confer automatic seniority on the respondents simply because they had applied through the first notification. However, as we have indicated earlier, both the notifications had merged together and therefore, both the notifications shall have to be read and considered as one, although published on two different dates.

40. It has been also argued strenuously by the learned Advocate appearing for the respondents that the petitioners were appointed in temporary posts, while the respondent Nos. 7 to 12 were appointed in permanent posts.

41. Let us now examine their respective appointment orders.

42. From Annexure E, being the notification dated 11 -2-2007, it appears that the 22 writ petitioners were all appointed on temporary basis in the post of Assistant Director in the Scale of Taka 6800-325 x 7-9075-EB-365 x 11-13090. From Annexure G, being the notification dated 20-2-2007, it appears that respondent Nos. 7 to 12 were all appointed by the said notification as Assistant Director having the pay scale of Taka 6800-325 x 7-9075-EB-365 x 11-13090, also on temporary basis.

43. It further appears that the appointments of the petitioners as well as the respondents were made under certain conditions, which reads as follows:

"২। উপরোক্ত কর্মকর্তাদের এ নিয়োগের শর্তাবলী নিম্নরূপ:
(ক) প্রার্থীকে দুই বৎসর শিক্ষানবিস হিসেবে দায়িত্ব পালন করতে হবে। শিক্ষানবিসীকালে যদি তিনি চাকুরীতে বহাল রাখা অনুপযোগী বলে বিবেচিত হন তবে কোন কারণ দর্শানো ছাড়াই এবং সরকারী কর্ম

কমিশনের পরামর্শ ব্যতিরেকে তাঁকে চাকুরী হতে অপসারন করা যাবে।
(খ) শিক্ষানবিসীকালে সন্তোষজনকভাবে অতিক্রান্ত হলে তাঁকে সংশ্লিষ্ট পদে স্থায়ী করা যেতে পারে।

(M) .....

(ঘ) নিয়োগকৃত প্রার্থীর জ্যেষ্ঠতার সরকারী বিধি মোতাবেক নির্ধারিত হবে।"

44. The above mentioned conditions have been incorporated in both the notifications dated 11-2-2007 and 20-2-2007.

45. What is interesting to note and, perhaps, the most crucial factor in deciding the issue before us is that, nowhere within the four corners of the notification dated 20-2-2007 has it been mentioned that the appointments were to be made against permanent post; rather, as is evident from the said notification itself, the six respondents were all appointed on a temporary basis, as were the petitioners, having the same scale of pay and subject to the same conditions.

46. Although it has been strenuously argued that respondent No. 4 recommended the appointment of the six respondents in permanent posts, that by itself will not confer seniority upon the respondents. It is one thing to have a recommendation; it is completely another thing to claim seniority in a particular post. Recommendation and appointment are two distinct matters. A 'recommendation" may or may not be accepted or implemented; they neither have any binding force, nor do they create any. legal right. On the contrary, an 'appointment' made by a competent authority in accordance with law confers certain rights on the persons so appointed. Such appointments contain certain conditions . which become binding on the parties concerned.

47. In the instant case, both the notifications clearly indicated that the applications were being sought for appointment to the posts of Assistant Director, albeit on a temporary basis, having the same scale of pay. Admittedly, the petitioners were appointed as Assistant Directors at an earlier point of time and joined the service at an earlier point of time and their subsequent confirmation was also made from the date of their joining in their respective posts.

48. In our view, that is just and proper. There has been no impropriety in conferring seniority from the date of joining. There cannot be any distinction between the persons appointed temporarily or permanently to a particular post. Both persons enjoy the same scale of pay and other benefits and privileges and both are required to put it the same amount of work. In fact, for all practical purposes, persons appointed temporarily usually end up working more hours and more diligently on the apprehension that unless their performance is satisfactory, their appointments may not be made permanent. However, the persons appointed in permanent posts do not have any such apprehension, as their appointment is already confirmed and secured.

49. In our view, the determining factor should be the date of joining i.e. the date on which a person starts to work. The main criterion for determining seniority in service is primarily based on the length of service that a person puts in a particular position. Since seniority is directly related to the length of service in a particular post or position, it is only logical that such computation be made from the date on which a person joins in the said post. Confirmation in the post at a subsequent point of time will not take away this valuable right.

50. I am fortified in my view by the pronouncement of the Supreme Court of India, reported in AIR 1990 (SC) 1607 (Direct Recruit Class II Engineering Officers Association vs the State of Maharashtra), where it was held as under:
"Once an incumbent was appointed to a post according to Rule, this similarity has to be counted to the date of his appointment and not according to the date of his confirmation."

51. The aforesaid observation was quoted with approval in the case of OP Garg vs State of Uttar Pradesh, reported in 96 AIR 1991 (SC) 1202, where the Supreme Court of India was called upon to decide the issue of appointments made to temporary posts and substantive psts.

While deciding the issue, the Court held as under:
"Appointments under Rule 22 of the 1975 Rules can be made to a permanent post as well as to a temporary post. So long as the temporary post has an independent existence and a part of the cadre strength the appointment against the said post has to be treated as substantive appointment."

52. Mr Amit Das Gupta, the learned Advocate appearing on behalf of respondent Nos. 7- 12 submits that since the issue of seniority relates to the terms and conditions of service, the writ petition is not maintainable, more so, in view of the recent pronouncement by the Appellate Division passed in CPLA 159 of 2010. However, in the aforesaid judgment, which has since been reported in 21 BLC (AD), the Apex Court also observed that a writ petition will, nevertheless, be maintainable where the vires of law has been challenged.

53. That is precisely what has been done in the instant case. In Writ Petition No. 3226 of 2013, the Rule was issued challenging the vires of Rule ৪(১) (কযধ) ড়ভ ধযবঙনন-কেডার কর্মকর্তা ও কর্মচারী (জ্যেষ্ঠাতার ও পদোন্নতি) বিধিমালা, ২০১১ published in the Bangladesh Gazette on 4-5-2011 and that by itself has made by the writ-petition maintainable. However, upon hearing the matter and while disposing of the same by this judgment, it appears that the substantive relief sought by the petitioner can be granted to them without striking down the relevant provision of law.

54. In view of the discussion made above and having regard to the relevant rules, and last, but not the least, in due deference to the decisions referred to above, we are inclined to hold that the Rules issued in both the writ petitions merit positive consideration.

55. In the result, the Rules issued in Writ Petition No. 3226 of 2013 and Writ Petition No. 8639 of 2Ol5 are made absolute.

56. There will be no as to costs.
The office is directed to communicate the order.
Ed.

February

Md Abdul Wahhab Miah J
Md Imman Ali J
AHM Shamsuddin Choudhury J
Chairman, Rural Electrification Board at present (Bangladesh Rural Electrification Board) Dhaka .....
.....
..... Petitioner
vs
Maziruddin Ahmed Khan and others.....
Respondents
Judgment
April 1st, 2015

Md Imman Ali J :
This civil petition for leave to appeal is directed against the judgement and order dated 5-3-2014 passed by the High Court Division in Writ Petition No.798 of 2013.

2. Facts as emerge from writ petition in brief are as follows:

The petitioner before us, an engineering graduate, also having an MBA degree, joined the Rural Electrification Board (REB) as a General Manager on 16-9-1989. On 4-10-2012, he was taken, by surprise when he received a show cause notice, which, according to him, contained irrelevant and concocted allegations, but he replied to it on 17-10-2012.

3. A Committee set up to inquire into the allegations, submitted its report on 23-8-2012.

4. The Writ petitioner asserts that he was dismissed on 7-11-2012, without being given an opportunity of personal hearing and without serving on him a second show cause notice. He preferred an appeal on 20-11-2012, but the appellate body summarily dismissed his appeal without considering the averments made in the memo of appeal and the order of the appellate body was a non-speaking one.

5. In making the Rule absolute, the High Court Division

observed that respondent No. 5 who actually issued the show cause notice also initiated the appeal process with negative recommendation to the appellate forum, as is revealed by the relevant documents. It went on to state that the writ respondents did not consider the memo of appeal and never provided an opportunity to the writ petitioner to defend his case by way of written statement or personal hearing, adding that the alleged inquiry was concluded some 76 days after the expiry of the statutory time limit, which is 30 days whereas rule 40 of REB's Service Rules provides that it is incumbent to dispose of such an appeal within 30 days. Again respondent No. 5, who issued the show cause notice, also affixed his signature on the appellate order. The High Court Division iterated that the principle "audi alteram partem" was fully ignored in that the writ petitioner was not allowed to appear before the inquiry committee, adding that the respondents utterly failed to follow their own service Rules.

6. As we took the leave petition for hearing, Mrs. Sufia Khatun, the learned Advocate on Record, argued for the leave petitioner that the inquiry committee conducted inquiry fully in accord with REB Rules, which contains no provision for personal appearance. She added that the writ petitioner was given all opportunities to defend himself, so there was no breach of the principles of natural justice. She continued to submit that the inquiry was concluded within the stipulated period.

7. Mr Abul Kalam Mainudin, the learned Advocate for the respondents before us, on the other hand, submitted that all the documents show that the principles of natural justice were violated.

8. We have perused the judgement of the High Court Division and considered the connected papers as well as the submission of the learned Advocates appearing for the parties concerned.

9. The fact that the leave petitioner conducted the inquiry without allowing the respondent before us to appear before the committee personally stands vindicated by the fact that REB's learned Advocate submitted before the High Court Division and before us that REB Rules do not warrant personal appearance.
10. Whether REB Rules so provide or not, the principles of fairness and natural justice demand this requirement, and as Byles, J. observed in Cooper vs Wands worth Board of Works (1863 I4CB (NS)180), such provisions shall be implied, even if not expressed, unless expressly excluded by the concerned statute, because "justice of the common law will supply the mission of the legislature".

11. Similarly in the classic case of R vs University of Cambridge, (1723 1 str. 557), i.e. Dr. Bentleys case, the Kings Bench gave a sermon that right to be heard is required by "the laws of God and man", establishing the theme that even if there are no positive words in a statute, requiring right to be heard, yet that provision shall be read into the statute. These observations were approved by the House of Lords in Ridge vs Baldwin [1964]AC 40.

12. As the High Court Division rightly expressed, Articles 31 and 32 of our constitution demand such rights.

13. The decision of the leave petitioner is also vitiated by the fact that the same person, i.e. respondent No. 5, who issued the show cause notice also initiated the appeal process transmitting a negative message and also affixed his signature on the appellate decision.

14. This was in serious breach of the first rule of natural justice, which is that no man shall be the judge of his own cause (nemo Judex in re sua). On the same account the House of Lords set aside even a decision by none other than the Lord High Chancellor of England (Dimes vs Grand Junction Canal, 1852 3 HLC 759).

15. As was stated in R vs Sussex Justices, exparte Mac Cartney (1924 1KB 256) in respect to this principle, "Justice must not only be done but also be seen to be definitely and manifestly done".
16. The leave petitioners, thus have been in breach of both the principles of natural justice, wherefor its decision cannot pass the test of legality.

The leave petition is, accordingly, dismissed.
Ed.

March

High Court Division
(Special Original Jurisdiction)
Writ Petition No. 3446 of 2011
Tariq ul Hakim J
Md Faruque (M Faruque) J
Lovely Akhter..... Petitioner vs
Government of People's Republic of Bangladesh, Represented by its Secretary, Ministry of Energy, Power Division, Bangladesh Secretariat, Ramna, Dhaka and others..... Respondents

Judgment
March 28th, 2017

Md Faruque (M Faruque) J : This Rule Nisi was issued calling upon the respondents to show cause as to why the .office order vide Memo No.177/BUBO (Karma)13/32.8/2006 third part) dated 6-4-2011 issued by the respondent No. 2 under the signature of the respondent Nos. 3 and 4 terminating the petitioner from the post of Assistant Teacher of Ghorashal Power Centre High School, Ghorashal Palash, Norsingdi (Annexure-E to the petition) shall not be declared illegal and without lawful authority and is of no legal effect and/or pass such other order or further order or orders as to this court may seem fit and proper.
2. At the time of issuance of the Rule, the respondents were directed not to fill up the vacant post till disposal of the rule unless by this time any such appointment is made therein.

3. The short facts for the disposal of the Rule are that the petitioner is the daughter of lale Md Abu Saeed, SBA-B, an employee of the Bangladesh Power Development Board, Shiddhirgonj Power Centre who passed away on 19-2-2001. After the petitioner's father's death she applied for a job in the dependant category according to her educational qualification in Bangladesh Power Development Board. On 17-11-2003 the petitioner was appointed as MLS in the Bangladesh Power Development Board, Shiddhirgonj Power Centre, as dependant on the basis of 'no work no pay'. Thereafter, the petitioner obtained a Master of Arts and Bachelor of Education degree. She was given permission to work as a teacher in the Bangladesh Power Development Board. But surprisingly with a malaflde intention the petitioner was appointed as a sweeper thereafter despite the fact that she was teaching in school she was receiving her salary at the pay scale of a sweeper. Then she has been working therein as MLSS on the basis of 'no work no pay'.

4. In the year 2006 the petitioner applied to make her job permanent as dependant following an advertisement made by the respondents, where she mentioned that she is a widow explaining her position that after taking this job the petitioner got married on 3-3-2003 but on 19-2-2004 her husband had died in a road accident. After her husband's death she became dependant on her mother's family with her baby of the age of 2 months 15 days. But she was not made permanent in her job despite that she had all required qualifications for the said job.

5. Thereafter in the year 2010 another advertisement has been published for permanent job and after being informed about the advertisement she applied for the post of Assistant Teacher in dependant quota stating in her application that she is a widow, her husband died in the year 2004 and she did not get married again. The petitioner successfully overcame in her written and vivavoce examination and the respondent No. 2 being satisfied appointed her as an Assistant Teacher of the Ghorashal Power Development Board High School on 20-4-20 10 vide Memo No. সূত্র নং-১৮৬-বিউবো (কর্ম)/১৩/৩২.৮/০৬ (৩য় খন্ড) dated-20-4-2010 (Annexure-B) as appears in Serial No. 76 of the same.

6. Suddenly, on 22-5-2010 one Amir Uddin sent an application against the petitioner and 80 other dependants to the respondents stating that the petitioner being a married woman cannot get this job as dependant. On the basis of the said application an inquiry committee was formed for investigation by the respondent; without being informed anything about the said investigation all of a sudden a member of the said committee met her and asked her some

questions and tactfully with an ulterior motive made her to sign in a form and she signed in the same. Thereafter, on 6-4- 2011 the petitioner was dismissed by the respondent No. 2 under the signatures of the respondent Nos. 3 & 4 by issuing the impugned office order dated 6-4-2006 (Annexure-E). Having been dismissed, on 10-4-2011 the petitioner filed an application addressing the respondent No. 2 requesting him to re-consider all those things and reinstate her in the job but in vain.

7. Having no response of the respondent No. 2, the petitioner sent a notice demanding justice through her learned Advocate requesting the respondents to withdraw, cancel and rescind the office order dated 6-4-2011 and to communicate the compliance thereof within 2-5-2011 but the respondents did not take any steps as such the petitioner having no other alternative efficacious remedy, filed this writ petition under Article 102 of the Constitution of the People's Republic of Bangladesh and obtained Rule.

8. The learned Advocate Mr AM Amin Uddin appearing for the petitioner submits that the petitioner being dependant within the meaning of section 2(14) of the Bangladesh Powçr Development Board (Employees) Service Rules, 1982, she is eligible to get the job in the dependant category. The petitioner is the only earning member of her mother's family bearing school going brothers and her minor son.

According to the Bangladesh Power Development Board (Employees) Service Rules, 1982 the petitioner as the daughter of the deceased employee is quite eligible to get this job. On the other hand, the respondent did not give any show cause notice to explain the petitioner about the allegation brought against her. The procedure of the said investigation is gross violation of natural justice. The impugned letter (Annexure-E), dismissing the petitioner from her service is not tenable in the eye of law.

9. The learned Advocate Mr Rajik Al Jalil entered appearance by filing affidavit-in opposition on behalf of the respondent Nos. 2 and 3 but by this time the learned Advocate has been elevated to the Bench of this Court. Subsequently, no one appeared for the respondents.

10. It has been stated in the affidavit-in- opposition that the petitioner being appointed as no work no pay basis under respondents she got married on 3-3-2003. Subsequently, her husband died on 19-2-2004 in a road accident leaving behind the writ petitioner and a son aged about 21/2 months, but that fact was not informed to the respondent authority knowing fully well that none of the married or windowed daughter is treated as dependant as per Service Rules of Bangladesh Power Development Board. It has been further stated that the petitioner on 13-9-2006 filed an application for appointment as junior teacher in the dependent category to the respondents authority stating that she is a widowed daughter of late Md Abu Sayed, an ex-employee of Bangladesh Power Development Board. But since the Service Rules of the Bangladesh Power Development does not permit a married or widowed daughter as dependant and since the writ petitioner was married and subsequently became widow with a son, the committee regarding appointment of dependant did not recommend for the writ petitioner to get the appointment and as such she was not appointed as dependant under the relevant rules of Bangladesh Power Development (Employees) Service Rules, 1982.

11. The learned Advocate for the petitioner by filing affidavit-in-reply against the affidavit- in-opposition submits that the question stated in the affidavit-in-opposition are matters of record except the statement to the effect that on the basis of false statements supplied by her regarding her marital status which was subsequently investigated by an impartial enquiry committee without giving an opportunity to the writ petitioner of being heard submitted report stating that the writ petitioner got the appointment on the basis of the false statement concealing her marital status and of her child. It is further stated that the respondents neither constituted any enquiry committee in accordance with the service rules in operation, nor the petitioner was called on before the enquiry committee or did not give any notice to her to represent herself before the said committee: therefore, the respondents

dismissed the writ petitioner unfairly, without complying the due process of law and in complete violation of the principle of natural justice.

12. We have heard the learned Advocate for the petitioner, perused the writ petition, affidavitin-opposition, affidavit-in-reply and other materials on record.

13. It appears that in the year 2010 the petitioner applied for the post of Assistant Teacher in dependant quota stated in her application that she is a widow, her husband died in the year 2004 having one child two and half months. She did not get married again. The petitioner successfully overcame in her written and viva-voce examination; the respondent No. 2 being satisfied appointed her as an Assistant Teacher of the Ghorashal Power Development Board High School on 20-4-2010. But all on a sudden one Amir Uddin sent a letter to the respondents on 22-5-2010 claiming that the petitioner and 80 other dependants being married woman cannot get job as dependant. On the basis of the said application the respondents constituted an inquiry committee for investigation of the said allegation. The enquiry committee submitted report (Annexure-1) to the affidavit-in-opposition. In the last portion of the said report held that: "লাভলী আক্তার তার বর্তমান বৈবাহিক অবস্থার সমর্থনে সিদ্ধিরগঞ্জ পৌর প্রশাসকের যে সনদপত্র দাখিল করেছেন তাতে উল্লেখ রয়েছে যে, তার দেয়া তথ্য মতে তিনি অদ্যবধি বিবাহ বন্ধনে আবদ্ধ হন নাই। তাছাড়া ইউনিয়ন পরিষদের চেয়ারম্যান কর্তৃক ইস্যুকৃত উত্তরাধীকার সনদে লাভলী আক্তারকে অবিবাহিত হিসেবে উল্লেখ করা হলেও আলোচনা ৩জন শিক্ষক এ বিষয়ে ভিন্ন বক্তব্য প্রদান করেছেন অর্থাৎ লাভলী আক্তারকে বিধবা হিসেবে উল্লেখ করেছেন। সর্বোপরী লাভলী আক্তারের সন্তান থাকা সম্পর্কিত অভিযোগের বিষয়ে আলোচ্য ৩ জন শিক্ষকের বক্তব্য হতে প্রতীয়মান হয় যে, লাভলী আক্তারের ১ টি পুত্র সন্তান আছে এবং সে সিদ্দিরগঞ্জ বিদ্যুৎ কেন্দ্র মাধ্যমিক বিদ্যালয়ের ছাত্র। মতামত: অভিযুক্ত লাভলী আক্তার, তার মাতা জাহানারা বেগম এবং আলোচ্য ৩ জন শিক্ষকের বক্তব্য ও প্রাপ্ত দলিলাদি পর্যালোচনা/বিশ্লেষণ অন্তে নিম্নবর্ণিত মতামত পেশ করা হইল:

(১) লাভলী আক্তার বিধবা। তবে পরবর্তীতে পুনর্বিবাহ করেন নাই।

(২) লাভলী আক্তারের ছেলে সিদ্ধিরগঞ্জ বিদ্যুৎ কেন্দ্র মাধ্যমিক বিদ্যালয়ের ছাত্র।"

14. In view of the opinion of the inquiry committee, the petitioner is a widow because after the death of her husband she did not get married. She applied for the post of Assistant Teacher in dependant quota mentioning that she is a widow explaining her position that after being married on 3-3-2003, her husband died on 19-2-2004 in a road accident. After her husband's death she became dependant on her mother's family with her 2 months 15 days old baby. So, there is no bar in the eye of law to continue the service of the petitioner in the dependant quota. One Amir Uddin, who sent letter to the authority is not a proper person to bring allegation against an employee but on the basis of the said letter the respondents inquired into the matter without serving any show cause notice upon the petitioner. The very Latin term "audi alteram partem" convey the meaning 'listen to the other side", or "let the other side be heard as well". It is the settled principle of law that no person should be judged or penalized without a fair hearing in which each party is given the opportunity to respond to the evidence against him/them. In this case the respondent did not serve any show cause notice upon the petitioner, not giving the opportunity of being heard and thereby the respondents violated principle of natural justice. These respondents violated the same as such this Court cannot sit with tight hands when the question raised before us to protect the fundamental right of any citizen and against the violation of natural justice by any means is to exercise the power conferred under Article 102 of the Constitution of the People's Republic of Bangladesh.

15. In section-2, sub section 14 of the Bangladesh Power Development Board (Employees) Service Rules, 1982 defines the word "Dependant" which runs as follows;

Section-2 Definitions—

(14) "dependant" means wife or husband, children, parents, minor brothers, unmarried sisters, deceased son's widow and children and deceased daughter's children, if they are solely dependent upon the employee.

16. In this section it is clearly defined that who would be entitled to get job in the dependant quota. The key word "children" i.e. a son or daughter whether he/she is married or unmarried is not a material question to have a job in the Board in dependant quota. The main

theme of this definition is that the person should be children to obtain a job in the Power Development Board. In view of the above situation, the petitioner rightly got her job as a dependant being daughter but on the basis of so called allegation without serving any show cause notice and giving no opportunity to the petitioner of being heard terminated her from service.

17. The reason shown by the respondents for termination of the petitioner from service on the ground that a married daughter of an employee of the Board is not entitled to be employed by the Power Development Board as a dependant is misconceived.

18. Furthermore, the explanation (3) of the section 2(18) raised in the affidavit-in- opposition is not applicable against the petitioner since her father, the original employee admittedly has already died before the employment of the petitioner and for the reason no question should arise issuing of such certificate, by the original employers, for father of the petitioners.

19. In section 2 sub section (18) defines about the family which read as follows;
Section 2 subsection (18) "family" means wife (one wife only), children, stepchildren, parents, sister and minor brothers residing with and wholly dependent upon the employee.
Explanation.—
(1) .....
(2) .....
(3) "Sister, daughters and step daughters of an employee shall be deemed to be wholly dependent upon him till they are married and shall thereafter be deemed to have ceased to be dependent unless he certifies that they are wholly dependent upon him."
20. From the record it appears that the petitioner was the only earning member of her mother's family after the death of her father (the employee of the Board) with her two brothers who were students in the relevant period. The mother and two bothers depend upon her earning and they have no objection if the petitioner be employed under the Board.
21. In view of above facts and circumstances of the case, we find that the impugned order of termination of the petitioner dated 6-4-2011 (Annexure-E) has been passed illegally, arbitrarily having no authority and, as such, the same is liable to be interfered with by this court. We find substance in the rule.

22. In the result, the Rule is made absolute without any order as to cost.

23. The impugned office order vide Memo No. 177/ BUBO (Karma) 13/32.8/2006 (third part) dated 6-4-2011, issued by the respondent No. 2 under the signature of the respondent Nos. 3 and 4, terminating the petitioner from the post of Assistant Teacher of Ghorashal Biddut Kendra High School, Ghorashal Palash, Norsingdi (Annexure-E to the petition) is declared to have been passed illegally and without lawful authority and is of no legal effect.

24. The respondents are directed to reinstate the petitioner in her service as Assistant Teacher of Ghorashal Biddut Kendra High School, Ghorashal, Norsingdi and to pay her all arrear salaries and other service benefits within I (one) month from the date of receipts of this judgment and order.

25. The respondents are further directed not to evict the petitioner from her living quarter at House No. Mollika 17/31, Ghorashal Power Center Ghorashal Palash, Norsingdi and not to disconnect the utilities i.e. electricity, gas, water etc. connections.
Ed.
Source: The Dhaka Law Reports (January 2019)

April

Appellate Division
(Civil)
Civil Appeal Nos. 250-251 of 2015
Surendra Kumar Sinha CJ
Syed Mahmud Hossain J
Hasan Foez Siddique J
Mirza Hussain Haider J
Government of Bangladesh, Represented by its Secretary, Ministry of Law, Justice and Parliamentary Affairs, Bangladesh Dhaka and Others.....Appellant
vs
Md Mosharraf Hossain and others .....
..... Respondents

Judgment
February 15, 2017
Hasan Foez Siddique J : These two appeals being civil Appeal Nos. 250-251 of 2015 are directed against the judgment and order passed by the High Court Division in Writ Petition Nos. 6936 of 2013 and 8015 of 2013 making both the Rules absolute.

2. The writ petitions have been filed challenging Article 7(7) of the চাকরি বেতন ও ভাতাদি) আদেশ, ২০০৯) and also seeking direction to the respondents for providing selection grade to the writ-petitioners and pay scale of Taka 15,000 — 700 x 16-26,200 from the date of completion of their 4 (four) years service as Bench Readers/ Officers.

3, Short facts, for the disposal of these appeals are, that the Writ Petition No. 6936 of 2013 was filed by 2 (two) Bench Readers of the Appellate Division of the Supreme Court of Bangladesh while Writ Petition No. 8015 of 2013 was filed by 4 (four) Bench Officers (BO) of the High Court Division.

4. The case of the writ petitioners of Writ Petition No. 6936 of 2013 was that initially they were appointed as Personal Assistant-cum-Stenographer in the High Court Division of the Supreme Court of Bangladesh on 6-5-2002 and 22-1-2001 and, thereafter, they were promoted to the post of Assistant Bench Officer (ABO) of the High Court Division on 1-12-2003 and then to the post of Bench Reader on 1-2-2007 and 16-5-2007 respectively. in 2009, the writ-petitioner No. I filed Writ Petition No. 3354 of 2009 challenging the provisions of বাংলাদেশ সুপ্রীম কোর্ট (আপীল বিভাগ) এর কর্মকর্তা ও কর্মচারীদের নিয়োগ বিধিমালা, 2000 and prayed for a direction to treat him as a first class gazetted officer and pay him salary in the pay scale of Taka 9,000 — 405 x 16-15,480 under the National Pay Scale, 2005 which is equivalent to Taka 15,000 — 700 x 16 — 26,200 under the National Pay Scale, 2009. The High Court Division, by a judgment and order dated 7-1-2010, disposed of that writ petition with direction that all Bench Readers would be treated as first class gazetted officers and also would be entitled to get the same pay scale as that of Bench Officers of the High Court Division from the date of joining as Bench Readers. The judgment of the High Court Division was upheld by the Appellate Division by a judgment and ordçr dated 6-10-2010 passed in Civil Petition for Leave to Appeal No.1248 of 2010. Pursuant to that judgment and order of the Appellate Division, the writ petitioners were treated as first class gazetted officers and were granted pay scale equivalent to that of the Bench Officer of the High Court Division from the date of their appointments as Bench Reader which was in grade-VIII under the National Pay Scale, 2005. equivalent to Taka 12,000 in grade VIII under the National Pay Scale, 2009. The writ-petitioners' salary was fixed in pay scale of Taka 12,000 in grade-Vill under the National Pay Scale, 2009. That on 20-2-2013, the issue of granting selection grade to the Bench Readers of the Appellate Division came up for consideration before the grade selection committee and' the committee recommended for granting selection grade to 5 (five) Bench Readers who completed 4 (four) years service on 1-7-2009. The case of the writ- petitioners, who have been promoted to the post of Bench Readers in 2007, were not considered by the committee for granting them selection grade. Further case of these writ-petitioners was that on 4-5-2012 11 (eleven) Assistant Bench Officers (ABO), who were appointed as ABO on the same date with the writ-petitioners, were granted selection grade and they were getting pay scale of Taka 15,000 under the National Pay Scale, 2009 whereas the petitioners who were promoted from the post of ABO to Bench Readers have been realizing their salaries in the pay scale of Taka 12,000 under the National Pay Scale, 2009 and thus, ABOs, being junior to the writ petitioners, are getting a higher scale.

5. The case of the writ-petitioners of Writ Petition No.8015 of 2013, in short, was that all the writ-petitioners were appointed as Personal Assistant-cum-Stenographers in the High Court Division of Supreme Court of Bangladesh and subsequently they were promoted to the post of Assistant Bench Officer and, thereafter, the writ petitioner No. I on 17-5-2007, the writ petitioner No. 2 on 21-1-2007, the writ petitioner No. 3 on 20-6-2006 and the writ petitioner No.4 on 28-7-2005 were promoted to the post of Bench Officer (BO) of the High Court Division

and their pay was fixed in pay scale of Taka 12,000 in grade- VIII under the National Pay Scale, 2009. Some of the Bench Officers, who were getting salary in pay scale of Taka 7,400 in grade-VIII under the National Pay Scale, 2005 equivalent to Taka 12,000 in grade-Vill under National Pay Scale, 2009, were granted selection grade. Pursuant to the circular dated 8-6-2011 and after being granted selection grade, they were getting salary in the scale of Taka 15,000 in grade-VII under the National Pay Scale, 2009. But the case of the writ- petitioners were not considered. That the writ- petitioners submitted several representations to the writ respondent No.4 for granting them selection grade, but the respondent No. 7, vide memo dated 18-7-2013 informed the writ petitioners that since they are first class officers of grade-VIII and since in the Order, 2009 there is no provision for giving selection grade to first class officers of grade-VIII, it has been decided not to give selection grade to the petitioners.

6. Rules were issued in both the writ petitions which were contested by the writ respondents.

7. The High Court Division, upon hearing the learned Counsel of both the sides, made the rules absolute with a direction to the respondents to grant selection grade to the writ-petitioners of both the writ petitions from the date of completion of 4 (four) years service as Bench Readers and Bench Officers.

8. Thus, the appellants preferred, these two appeals getting leave.

9. In CA No. 250 of 2015 (1) Mohammad Shamsul Alam son of HM Ataur Rahman, Bench Reader of the Appellate Division. Supreme Court of Bangladesh. (2) Muhammad Habibur Rahrnan, son of late Md Shahid Ullah, Bench Reader of the Appellate Division, Supreme Court of Bangladesh (3) Muhammad Jamal Hosen, son of late Hazrat All, Bench Bangladesh, 4. Md Abdur Razzaque, son of Md Abdul Mannan Sikder, Bench Reader of the Appellate Division, Supreme Court of Bangladesh 5. Md Yousuf Ali, son of Md Mozammel Haque, Bench Reader of the Appellate Division, Supreme Court of Bangladesh, 6. Md Mahbub Hossain. Bench Reader of the Appellate Division, Supreme Court of Bangladesh and in CA No. 251 of 2015 1. Md Abul Hasan Miah, son of Md Abdul Hai Khan, Bench Officer. Bangladesh Supreme Court, High Court Division, 2.Md Sultan Alauddin, son of Md Abdul Hamid. Bench Officer, Bangladesh Supreme Court, High Court Division, 3. Md Anisuz-zaman Akhand, son of Md Tofazzal Hossain Akhand, Bench Officer, Bangladesh Supreme Court, High Court Division, 4. Hanif Sikder, son of Abdul Motalib Sikder, Bench Officer, Bangladesh Suprere Court, High Court Division, 5. Rezaul Karim, son of Ishaque, Bench Officer, Bangladesh Supreme Court, High Court Division, 6. Most. Rashida Begum, daughter of late Mahabubur Rahman Biswas, Bench Officer, Bangladesh Supreme Court, High Court Division, 7. Sheikh Golam Rasul, son of Sheikh Zenaruddin, Bench Officer, Bangladesh Supreme Court, High Court Division, 8. Md Maniruzzaman Manir, son of Md Shahed All Howlader, Bench Officer, Bangladesh Supreme Court, High Court Division, 9. Matiar Rahman, son of Nurul Haque, Bench Officer, Bangladesh Supreme Court, High Court Division, 10. AKM Fazlul Haque, son of Kasimuddin, Bench Officer, Bangladesh Supreme Court, High Court Division, II, Shudhangshu Sharker Biswas, son of Debendra Nath Biswas, Bench Officer, Bangladesh Supreme Court, High Court Division, 12. Md Akteruzzaman Khan, son of Abdul Jalil Khan, Bench Officer, Bangladesh Supreme Court, High Court Division, 13. Md Murshedul Hasan, son of AKM Dalil Uddin Mia, Bench Officer, Bangladesh Supreme Court, High Court Division, 14. Md Nurul Islam, son of Md Taiub Ali, Bench Officer, Bangladesh Supreme Court, High Court Division, 15. SM Monir-uzzaman, son of Altaf Hossain Shikder, Bench Officer, Bangladesh Supreme Court, High Court Division, 16. Asaduzzaman, son of Kanchan Mia, Bench Officer, Bangladesh Supreme Court, High Court Division, 17. Mosammat Fatema Akter, daughter of Aminur Haque, Bench Officer, Bangladesh Supreme Court, High Court Division, 18. Md Asaduzzaman, son of Md Chan Miah, Bench Officer, Bangladesh Supreme Court, High Court Division, 19. Md Abdul Mannan, son of Abdul Barek, Bench Officer, Bangladesh Supreme Court, High Court Division, 20. Mohammad Sahadat Hossain, son of Shahasher Ali, Bench Officer,

Bangladesh Supreme Court, High Court Division, 21. Md Saiful Islam Khondakar, son of Md Golam Mostafa Khandakar, Bench Officer, Bangladesh Supreme Court, High Court Division, Dhaka, 22. Md Abdul Kuddus, son of Md Ali Ashraf, Bench Officer, Bangladesh Supreme Court, High Court Division, 23. Md Jahirul Haque, son of late Shaijuddin Ahmed, Bench Officer, Bangladesh Supreme Court, High Court Division, 24. Obayedur Rahman, son of late Md Habibur Rahman, Bench Officer, Bangladesh Supreme Court, High Court Division, 25. Md Ariful Islam., son of Md Motiur Rahman, Bench Officer, Bangladesh Supreme Court, High Court Division, 26. Anowar Hossan, son of late Md Athor Ali. Bench Officer, Bangladesh Supreme Court, High Court Division, 27. Mohammad Ashaduzzaman, son of late Md Abdul Latif, Bench Officer, Bangladesh Supreme Court, High Court Division, 28. Muhammad Ali Akber. son of Muhammad Ali Karim, 29. Md Mir Kashem, son of Md Younus Mia, Bench Officer, Bangladesh Supreme Court, High Court Division. From the identifications mentioned above and the statements made in the applications it appears that those applicants are Bench Readers and Bench Officers of the Supreme Court. Since the applicants of these two applications and the writ petitioner-respondents of the two respective appeals stand on the similar footing their prayers for addition of parties are allowed.

10. Mr Murad Reza, learned Additional Attorney-General appearing for the appellants, in his submission mainly submits that writ petitioners are the public servants so any dispute in respect of terms and conditions of their service, seniority and gradations etc. would be adjudicated by the Administrative Tribunal and the Administrative Tribunals have exclusive jurisdiction to decide all the disputes, the High Court Division erred in law in making the Rules absolute.

11. The learned Counsel for respondents in their submissions supported the judgment and order of the High Court Division.

12. The learned Additional Attorney-General in his submission mainly pointed out that the instant writ petition were not maintainable in view of the Article 117 of the Constitution and section 4 of the Administrative Tribunal Act. He relied upon the case of Bangladesh vs Sontosh Kumar Saha reported in 21 BLC (AD) 94. The learned Additional Attorney-General though relied upon the case of Sontosh Kumar Saha but perhaps he failed to notice the observation of this Court in respect of the employees of the Supreme Court. In the said Judgment, this Division specifically made observations in Civil Petition for Leave to Appeal Nos. 644 and 645 of 2005 which run as follows:

"In these petitions some employees of the High Court Division and the Appellate Division of the Supreme Court of Bangladesh sought direction to grant selection grade, pay and status similar to those given to other officers of the Supreme Court. It is stated in the applications that the Assistant Bench Officers were promoted to the post of Bench Officers (grade 8) as 1st Class Gazetted Officers on and from 1st December, 2003 and they were also upgraded. It is further stated that the Supreme Court by notification under memo dated 11th December, 2011, 19th June, 2012, 31st December, 2012 granted selection grade and pay scale in grade No. 7 upgrading from grade No.8 instead of grade No.6 in respect of Bench Officers but no such notification was made in respect of the writ petitioners, and thereby, they were discriminated in granting them selection grade of two tiers from grade No. 8 to grade No. 6 of the National Pay Scale, 2005.

The High Court Division made the rules absolute and directed the writ respondents to grant them selection grade and pay scale to the writ petitioners and others standing on the same footing in grade-6, that is, Taka 11,000 – 475 x 14 – 17650 as per National Pay Scale, 2005 and Taka 18,500 – 800 x 14 – 29,700 as per National Pay Scale, 2009 from the date of completion of four years in service as Bench Officers in Class-I post in the High Court Division with all arrears upon modification of the orders under notification dated 11th December, 2011 circulated under Memo dated

11th December. 2011, notification dated 19th June. 2012, 19th June, 2012 and notification dated 31 st December, 2012, 31st December, 2012 and other similar notifications circulated in this regard granting selection grade within 30 (thirty days) from the date of receipt of the judgment.

In respect of the above petitions Particularly in CP Nos. 644 and 645 of 2015, the Bench Readers and Bench Officers were upgraded to 1st Class Gazetted Officers (grade No. 8) on and from 23rd February. 2000 and 1st December. 2003 respectively, bui the writ petitioners' scale was not upgraded to grade No. 6 as selection grade scale, although they have already completed four years service as Bench Readers Ist Class, and therefore. they are entitled to selection grade of two tiers from 8th grade to 6th grade of the National Pay Scale, 1997 (for writ petitioner No. 1) and National Pay Scale, 2005 (for writ petitioner Nos. 2-4). They further stated that the Supreme Court by notification dated 10th October, 2013, granted selection grade to writ petitioners No. 1 and others in grade No. 7 but after completion of four years in service, the Bench Readers were granted selection grade scale in grade No. 7 instead of grade No. 6, and hereby, the writ petitioners were denied such benefit, and therefore, there was discrimination in considering the case of the writ petitioners.

The High Court Division made the Rule absolute and directed the writ-respondents to grant them selection grade and pay scale in grade-6, that is, Taka 7200 — 260 x 14 — 10,840 as per National Pay Scale, 1997 and Taka 18,500 — 800 x 14 — 29.700 as per National Pay Scale, 2009 to writ-petitioner No. I and Taka 11,000—475 x 14— 17650 as per National Pay Scale, 2005 and Taka 18,500 — 800 x 14—29700 as per National Pay Scale, 2009 to writ petitioner Nos. 2-4 from the date of completion of four years service as Bench Readers of the Appellate Division of the Supreme Court of Bangladesh with all arrears upon modification of the notification dated 10th October, 2013 within 30 (thirty days) from the date of receipt of this judgment. It was directed that the judgment shall be applicable to other Bench Officers and Bench Readers, if any, who are placed in the same status with those petitioners.

These petitions are quite distinguishable from the other cases. The writ petitioners invoked their fundamental rights as they were discriminated by the same authority and they are working in the same court. Moreso, the works of Bench Readers of the Appellate Division and Assistant Bench officers of the High Court Division are completely different. The Bench Readers are appointed from among the Bench Officers/Assistant Bench Officers of the High Court Division and if the Bench Officers get status higher than them, certainly they will be discriminated. It is to be noted that the working hours of these officers is from 9 am to 5 pm but they used to work till 8/9 pm every day. In respect of Assistant Bench Officers, the very nature of their job is painstaking. They work almost 12/14 hours a day and even on holidays because they are attached to the Judges. During the vacation as well, they cannot enjoy the holidays as they remain busy with the finalization of judgments. The High Court Division has rightly exercised its jurisdiction and we find no infirmity to interfere with the judgment."

13. Since this Division has already answered the point raised by the learned Additional Attorney-General in Sontosh Kumar Saha case, we are of the view that it would be repetition if we discuss the issue again. In the cited case this Division, while deciding the issue so far the matter relates to service of the employees of the Supreme Court, observed that the High Court Division has rightly exercised its jurisdiction entertaining the writ petitions. We are of the view that there is no scope for any interference by the Court at this stage. As such, we are left with no option but to dismiss these appeals.

14. Since the writ petitioner-respondents and the employees, who have been impleaded as respondents, in these two appeals stand on the similar footings, they are also entitled to get similar benefits.

Thus, both the appeals are dismissed.

Ed.

Source: The Dhaka Law Reports (January 2019)

May

Appellate Division
(Civil)
Civil Appeal No. 91 of 2011
Md abdul Wahhab Miah J
Syed Mahmud Hossain J
Md Imman Ali J
Hasan Foez Siddique J
Mirza Hussain Haider J
Bangladesh Krishi Bank and others .....
..... Appellants
vs
Arun Chandra Banik and others .....
..... Respondents

Judgment

November 14, 2017
Syed Mahmud Hossain J : This appeal by leave is directed against the judgment and order dated 15-3-2009 passed by the High Court Division, in Writ Petition No. 708 of 2005 making Rule absolute.

2. The facts, leading to the filing of this civil appeal, in short, are:
The case of the writ-petitioners as stated in the High Court Division is that the writ- petitioners were appointed as the Sub- Assistant Engineers in 1982 in different branches of Bangladesh Krishi Bank. They were treated as Senior Officers of the Bank. The Bank prepared a seniority list on 19th November, 1998 and afforded them selection grade through a gradation list of 16th May, 1999. The writ-petitioners were promoted as Assistant Engineers and their names have been mentioned in the gradation list in accordance with their seniority. They were given facilities and financial benefits on the basis of the said seniority list. Thereafter, all of a sudden, the Bank issued a separate seniority list on 10th April, 2004, in which, only the writ-petitioners' names were mentioned without mentioning the names of other Senior Officers, who got joint seniority and same grade earlier. It has further been stated that for collateral purpose and with an ulterior motive illegally and malafide manner, the respondent-bank further prepared another seniority list for the Senior Officers only excluding the names of the petitioners under the signature of writ-respondent No. 5 vide office memo dated 2-12-2004. The writ-petitioners made several presentations for correction of the seniority list and giving them proper promotion but their representations were not acceded to. The Bank published a uniform seniority list on 2nd February, 1999 but without following the previous list issued the impugned memo for the purpose of promoting Senior Officers to the posts of Principal Officers without mentioning the names of the writ-petitioners in it, which is violative of their fundamental rights.

3. Finding no other alternative, they filed a writ petition before the High Court Division and obtained Rule Nisi in Writ Petition No.708 of 2005.

4. Writ-respondents did not file any affidavit-in-opposition to contest the Rule. But learned Assistant Attorney-General appearing on their behalf before the High Court Division raised the question of maintainability of the writ petition on the ground that the writ-petitioners are the officers of Bangladesh Krishi Bank which is included in the schedule of the Administrative Tribunals Act, 1980. Therefore, the writ petition is not maintainable. He further submits that the Krishi Bank Employees Service Rules provide that the Assistant Engineer could be promoted upto Executive Engineer for which the respondent-bank prepared separate gradation list. Though the Rule provides that the writ- petitioners would be promoted as Executive Engineer, the writ-petitioners did not challenge the said Rules, namely, বাংলাদেশ কৃষি ব্যাংক কর্মচারী প্রবিধানমালা, 1988 and, as such, the writ-petitioners cannot get relief under writ jurisdiction without challenging the same. On that score the Rule is liable to be discharged.

5. The learned Judges of the High Court Division, upon hearing the Rule, by the impugned judgment and order dated 15-3-2009 made the Rule absolute with direction.

6. Feeling aggrieved by and dissatisfied with the judgment and order passed by the High Court Division, the writ-respondents as the leave- petitioners have filed Civil Petition for Leave to Appeal No. 1245 of 2009 before this Division and obtained leave on 1-11-2010, resulting in Civil Appeal No. 91 of 2011.

7. Mr Mahbubey Alam, learned Senior Advocate (Mr Shah Monjurul Haque, learned Advocate with him), appearing on behalf of the appellants, submits that the writ petition was filed before the High Court Division challenging the gradation list which essentially relates to the terms and conditions of the service of the writ- petitioner-respondents and, as such, their remedy lies before the Administrative Tribunal as Bangladesh Krishi Bank Limited has been included within the schedule of Administrative Tribunals Act, 1980 and, as such, the impugned judgment should be set aside. He further submits that if the impugned gradation list is taken as malafide out of vengeance or with ulterior motive to take revenge, in that case, the Tribunal can strike down the gradation list and, as such, the impugned judgment should be set aside.

8. Mr Khurshid Alam Khan, learned Advocate, appearing on behalf of the writ- petitioner-respondents, on the other hand, submits that as the writ-petitioners could make out a case out of malafide, the writ petition filed before the High Court Division was maintainable.

9. We have considered the submissions of the learned Senior Advocate for the appellants and the learned Advocate for the writ-petitioner- respondents, perused the impugned judgment and the materials on record.

10. The High Court Division noted that the appellants prepared a gradation list on 3-11-1998 where the writ-petitioners and other officers of the said bank have been included according to their seniority. The High Court Division further noted that by the impugned gradation list dated 10-4- 2004 (Annexure-C to the writ petition) and dated 2-12-2004 (Annexure-D), the bank authority excluded the names of the writ-petitioners and prepared a separate gradation list for them. The High Court Division came to a definite finding that separate gradation lists were prepared by the appellant-bank with a malafide intention and that the appellant-bank deprived the writ-petitioner-respondents of promotion from the post of Principal Officers to Senior Principal Officers and that the bank-authority asked only the Principal Officers to appear before the Promotion Board for promotion to the post of Senior Principal Officers which is a malafide action of the bank authority and, as such, the writ petition was maintainable.

11. Admittedly, the writ-petitioner- respondents challenged the gradation lists (Annexures-C and D) which essentially relate to the terms and conditions of their service. In such a case, the Administrative Tribunal has the jurisdiction to resolve any of the disputes relating to the terms and conditions of service as Bangladesh Krishi Bank Limited has been included within the schedule of Administrative Tribunals Act. 1980 and as such the very writ petition before the High Couri Division was not maintainable.

12. It is contended that if the gradation list is a matafide one prepared out of vengeance or ill motive, the writ petition is maintainable on that score alone.

13. In the case of Bangladesh represented by the Secretary, Ministry of Home Affairs vs Sontosh Kumar Saha, 21 BLC (AD) 94, this Division has already settled that except challenging the vires of law or alleging violation of fundamental rights, judicial review of a decision of the authority relating to the terms and conditions of the service under Article 102(1) of the Constitution is not maintainable.

14. In the above reported case, this Division further held that if the decision is taken malafide out of vengeance or with ill motive to take revenge, in all those cases the Tribunal can strike down the action taken against the aggrieved person.

15. The principle expounded in the case referred to above applies to the facts and circumstances of the instant case. In the case in hand, the writ-petitioner-respondents alleged malafide in preparation of the gradation list which relates to the terms and conditions of service and as per the principle expounded in the case referred to above, the instant writ petition was not maintainable.

16. The writ-petitioner-respondents have come to a wrong forum and they may still approach appellants, that is, the bank authority by filing departmental appeal to get redress of their grievances in respect of gradation list. If they fail to get proper redress from the appellants, the writ- petitioner-respondents will be at liberty to go to the Administrative Tribunal, which can decide any question relating to the terms and conditions of the service of the writ-petitioner-respondents including the question of malafide in preparation of the gradation list.

17. In the light of the findings made before, this appeal is allowed with the observation made in the body of the judgment that the writ- petitioner-respondents are at liberty to go to the Administrative Tribunal to vindicate their grievances.

18. Accordingly, the impugned judgment delivered by the High Court Division is set aside.
There is no order as to costs.
Ed.
Source: The Dhaka Law Reports (January 2019)

June

Appellate Division
(Civil)
Civil Appeal No. 96-111 of 2015
Syed Mahmud Hossain CJ
Hasan Foez Siddique J
Mirza Hussain Haider J
Ashuganj Fertilizer and Chemical Company Limited, represented by its Managing Director and
Others .....
..... Appellants (In all the appeals)
vs
Md Abu Sufian Bhuiyan and 15 another .....
..... Respondents

Judgment

July 31st, 2018
Syed Mahmud Hossain CJ: All the appeals by leave, are directed against the judgment and order dated 15-5-2014 passed by the High Court Division in Writ Petition Nos.1755, 1756, 1758, 1759, 1760, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1797, 1798 of 2008 making all the Rules absolute with direction.

2. All the civil appeals have been heard together and are being disposed of by this common judgment as they do involve common questions of laws and facts.

3. The facts, leading to the filing of all the appeals, in a nutshell, are:
All the writ-petitioners were serving in different clerical posts as Senior Clerk. MLSS, LDA-cum-Typist, Bearer, Typist. Assistant Clerk, Office Assistant etc. At the Zia Fertilizer Company Limited (hereinafter referred to as ZFCL) for several years on daily basis. The writ-petitioners applied to the ZFCL authority to appoint them permanently in the vacant posts. On consideration of their quality of service and sound performance, the authority by Memo No. ZFCL/ Proshason/ LSA/7(a)/1607 dated 9-10-2006 sent a proposal to the Chief of Bangladesh Chemical Industries Corporation (BCIC), which is the controlling authority of ZFCL seeking approval under Article 13(5) of the Bangladesh Chemical Industries Enterprise (Nationalization) Order, 1972 (P0 27 of 1972) for the permanent appointment of the writ-petitioners against vacant posts at ZFCL. It has been further stated in the said letter that

"তারা নিজ নিজ কর্মক্ষেত্রে উল্লেখযোগ্য অবদান রেখেছেন। কিন্তু বছরের পর বছর কাজ করার পরও তাদেরকে স্থায়ীভাবে চাকুরীতে নিয়োগ না করায় তাদের মধ্যে অনিশ্চয়তা ও হতাশা বিরাজ করছে। তাদেরকে স্থায়ীভাবে নিয়োগ দেয়া হলে তাদের কর্ম স্পৃহা বৃদ্ধি পাবে।" It is further stated that as a regular practice vacant posts at the ZFCL are generally filled in by regular appointment from daily basis workers, who possess required qualifications.

4. In response to the aforesaid letter dated 9-10-2006 seeking approval under Article 13(5) of the Bangladesh Chemical Industries Enterprise (Nationalization) Order, 1972 (P0 27 of 1972) for permanent appointment of the writ-petitioners, the Deputy Employee Chief on behalf of the Employee Chief vide Memo No. BCIC/Niog3/ZFCL-6/45 dated 5-2-2007 intimated the Managing Director of

ZFCL about the approval of BCIC for permanent appointment of the writ- petitioners at ZFCL subject to approval of the ZFCL. In the letter it was clearly stated that "আপনাদের ৯-১০-২০০৬ ইং তারিখের সূত্র নং-জেডএফসিএল/প্রশা/এলএসএ/৭(এ)/১৬০৭ এবং ৩১-১-২০০৭ ইং তারিখের সূত্র নং-জেডএফসিএল/প্রশা/এলএসএ/১১৯/৪৯৯৫/৩০১৩ পত্রের প্রেক্ষিতে জানানো যাচ্ছে যে, নিম্নে উল্লেখিত ১৮ (আঠার) জনকে শুন্য পদের বিপরীতে তাদের নামের পার্শ্বে উল্লেখিত পদ বেতনক্রম/ মজুরীক্রম সম্পূর্ণ অস্থায়ী ও এডহক ভিত্তিতে নিয়োগদানের জন্য কর্তৃপক্ষ অনুমোদন করেছেন।"

5. After getting formal approval from the Bangladesh Chemical Industries Corporation, ZFCL Authonty vide Memo dated 06.02.2007 issued appointment letter to the writ-petitioners and after getting the said appointment letters the writ-petitioners joined in their posts and started serving the authority to the satisfaction of all concerned. It is stated that there is no allegation from any quarter against the writ-petitioners' service or their efficiency. Thereafter, suddenly by letter dated 29-11-2007, the Senior Assistant Secretary of the Ministry of Industries, informed the Chairman of the Bangladesh Chemical Industries Corporation that a newspaper article showed that there were certain irregularities in the appointment of 19 employees at ZFCL and that the writ-petitioners having been found unsuitable for the post, their services should be terminated. On receipt of the aforesaid Memo dated 29-11-2007, Bangladesh Chemical Industries Corporation by letter dated 05.12.2007 informed ZFCL to terminate the Service of the writ-petitioners at once. The ZFCL Authority as per direction of writ-respondent No.2. thereafter, by the impugned letter dated 11.12.2007 informed the writ-petitioners that their services were terminated and they would be entitled to one month's pay in lieu of any prior notice.

6. Being aggrieved by and dissatisfied with the impugned letters dated 11-12-2007 (Annexure-B) issued by writ-respondent No.3 under the signature of writ-respondent No.5, the writ-petitioners filed the writ petitions before the High Court Division and obtained Rules Nisi in the above writ petitions.

7. Writ-respondent Nos. 2 and 5 contested the Rules by filing affidavit-in-opposition controverting the material statements made in the writ petitions. Their case, in short, is that the writ-petitioners were appointed on purely temporary and ad-hoc basis and the same was mentioned in their appointment letters. The petitioners joined their services accepting the said terms and conditions as stated in the appointment letters and the employer had every right to terminate their services without assigning any reason and this is also the case as per provision of Bangladesh Labour Law, 2006. It has been further stated that since the appointment of the writ-petitioners were irregular, they were legally terminated as per instruction made by the Ministry of Industry in terms of clause-3 of the appointment letter and that the writ-petitioners cannot have any grievance against the same. It has been further stated that as per P0 27 of 1972, the concerned Ministry has supervisory and controlling authority over BCIC and ZFCL and, as such, ZFCL is bound to carry out the instructions of the Ministry as well as Bangladesh Chemical Industries Corporation. It has been further stated that the writ-petitioners' services have been terminated in accordance with the provision of law and that the impugned orders of termination are nothing but termination simpliciter and hence the writ-petitioners cannot have any grievance against the same and that the Rules are liable to be discharged.

8. The learned Judges of the High Court Division, upon hearing the Rules, by the impugned judgment and order dated 15-5-2014, made the Rules absolute with direction.

9. Feeling aggrieved by and dissatisfied with judgment and order passed by the High Court Division, the writ-respondents as the leave- petitioners have filed Civil Petition for Leave to Appeal Nos.3028-3043 of 2014 before this Division, in which, leave was granted on 19-2-2015, resulting in Civil Appeal Nos. 96-111 of 2015.

10. Mr Tofailure Rabman, learned Senior Advocate, appearing on behalf of the appellants in all the civil appeals, submits that according to term and condition

No.3 of the appointment letter, the writ-petitioner-respondents were terminated from service and, as such, the termination in question is mere termination simpliciter and not a stigma and that the High Court Division taking into consideration some extraneous matter held that the orders of termination were arbitrary and malafide and, as such, the impugne judgment should be set aside. He further submits that according to clause (2) of Article 11 of P0 No.27 of 1972, the Board shall be subject to the superintendence and control of the Government and shall be guided, in discharge of its functions, by such general or special instruction as may, from time to time, be given to it by the Government and, as such, the writ-petitioner- respondents were rightly terminated as per instruction of the concerned Ministry and, as such, no interference is called for.

11. In support of his submissions, the learned Senior Advocate relied on the case of Secretary: EPIDC vs Md Serajul Haque, 22 DLR (SC) 284.

12. Mr AF Hassan Ariff, learned Senior Advocate, appearing on behalf of the respondents of all the civil appeals, on the other hand, submits that the instant orders of terminations were not termination simpliciter and in fact, the writ-petitioner-respondents had been dismissed from their service in the garb of termination and, as such, the High Court Division was justified in making the Rules absolute.

13. We have considered the submissions of the learned Counsel of both the sides, perused the impugned judgment and the materials on record.

14. Admittedly, the writ-petitioners were appointed to the vacant posts at Zia Fertilizer Company Limited (ZFCL) as per recommendation of ZFCL authority. On consideration of their long standing service, the Bangladesh Chemical industries Corporation at its discretion considered the recommendation of ZFCL and approved the appointment of the writ-petitioners to the respective posts. The writ-petitioners joined those posts and continued to work without any complaint from any quarter. It appears that suddenly the Ministry of Industries by its letter dated 29-11-2007 issued by the Senior Assistarn Secretary informed the Bangladesh Chemical Industries Corporation that the writ-petitioners were not fit for the job against which, they were appointed and consequently, they were liable to be terminated.

15. For better appreciation, the letter dated 29-11-2007 is produced below:

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার
শিল্প মন্ত্রণালয়
স্বস-বিসিআইসি শাখা
৯১ মতিঝিল বাণ্যিজ্যিক এলাকা, ঢাকা।
নং-শিম/স্বস (বিসিআইসি) বিবিধ-১/২০০৭/১০৪১
তারিখ: ২৯ নভেম্বর, ২০০৭

বিষয়: আশুগঞ্জের সার কারখানায় গোপনে নিয়োগ, আড়াইশ জন বঞ্চিত সংবাদ পত্রিকায় প্রকাশিত হওয়ার প্রেক্ষিতে ইতোপূর্বে তদন্ত কমিটির দাখিলকৃত প্রতিবেদন উল্লেখিত নিয়োগপ্রাপ্ত ১৯ (উনিশ) জন কর্মচারী ও শ্রমিক নিয়োগ যাচাই বিষয়ে দায়ী কর্মকর্তা/কর্মচারীদের দায়-দায়িত্ব নিরূপনের তদন্ত প্রতিবেদন।

উপর্যুক্ত বিষয়ের আলোকে বিসিআইসির তৎকালীন কর্মচারী প্রধান আব্দুর রহমান, জিয়া সার কারখানার তৎকালীন ব্যবস্থাপনা পরিচালক জনাব গোলাম কিবরিয়া, তৎকালীন মহাব্যবস্থাপক (ভারপ্রাপ্ত) জনাব এম এ আক্কাস তৎকালীন ব্যবস্থাপক (প্রশাসন) সৈয়দ আইনুল হক এবং সিবিএর প্রাক্তন ও বর্তমান নেতৃবৃন্দ যথাক্রমে সর্বজনাব মোজাম্মেল হক খন্দকার, ফরিদউদ্দিন আহমেদ, মোঃ গাউছুর রহমান ও আমিন খন্দকার এর বিরুদ্ধে বিধি মোতাবেক ব্যবসা গ্রহণ এবং তদন্ত প্রতিবেদনে উল্লেখিত নিয়োগপ্রাপ্ত ১৯ (উনিশ) জন শ্রমিক কর্মচারী যাচাই অন্তে অযোগ্য বিবেচিত হওয়ায় নিয়োগপত্রের শর্ত মোতাবেক তাদেরকে অপসারন করার জন্য অনুরোধ করা হলো।

স্বাক্ষর অস্পষ্ট
২৯-১১-২০০৭ (এ. কে, এম, সামসুল আরফীন) সিনিয়র সহকারী সচিব
ফোনঃ-৯৫৫১৪৩৫।

16. The aforesaid letter reveals that inquiries against some other officers of Bangladesh Chemical Industries Corporation indicated that the writ-petitioners were not fit for the job and, as such, they should be terminated. There is nothing on record to show that during the course of inquiry held at the instance of the Ministry, the writ-petitioners were heard and they were allowed to defend their case. There is no doubt that the Government in the Ministry of Industries is the controlling authority of ZFCL but it cannot direct BCIC to remove employees of ZFCL, who were appointed by the proper authority.

17. In this connection, clause (I) and (2) of Article 11 of the Bangladesh Industrial Enterprises

(Nationalisation) Order, 1972 is quoted below:

"11.(l) The general direction and administration of the affairs and business of a corporation shall vest in a Board of Directors which may exercise all powers and do all acts and things which may be exercised or done by the Corporation:

(2) The Board shall be subject to the superintendence and control of the Government and shall be guided, in the discharge of its functions, by such general or special instruction as may, from time to time, be given to it by the Government."

18. Clause (1) of Article 11 provides that general direction and administration of the affairs of the business of a corporation shall vest in a Board of Directors, which may exercise all powers and do all acts and things, which may be exercised or done by the Corporation.

19. Clause (2) of Article 11 provides that the Board shall be subject to the superintendence and control of the Government and shall be guided, in the discharge of its functions, by such general or special instruction as may, from time to time, be given to it by the Government.

20. For harmonious construction, both clause (1) and (2) must be read together. Consideration of clause (2) in isolation without considering the other clause cannot give a harmonious interpretation. If the Ministry dictates the Corporation in all matters then the purpose of clause (l) of Article 11 will become nugatory. There is, of course, no doubt that the Ministry has the control and superintendence over the Corporation but the Ministry cannot interfere in its internal management without concurrence of the Board of Directors. Therefore, the letter dated 29-11-2007 issued by the Senior Assistant Secretary of the Ministry of Industry was malafide exercise of power. The concerned authority of ZFCL recommended the appointment of the writ- petitioners to Bangladesh Chemical Industries Corporation which after considering everything recommended the absorption of the writ- petitioners against the vacant posts. After that, the writ-petitioners were appointed to the said posts and no complaint was made by the Company about their performance. For the reasons best known to the Ministry, it instructed the Corporation to terminate the writ-petitioners' job. Therefore, the orders of termination were not termination simpliciter. Consequently, this is the outcome of arbitrary exercise of power in a malafide way and, as such, the High Court Division was justified in making the Rule absolute declaring the orders of termination to have been passed without lawful authority and to be of no legal effect.

21. Mr Tofailure Rahman, learned Senior Advocate, appearing on behalf of the appellants of all the civil appeals, relied on the case of Secretcay, EPIDC vs Md Serajul Haque 22 DLR (SC) 284 where the orders of termination do not at all contain any charge or stigma against the respondents. By these orders, their services were terminated with an offer of I month's pay in lieu of notice on the sole ground that their services were no longer required by the Corporation. These orders cannot, therefore, be regarded as orders terminating the services of the respondents by way of penalty.

22. in the case in hand, at the instruction of the Ministry of Industries, the Corporation initiated inquiry against some officials of the Corporation and subsequently pursuant to the letter dated 29-11-2007 of the Ministry, the services of the writ-petitioners were terminated. Therefore, the termination in the instant case is not a termination simpliciter and, as such, the case cited by the learned Senior Advocate for the respondents has no manner of application.

23. In the case of The Chartered Bank, Mumbai, vs The Chartered Bank Employees' Union AIR 1960 SC 919, it has been held as under:

".....The form of the order of termination is not conclusive of the true nature of the order, for it is possible that the form may be merely a camouflage for an order of dismissal for misconduct. It is therefore always open to the tribunal to go behind the form and look at the substance; and if it comes to the conclusion, for example, that though in form the order amounts to termination simpliciter it in reality cloaks a dismissal for misconduct it will be open to it to set it aside as a colourable exercise of the power."

24. In order to arrive at a correct decision, the Court has the power to go behind order of termination and may look to the cause underlining the dismissal.
25. Reliance may be placed on the case of Bangladesh Road Transport Corporation vs Md Shahidullah 54 DLR (AD) 124, it has been held as under:
"It appears that the Corporation initially wanted to remove the respondent through a proceeding and that having failed, they wanted to take action for compulsory retirement under Regulation 55(2) of Service Regulations,1990 and that also having failed his service was terminated. As a matter of fact from the materials on record, the learned Judges of the High Court Division correctly held that in the present case, it was punishment/dismissal in the garb of termination and consequently set aside the order of termination."

26. Reliance may be placed on the case of Parjatan Corporation vs Md All Hossain, 65 DLR (AD) 158 wherein it has been held that the impugned letter of termination passed against the petitioner of this case though appears to be a termination simpliciter, but in fact, it is not. The petitioner was dismissed from his service in the garb of termination by resorting to regulation 50(2) of the Employees Service Regulations, 1990.

27. The principle expounded in the case referred to above also applies to the facts and circumstances of the present case as the letter dated 29-11-2007 reveals that there was an inquiry about the appointment of the writ-petitioner-respondents and pursuant to the said inquiry, the writ-petitioner-respondents were terminated from service by the letter dated 11-12-2007. Therefore, it cannot be said that the writ-petitioner-respondents were terminated from service and in fact, they were dismissed from service in the garb of termination.
In the light of the findings made before, we do not find any substance in these appeals. Accordingly, all the appeals are dismissed without any order as to costs.
Source: The Dhaka Law Reports (March 2019)

July

Appellate Division

(Civil)
Civil Appeal No. 217-218 of 2015.
Syed Mahmud Hossain CJ
Md Imman Ali J
Mirza Hussain Haider J
Government of Bangladesh and others ....Appellants (in both the appeals)
vs
Dr Monija Begum and another..... Respondents (in both the appeals)
Judgment
July 31st, 2018

Md Imman Ali J: These civil appeals by leave are directed against the judgements and orders both dated 17-11-2011 passed by the Hight Court Division in Writ petition Nos. 3440 of 2006 and 5287 of 2007 making the Rules Nisi absolute. They relate to Circular dated 30-5-2001 intimating the respondent No. I that her service had automatically ceased under rule 34 of the Bangladesh Service Rules and Circular No. স্বাপকম/শৃঙ্খলা-১/১-১৮/২০০৬/২৯৩ dated 16-4-2006 issued by the Ministry of Health and Family Welfare dated 16-4-2006 declaring that the writ petitioner's service had ceased and intimating the fact that the matter of the service of the writ petitioner having ceased was referred to the Honourable President who had approved the same.

2. Civil Appeal No. 217 of 2015 has arisen out of Civil Petition for Leave to Appeal No. 3 of 2014 which had been filed by the Ministry of Health, Government of Bangladesh challenging the judgement and order passed by the High Court Division in Writ Petition No. 3440 of 2006. Civil Appeal No. 218 of 2015 has arisen out of Civil Petition for Leave to Appeal No.04 of 2014 also filed by the same Ministry challenging the judgement and order of the High Court Division passed in Writ Petition No. 5287 of 2007.

3. The facts of the case, in short, are that the writ-petitioner-respondent No. I herein filed both the

aforementioned writ petitions stating, inter alia, that after completing BDS final professional examination in 1984 from Dhaka Dental College, she started working as trainee Doctor at the Dhaka Dental College and Hospital. After one year training, she was released from the Hospital. Thereafter, as per recommendation of the Public Service Commission, she got an appointment as Assistant Dental Surgeon on 29-1-1986. She was posted at Sher-e-Bangla Nagor Government Dispensary, Dhaka on 15-2-1986. Thereafter, she was placed as OSD under the Ministry of Health and Family Welfare. The Government sanctioned her study leave from 1-1-1996 to 3-6-1996 for a period of 6 (Six) months to enable her to attend the training course on Dentistry in Japan. She participated in the said training course in Niigata University and obtained scholarship from Japan Dental Association. Thereafter, she got herself admitted in the Department of General Anaesthesia of Control of Dental Pain in the said University which was for a period of one year. On 14-1-1996, she filed an application for leave for one year which was allowed. The writ-petitioner, thereafter, got herself admitted in PhD course in the said University Association of International Education, Japan. On 17-6-1997, she filed an application addressing the Secretary, Ministry of Health and Family Welfare for extension of her study leave up to 31-3-2001 for completing her PhD course. Having received no response, she again filed another application on 6-8-1997. On 19-2-1998, the Director of Health informed her that there was no scope to extend her study leave. Then, she filed another application on 11-3-1998 to consider her case as a special one. But the Government did not respond. She returned to Bangladesh from Japan on 6-4-2001 and, thereafter, she filed application addressing the Secretary, Ministry of Health and Family Welfare to accept her joining, but the Ministry by letter dated 30-5-2001 informed her that her services had ceased as per provision of rule 34 of the Bangladesh Service Rules (BSR). The writ petitioner, thereafter, filed several representations for accepting her joining report, but found no result. Thus, the writ-petitioner filed Writ Petition No. 3440 of 2006 and challenged the vires of rule 34 of the BSR and for a direction upon the writrespondents to accept her joining report. She also filed Writ Petition No.5287 of 2007 challenging the circular dated 16-4-2006.

4. No affidavit-in-opposition before the High Court Division.

5. By the impugned judgements and orders, the High Court Division made both the Rules Nisi absolute. Hence, the writ-respondents as petitioners filed Civil Petition for Leave to Appeal Nos. 3-4 of 2014 and leave was granted to consider the following submissions of the learned Advocate for the petitioners:

"I. that the High Court Division erred in law in declaring the impugned Rule 34 of the Bangladesh Service Rules as adopted by Bangladesh (Adoption of Existing Bangladesh Laws) Order 1972 (P0 48 of 1972) ultra vires Article 135 of the Constitution without valid reasons and in view of the fact that the service of any Government (sic.) would "cease" (Aemvb) if the Government servant is absent from service for a continuous period of 5 (five) years with or without leave of absence which does contradict the provision of Article 135 of the Constitution.

II. that the High Court Division erred in law in failing to consider that the writ- petitioner with malafide intention attempted to obtain relief indirectly which she could not get directly.

III. that the High Court Division erred in law in directing to revoke the impugned decision and to allow the writ-petitioner to commence her job by observing that Rules may be framed keeping a provision for "show cause notice" and she could only be removed upon service of a show cause under the new Rule if so framed, which is contrary to an established principle of law.

IV. that the writ petition was not maintainable in view of Article 117 of the Constitution, and the High Court Division erred in law in making the Rules absolute."

6. Mr Murad Reza, learned Additional Attorney-General with Mr Sheikh Saifuzzaman, learned Deputy Attorney-General, appearing on behalf of the appellants, made submissions in line with the grounds upon which leave was granted. He further submitted that the respondent had submitted several applications for extension of her leave and those were finally decided

against her giving reasons. Her application dated 11-3-1998 to consider her special circumstances were also considered and the Circular dated 30-5-2001 shows that the Government exercised discretion but decided against her. He further submitted that this is a case where the service of the writ- petitioner ceased by operation of rule 34 of BSR and hence there is no violation of article 135 of the Constitution which relates to removal from service. Hence, question of giving notice prior to removal as contemplated in article 135 is not relevant or applicable in the facts of the instant case. The learned Additional Attorney-General lastly submitted that the writ-petitioner acted malafide in making her applications for extension while still abroad. By reference to the decisions in 41 DLR (AD) 30 and 44 DLR (AD) 319, he submitted that in the facts and circumstances of the case, equity was not in favour of the writ- petitioner.

7. Mr Pankaz Kumar Kundu, learned Advocate, appearing on behalf of the respondents made submissions in support of the impugned judgement and order of the High Court Division. He submitted that the present petitioners consumed the stipulated time of the present respondent No. 1 rendering her out of time to agitate her grievance before the Administrative Tribunal as per the provision of section 4 of the Administrative Tribunal Act, 1980 and as such respondent No. 1 had no equally efficacious remedy other than invoking jurisdiction under article 102 of the Constitution. He further submitted that rule 34 of the BSR is violative of the fundamental rights of respondent No. 1 guaranteed under articles 27, 29, 31 and 40 of the Constitution and the impugned termination of the present respondent No. 1 from the post of Dental Surgeon is nothing but a glaring instance of malafide and arbitrary application of the said rule. He further submitted that petitioner No. I issued the impugned notice and subsequent circular regarding termination of respondent No. I from service without issuing any show cause notice upon her or giving her any opportunity of being heard in person in violation of the fundamental principles of natural justice as well as in violation of the provision of article 135(2) of the Constitution. He further submitted that the impugned notice and subsequent circular issued by petitioner No. 1 regarding termination of respondent No. 1 from service is ex-facie illegal inasmuch that the appointing authority of respondent No. I is the President of the People's Republic of Bangladesh. He further submitted that the impugned order, inactions of the present petitioners and their subsequent actions are violative of the principles of legitimate expectation. He further submitted that respondent No. 1 is doubly victimised due to the impugned order of termination inasmuch as she is neither in a position to serve in any government institution nor can she practice in the related field using the PhD Degree (obtained from Japan) unless or until she is provided an equivalence certificate from BMDC in accordance with BPSC decision 1993, whereas the requirement for obtaining an equivalence certificate is 2 years' experience on the relevant subject in any government institution of Bangladesh.

He further submitted that the petitioners did not allow respondent No.1 to join her service most illegally and arbitrarily, although her service was not terminated with the approval of the President of Bangladesh (appointing authority of the respondent) and due to the malafide action of the petitioners, respondent No. I is now at the verge of retirement without pay and other benefits, which is not only violative of the fundamental rights, it is also violative of one of the fundamental principles of State policy enshrined under Article 20(1) of the Constitution.

He further submitted that petitioner No. I issued the impugned circular on 16-4-2006 with a malafide intention curing the defect of earlier circular dated 30-5-2001 with regard to termination of the writ petitioner-respondent from service, which was issued long five years ago, without assigning any reason as to what steps they took during that 5 year period. He further submitted that the impugned order of termination (Annexure-1) was issued most arbitrarily, illegally and with a malafide intention just to frustrate the purpose of the earlier writ petition and to cause prejudice to the writ petitioner-respondent.

8. We have considered the submissions of the learned Additional Attorney-General for the appellants and the learned Advocate appearing for respondent No. 1,

perused the impugned judgement of the High Court Division and other connected papers on record.

9. From the impugned judgements, it appears that the High Court Division observed that the power conferred by rule 34 was so unjust and unreasonable that it could be asserted without hesitation that Parliament could not be taken to have authorised it. Failure to insert the requirement of show cause notice made the Rule more fatal. The High Court Division also observed that rule 34 is repugnant to what article 135 of the Constitution provides.

10. Article 135(2) provides that a person who holds any civil post in the service of the Republic shall not be dismissed or removed or reduced in rank until he has been given a reasonable opportunity of showing cause why that action should not be taken. We are inclined to agree with the learned Additional Attorney-General that the writ-petitioner's case is not one of dismissal, removal or reduction in rank. Hence, the provisions of article 135 of the Constitution are not relevant or applicable. Hence, the finding that rule 34 of the BSR is repugnant to article 135(2) and that writ-respondents concerned should have followed the mandatory provision of that article while drafting rule 34 by inserting therein the Court since law does not permit so, as such we find merit in the Rule.

22. In the result, the Rule is made absolute. The proceeding in CR Case No. 257 of 2012 pending in the Court of Senior Judicial Magistrate, Court No. 3, Dhaka is hereby quashed.
Let a copy of this judgment and order be sent to the concerned Court for information and necessary action.

Souce: The Dhaka Law Reports (March 2019)

August

Appellate Division

(Civil)
Civil Petition for Leave to Appeal No. 822 of 2016
Abdul Wahhab Miah J
Md Imman Ali J
Hasan Foez Siddique J
General Manager Narayangonj Palli Bidyut Samity.....Petitioner
vs
Md Abu Sayed Bhuiyan and others .....
..... Respondents

Judgment
July 16th, 2017

Md Imman Ali J : This civil petition for leave to appeal is directed against the judgement and order dated 3-12-2015 passed by the High Court Division in Writ Petition No. 9876 of 2006 making the Rule absolute.

2. The facts of the case, in brief, are that on 30-5-2000 the writ petitioner (respondent No. I herein) was appointed as a Lineman of the Palli Bidyut Samity (the Samity). The General Manager of Narayangonj Palli Bidyut Samity, i.e. writ respondent No. 4 issued a show cause notice on 27-3-2006 upon the writ petitioner alleging that he made some discourteous and objectionable remarks about the concerned authority. In response to the show cause notice the writ petitioner submitted a reply on 1-4-2006 denying all the material allegations set forth therein. But in the meantime on 29-3-2006 the writ petitioner submitted an application requesting the Samity to release him from the service (Annexure-B). However, on 30-3-2006 the writ petitioner verbally requested the writ respondent No. 4 to allow the withdrawal of his release application.

Nevertheless, inspite of all of those, the writ petitioner hung on to the jobs assigned by the authority from time to time by issuing service orders. On 26-4-2006 writ respondent No.3 refused to allow the petitioner to work or sign the Attendance Register and issued Memo No. bviv পবিস/রূপ/জোঃ/অঃ/১০০.৪৪/২০০৬ (১৪)৭৯১(১৩) dated 25-4-2006 accepting the release application of the writ petitioner advising him to deposit an amount equivalent to 3 months' pay. Subsequently, on 14-5-2006 the writ petitioner requested writ respondent No.2 in writing to recall the impugned letter and allow him to join the service on humanitarian

grounds. The writ petitioner also gave a legal notice to that effect, but all those have gone in vein. So, the writ petitioner had to seek the remedy under Article 102 of the Constitution.

3. Writ respondent Nos. 2-4 contested the writ petition by filing an affidavit-in-opposition contending, inter alia, that the writ petitioner willingly tendered his letter of release dated 29-3-2006 (Annexure-B) and the same was legally of Palli Bidyut Service Code 1992 and was to take release on 20-4-2006 according to Rule 55 of the same Code, hence he was attending the office forcibly, illegally and without any lawful authority. Thus the impugned judgement and order is liable to be set aside.

He submitted that the application of respondent No. I to release him from the service on 29-3-2006 was an irrevocable one according to Rule 55(1)(ka) of Palli Bidyut Service Code and since the application was accepted, respondent No. I was no longer in the service and the authority cannot permit him to work in the office. A legal notice does not change the whole situation and the Palli Bidyut Samity is not bound by that legal notice though a timely and proper reply to that legal notice was sent on 9-7-2006. Respondent No.1 was not permitted to work in the office according to Palli Bidyut Service Code 1992. Thus the impugned judgement and order is liable to be set aside. He submitted that respondent No. 1 did not maintain the provision of Palli Bidyut Service Code 1992 as he misunderstood the law and hence he is giving a fanciful explanation of the said law and, as such, the impugned judgement and order requires investigation by this Division.

He submitted that there is no connection between a reply of a show cause notice and a release order and the latter cannot override the former; those are separate notices deriving from separate circumstances. The resignation letter was effective since the very moment he submitted it on 29-3-2006. Reply of the show cause notice does not make this accepted by the Samity advising the petitioner of his release within 20-4-2006 by making deposit and taking necessary clearance as per Rule 54 of the Palli Bidyut Samity's Service Code of 1992 (the Service Code) and issued the memo at Annexure-E to that effect; and that as the release or resignation once sought or tendered could not be revoked or withdrawn under the Service Code, the petitioner thus cannot get the remedy as prayed for.

4. In due course, after hearing both the parties, by the impugned judgement and order the said Rule was made absolute directing the writ respondents to allow the writ petitioner to join the service as per existing bye-laws and other laws of the land. Hence, writ respondent No. 3 as petitioner is now before us having filed the instant civil petitions for leave to appeal.

5. Mr Nikhit Kumar Shaha, learned Advocate appearing on behalf of the petitioner submitted that the allegation against the respondent No. I herein was not only made on account of objectionable and illogical comments against the authority, but also because his behaviour with other office staff and officials fell very short of modesty and professional etiquette which falls to be treated as breach of office rules according to Rule 2 of the Palli Bidyut Service Code 1992, and, as such, the impugned judgement and order requires interference by this Division.
He further submitted that since respondent No. I submitted his resignation letter on 29-3-2006 (once submitted, the resignation letter cannot be withdrawn according to Rule 55(1)(ka) of Palli Bidyut Service Code 1992) and was to take release on 20-4-2006 according to Rule 55 of the same Code, hence he was attending the office forcibly, illegally and without lawful authority. Thus the impugned judgement and order is liable to be set aside.

He submitted that the application of respondent No. I to release him from the service on 29-3-2006 was an irrevocable one according to Rule 55(1)(ka) of Palli Bidyut Service Code and since the application was accepted, respondent No. I was no longer in the service and the authority cannot permit him to work in the office. A legal notice does not change

the whole situation and the Palli Bidyut Samity is not bound by that legal notice though a timely and proper reply to that legal notice was sent on 9-7-2006. Respondent No. I was not permitted to work in the office according to Palli Bidyut Service Code 1992. Thus the impugned judgement and order is liable to be set aside. He submitted that respondent No. I did not maintain the provision of Palli Bidyut Service Code 1992 as he misunderstood the law and hence he is giving a fanciful explanation of the said law and, as such, the impugned judgement and order requires investigation by this Division.

He submitted that there is no connection between a reply of a show cause notice and a release order and the latter cannot override the former; those are separate notices deriving from separate circumstances. The resignation letter was effective since the very moment he submitted it on 29-3-2006. Reply of the show cause notice does not make his resignation ineffective and, as such, the impugned judgement and order requires investigation by this Division.

He lastly submitted that the authority issued the order of release to respondent No.1 according to Rule 55(I)(Ka) rather than Rule 54(1) of Palli Bidyut Service Code 1992. And in doing so, the authority has not breached any provision of Palli Bidyut Service Code 1992, as such, the impugned judgement and order is liable to be set aside.

6. Mr Mohammad Ali Azam, learned Advocate-on-Record appearing for respondent No. I made submissions in support of the impugned judgement and order of the High Court Division.

7. We have considered the submissions of the learned Advocates appearing for the parties concerned and perused the impugned order of the High Court Division and other connected papers on record.

8. From the records it appears that the letter sent by respondent No. I was a request for him to be released from service and was not accompanied by any deposit of three months' pay as required by Rule 54. Since the authority concerned advised the writ petitioner to take release by depositing the requisite pay and upon obtaining necessary clearance, clearly the resignation letter did not by itself reach finality. The High Court Division posed the question as to how the Samity could accept the writ petitioner's letter requesting his release as a resignation letter since the preconditions, such as depositing money and taking clearance had not been fulfilled.

Noting this fact the High Court Division held that the application was not one for resignation and that it was not lawful for the Samity to issue the impugned memo treating the application as one for resignation.

9. Moreover, it is apparent that inspite of the letter sent by the writ petitioner, the Samity allowed him to continue to work by issuing service orders. In such circumstances it would be unconscionable for the Samity to give effect to the letter of the writ petitioner and to enforce his resignation.

In view of the above discussion, we are of the opinion that the High Court Division did not commit any illegality in making the Rule absolute. We find no merit in the civil petition for leave to appeal, which is accordingly dismissed.

Source: The Dhaka Law Reports (February 2019)

September

High Court Division
(Special Original Jurisdiction)
Writ petition No. 2729 of 2018
Syed Refaat Ahmed J
Md Iqbal Kabir J
Abu Bakkar Siddique (Md) and others .....
.....Petitioners vs
Bangladesh, represented by the Secretary, Ministry of Energy & Mineral Resources Division, Government of Bangladesh Dhaka and others .....
.... Respondent

Judgment

February 11th, 2019

Syed Refaat Ahmed J: This Rule Nisi was issued on 25-2-2018 calling upon the Respondents to show cause as to why the failure of the Respondents in causing publication of advertisement in the national dailies for direct recruitment in the post of Driver under

the Gas Transmission Company Limited ("GTCL") should not be declared to be of no legal effect and why the Respondents should not be directed to give priority to the Writ Petitioners in the process of fresh recruitment/appointment in the post of Driver of GTCL relaxing their age limit and/or pass such other or further Order or Orders as to this Court may seem fit and proper.

2. Well into these proceedings, and at the instance of this Court, the sixty-six Petitioners filed an Application for impleading as Added Respondent No. 13 an entity named Blue-Star Services as operates as an "outsourcing company" in the facts. That Application was allowed on 24- 10-2018 given that inter alia the particular entity Blue-Star Services executed an "Outsourcing Agreement" with GTCL and this Court arrived at the preliminarily satisfaction that its presence as a necessary party in these proceedings would indeed facilitate a more effectual and complete adjudication of all questions and issues in this Writ Petition, thereby, avoiding a multiplicity of proceedings.

3. The Petitioners filed this Writ Petition challenging the failure of GTCL to advertise in the national dailies the direct recruitment of drivers according priority to the Petitioners in the consequential process of fresh recruitment /appointment of drivers under GTCL.

4. GTCL is a subsidiary company of Bangladesh Oil, Gas and Mineral Corporation (hereinafter referred to as "Petrobangla"), and is a hundred percent government owned company. GTCL was registered on 14-12-1993 under the Companies Act, 1913 as a public limited company. GTCL was formed with the objective of establishing a balanced and reliable national gas transmission network with effective and unified control to ensure transportation of required gas for meeting the increasing gas demand in the country. GTCL commenced its formal operation on 23-1-1994 and subsequently started its commercial business from March, 1994.

5. GTCL, like all other subsidiary companies of Petrobangla, is governed by the provisions of its own employment regulations being the Service Regulations, 1996 (as amended in 2005) as approved by Petrobangla for its subsidiary companies during its 352nd Board Meeting held on 6-6-2005 and later adopted by GTCL.

6. A sheet anchor of the Petitioners' case is Serial No. 25 of the Schedule of the Service Regulation (the Schedule, itself being amended in 2015). The Schedule specifies the process and qualifications for appointment to listed posts with Serial No. 25, in particular, signifying the post, qualification and experience of drivers, technicians, junior transport supervisers, junior plant operators and similar posts and spelling out the process of such appointments. The Petitioners, however, take issue with and challenge the veracity and authenticity of a perceived appendage to the Schedule identifying "Outsourcing Posts" and enumerating eight posts, inclusive of drivers, whose appointments will be on outsourcing basis. Explained further in this appendage is the fact that as per the 292nd and 317th GTCL Board Meetings held on 28-12-2011 and 19-12-2012 respectively provision has been made on a limited scale in the institutional framework or organogram for inter alia for only six permanent posts for drivers. The Petitioners consider this entry to be an aberration wholly contradictory to and in negation of the tenor and purport of the entries and listing under Serial No. 25 of the Schedule. They further allege the resort to subterfuge in including the "Outsourcing Posts" list at the very end of the Schedule in a manner as is mala fide and illegal.

7. The Respondents for their part allege at this juncture that the Writ Petitioners suppressing this very significant part of the Schedule regarding outsourcing filed the instant Writ Petition. They, accordingly, maintain that GTCL obtained service from the Writ Petitioners wholly in accordance with the provisions of the Service Regulations. Here they draw this Court's attention to Regulation No. 555(1) of the Service Regulations as states that

" ৫৫(১)- যেই ক্ষেত্রে এই প্রবিধানমালা অনুসরণে অসুবিধা দেখা দেয়, সেই

ক্ষেত্রে কোম্পানী বোর্ডের সিদ্ধান্ত অনুযায়ী উক্ত বিষয়ে প্রযোজ্য বা অনুসরণীয় পদ্ধতি নির্ধারণ করিতে পারিবেন।

(২) এই প্রবিধানমালায় কোন বিষয়ে সুস্পষ্ট ও সুনির্দিষ্টভাবে উল্লেখ না থাকিলে অথবা উহা প্রয়োগে অসুবিধা দেখা দিলে সেই ক্ষেত্রে সরকারী নিয়ম/বিধি অথবা শ্রম ও শিল্প আইন প্রয়োগ করা যাইতে পারে, এবং উক্ত প্রবিধানমালার সাথে সংশ্লিষ্ট কোন বিষয়ে সরকার কর্তৃক সময় সময় জারীকৃত আদেশ/নির্দেশ/ সংশোধনী কোম্পানী বোর্ড এর অনুমোদনক্রমে এই প্রবিধানমালায় অর্ন্তভূক্ত বলিয়া গণ্য করা যাইবে।

(৩) বর্তমানে কোম্পানী সমূহে যে সকল সুযোগ সুবিধা বিদ্যমান রহিয়াছে, উহা বহাল রাখা যাইতে পারে। তবে, শর্ত থাকে যে, এই প্রবিধানমালা কার্যকরী হইবার পর প্রযোজ্য ক্ষেত্রে প্রয়োজনীয় সংশোধন, পরিবর্তন, পরিবর্ধন বা সমমানের সিদ্ধান্ত কোম্পানী বোর্ড গ্রহণ করিতে পারিবেন।"

Therefore, the Respondents argue, whenever there is any difficulty in following/applying any of the provisions under the Service Regulations GTCL is empowered, as per decision taken in Board Meeting, to issue orders, general or special, determining the method to be applied or followed in dealing with the said difficulty and, thereby, to operate flexibly albeit within the bounds of the law.

8. GTCL's authority and discretion to act in this regard is also notably hedged by a set of guidelines issued by the Ministry of Finance termed 'আউটসোর্সিং (Out Sourcing)" "এর মাধ্যমে "সেবা গ্রহণ নীতিমালা, ২০০৮" on 7-8-2008 (Outsourcing Guidelines, 2008), the relevant clauses of which are as follows:

২। সংজ্ঞা- বিষয় কিংবা প্রসঙ্গের পরিপন্থি কিছু না থাকিলে, এ নীতিমালা-

(ক) "কর্তৃপক্ষ" বলতে সেবা গ্রহণকারী সংস্থার নিয়োগ বিধিতে বর্ণিত নিয়োগকারী কর্তৃপক্ষ বুঝাবে। প্রকল্পের ক্ষেত্রে প্রকল্পের পিপি/ডিপিপি/ টিএপিপিতে বর্ণিত নিয়োগকারী কর্তৃপক্ষ বুঝাবে;

(খ) "স্বীকৃত প্রতিষ্ঠান" বলতে সরকার বা সরকার কর্তৃক প্রদত্ত ক্ষমতাসম্পন্ন কোন প্রতিষ্ঠান কর্তৃক অনুমোদিত রেজিষ্ট্রার্ড প্রতিষ্ঠান বুঝাবে;

(গ) "নিয়োগবিধি" বলতে সেবা গ্রহণকারী কর্তৃপক্ষের জন্য প্রযোজ্য নিয়োগ বিধিমালা/প্রবিধানমালা বুঝাবে।

৩। সেবা গ্রহণের ক্ষেত্রে:- আউটসোর্সিং (Out Sourcing) এর মাধ্যমে সেবা গ্রহণের ক্ষেত্রে, নিম্নোক্ত বিষয়গুলো অনুসরনযোগ্য হবেঃ

(ক) আউট সোর্সিং এর মাধ্যমে যে সব পদের বিপরীতে সেবা গ্রহণ করা হবে ঐসব পদের মাধ্যমে সেবা গ্রহণের বিষয়টি সংশ্লিষ্ট নিয়োগ বিধিতে এবং প্রকল্পের ক্ষেত্রে প্রকল্প পিপি/ ডিপিপি/টিএপিপিতে সুস্পষ্টভাবে উল্লেখ থাকতে হবে;

(খ) যে সমস্ত আউটসোর্সিং এর জন্য চিহ্নিত সে সকল পদে স্থায়ী, অস্থায়ী বা সাময়িক কোনরূপ নিয়োগ দেয়া যাবে না;

(গ) সংস্থাপন মন্ত্রণালয় এবং অর্থ বিভাগের সম্মতিক্রমে যে কোন সংস্থা আউটসোসিং এর মাধ্যমে সেবা গ্রহণ করতে পারবে;

(ঘ) কর্তৃপক্ষ প্রয়োজন মনে করলে আউটসোসিং এর মাধ্যমে তৃতীয় ও চতুর্থ শ্রেণীর যে কোন পদের সেবা গ্রহণের প্রস্তাব প্রশাসনিক মন্ত্রণালয়ের মাধ্যমে প্রেরণ করতে পারবে;

৪। সেবা গ্রহণের মেয়াদঃ-

দৈনিক/মাসিক/বাৎসরিক ভিত্তিতে প্রতিযোগীতামূলক স্বীকৃত প্রতিষ্ঠান হতে সেবা গ্রহণ করা যাবে।

৭। সেবা গ্রহণের শর্তঃ- আউটসোসিং (Out Sourcing) এর মাধ্যমে সেবা গ্রহণের ক্ষেত্রে,

(ক) কোন ব্যক্তি বিশেষের সাথে কর্তৃপক্ষের চুক্তি (Contract) হবে না। স্বীকৃত প্রতিষ্ঠানের সাথে চুক্তি সম্পাদিত হবে। কোন ব্যক্তির নামে নিয়োগপত্র ইস্যু করা যাবে না;

(খ) আউটসোসিং এর পদগুলি কি ধরনের হবে, এর নিয়োগ যোগ্যাতা, বয়স, শারীরিক/মানসিক সুস্থতা ইত্যাদি পদ সৃষ্টির জি, ও-তে সুস্পষ্টভাবে উল্লেখ করতে হবে। কোন ক্ষেত্রে জি,ও-তে এগুলোর উল্লেখ না থাকলে নিয়োগকারী কর্তৃপক্ষ অনুরূপ পদ রয়েছে এমন কোন নিয়োগ বিধিমালা এবং এতদবিষয়ে সরকার কর্তৃক অনুমোদিত/জারীকৃত নির্দেশনা অনুসরণ করে নিয়োগ যোগ্যতা নির্ধারণ করতে হবে;

(গ) যে সকল পদের বিপরীতে সেবা গ্রহণ করা হবে সে সকল পদের জন্য সকল পদের বিপরীতে সেবা গ্রহণ করা হবে সে সকল পদের জন্য সংস্থাপন মন্ত্রণালয় ও অর্থ বিভাগের সম্মতিসহ অর্থ বিভাগ কর্তৃক পৃষ্ঠাংকিত জি, ও থাকতে হবে।

(ঘ) পদ সৃষ্টির জি, ও-তে সংখ্যাক পদ আউটসোর্সিং এর জন্য সৃষ্টি করা হবে তার অধিক লোকবলের সেবা আউটসোসিং এর মাধ্যমে গ্রহণ করা যাবে না।

(ঙ) ড্রাইভারের সেবা আউট সোর্সিং এর মাধ্যমে গ্রহণের ক্ষেত্রে গাড়ীসহ ড্রাইভারের সেবা গ্রহনকে অগ্রধিকার প্রদান করতে হবে।

(চ) আউট সোসিং এর মাধ্যমে সেবা গ্রহণের ক্ষেত্রে সরকার কর্তৃক সময়ে সময়ে জারীকৃত আইন, বিধিমালা, নির্দেশনা ইত্যাদি অনুসরণযোগ্য হবে।

(Emphasis added by this Court)

Pausing here to decipher the salient features of the Outsourcing Guidelines, 2008 this Court distils the following as most relevant in the facts:

i. The identification of a "Service Recipient" appointing authority and a duly registered institutional service provider identified as a "Recognized Institution";

ii. Services to be procured through outsourcing must be specified as such in the Service Recipients' service regulations (akin, therefore, to the Service Regulations, 1996 in the instant case);

iii. Outsourced services are to be treated as a distinct genre of service and are not to be termed additionally as "permanent", "temporary" or "periodic";

iv. Procurement of outsourced services is mandatorily to be governed by bilateral contracts institutionally entered into by the Service Recipient appointing authority (akin to GTCL in the instant case) and

the service providing Recognized Institution (akin to Blue-Star Services in the instant case) with an express absolute prohibition on the issuance of appointment letters to any individual (the prohibition is, therefore, of any contractual privity established between a Service Recipient appointing authority and an individual worker/hired service);

v. Drivers constitute a notable category of outsourced hired services; and

vi. Employment generated through outsourcing shall remain governed by laws, rule and guidelines etc. issued periodically.

In the facts, GTCL as per Office Order No. 179/2016 dated 18-12-2016 and following the Public Procurement Act, 2006 and Public Procurement Regulations, 2008 and, most importantly, the Outsourcing Guidelines, 2008 entered into a contract or Outsourcing Agreement with Blue-Star Services (service provider/ contractor) for hiring drivers on outsourcing basis. The preeminently relevant clause of the Agreement between GTCL and Blue-Star reads as follows:

ধারা-৪ (গ)ঃ কোন ব্যক্তি বিশেষের কর্তৃপক্ষের চুক্তি হইবে না। শুধুমাত্র নির্বাচিত জনবল সরবরাহকারী প্রতিষ্ঠানের সাথে চুক্তি সম্পাদিত হইবে। কোন ব্যক্তির নামে জিটিসিএল কর্তৃক কোন নিয়োগ পত্র ইস্যু করা হইবে না।

That provision being Clause 4(C) translates into providing that there will be no contract of employment with any individual but that such contracts shall be with a human resource supplier institution, i.e., a Recognized Institution. The Clause consequentially expressly rules out any . possibility of GTCL issuing any appointment letter to any driver hired on an outsourcing basis.

9. Therefore, consonant with the salient elements of the Outsourcing Guidelines, 2008 in particular and as reflected in clause 4 of the Outsourcing Agreement, the Writ Petitioners were hired through Blue-Star Services. GTCL did not issue any appointment letter to any of the Writ Petitioners rather executed the Agreement with Blue-Star to hire drivers purely on an outsourcing basis.

10. The entrenched practice of hiring drivers through the outsourcing mechanism is further solidified by the Ministry of Finance's circular of 27-1-2016 determining the national pay scale for outsourced posts including drivers as falls under grade 16. It is asserted that GTCL following the said circular accordingly determined the salary and other benefits of its own outsourced drivers like the Petitioners. It is at this juncture that GTCL's learned Advocate, Mr Murad Reza has taken us through the contractual minutiae that further project the three-tiered interests involving the Service Recipient appointing authority GTCL, the Recognized Institutional Service Provider Blue-Star Services and the hired drivers. That notwithstanding, the outsourcing contractual régime is one that ensures that privity of contract is established purely between the institutional appointing and service providing authorities to the exclusion wholly of the hired workers (in this case the drivers). The outcome is that the hired workers remain within the ambit of employment by the service provider only.

11. Mr Murad Reza explains that as per the 2016 circular issued by the Ministry of Finance and as per the Outsourcing Agreement between GTCL and Blue-Star, Blue-Star issues bill for the salary and benefits drivers hired on outsourcing and, accordingly, GTCL pays 10.98% of the total money as commission to the outsourcing company, Blue-Star. Furthermore, emphasized aptly by particular reference to clause 33 of the Outsourcing Agreement between GTCL and Blue-Star is that the drivers hired from Blue-Star are treated as employees of Blue-Star. Mr Reza emphasizes that since GTCL as per the Service Regulations, the circular of the Ministry of Finance and the Outsourcing Agreement with Blue-Star hired the Writ Petitioners, there is no illegality or violation of any such regulation or law in whatsoever manner. Furthermore, he argues that there is no mandatory provision in any regulation or law requiring GTCL to resort to direct recruitments for the post of driver through advertisements as contended and claimed by the Petitioners. GTCL, in particular, emphasises that the Petitioners were hired as outsourced employees through the added Respondent No. 13, Blue-Star service provider. The Petitioners were not appointed by GTCL. GTCL never issued any appointment letters to

the Petitioners. The certificates which the Petitioners annexed with the Writ Petition were issued by GTCL certifying the Petitioners' skills as drivers but are definitely not an attestation of their claimed status of employees appointed by GTCL.

Source: The Dhaka Law Reports (July 2019)

October

High Court Division
(Special Original Jurisdiction)
Writ petition No. 2729 of 2018

Syed Refaat Ahmed J
Md Iqbal Kabir J
Abu Bakkar Siddique (Md) and others .....
.....Petitioners vs
Bangladesh, represented by the Secretary, Ministry of Energy & Mineral Resources Division, Government of Bangladesh Dhaka and others .....
.... Respondents

Judgment

February 11th, 2019

12. The Petitioners cite an earlier instance of certain "outsourcing drivers" being eventually engaged by GTCL as employees on a daily basis,' leading further to their status being regularized in GTCL's regular manpower set-up. It is in this context that the Petitioners draw attention to the Schedule of the Service Regulations which, at Serial No. 5, spells out the post, qualification and experience of "Drivers" and the process of appointment to that post. It is contended that the Respondents, however, for reasons best known to them, have in avoidance of that provision been appointing drivers only on an outsourcing basis ostensibly, therefore, in violation of the Service Regulations.

13. GTCL being an enterprise of the Respondent No. 2, Petrobangla, it is the Petitioners' contention that like other Petrobangla entities GTCL is not appointing its drivers through a direct recruitment process. Here, the Petitioners seek to draw parallels with the experience of yet another Petrobangla enterprise, Titas Gas 'T' and 'D' Company Ltd. ("Titas"). The Titas episode, born out of unique circumstances and as judicially sanctioned, involved the claims of outsourced drivers to be recruited directly by Titas. Titas' recruiting process come under judicial scrutiny when a group of outsourced drivers, among others, filed Writ Petition No. 1406 of 2013 challenging a Titas Board decision by which the Board in reversal of an earlier decision refused to issue interview cards to existing outsourced drivers. This Court eventually made the Rule absolute on 9-7-2013 setting aside the impugned Board decision. Certain observations addressed by the Court to Titas met with initial resistance from the Titas administration. This led to a Review Petition filed by the Petitioners in that case wherein a Rule was issued and ultimately made absolute.

14. In a Leave petition filed against the judgment passed in the Review Petition, the Appellate Division maintained the judgment of the High Court Division with modification. The Petitioners submit that pursuant to the Judgments and Orders of the High Court Division and the Appellate Division in the Titas Case, that company has recruited its previously outsourced drivers on a priority basis. The present Petitioners citing grounds of parity of status and equality of treatment with their Titas counterparts for being employees of a Petrobangla entity now claim to a similar entitlement to be recruited directly. Consequentially, by the Petitioners' reckoning, the Respondents' failure to fill up the vacant posts of drivers under GTCL by way of direct recruitment is liable to be declared to be of no legal effect with a direction issuing from this Court to accord priority to the Writ Petitioners in the process of fresh direct recruitment by relaxing the otherwise requisite and applicable age limit.

15. The Respondents submit at the outset that the instant Writ Petition is not maintainable on the ground that the Petitioners do not have the requisite locus standi to file this Petition. In substantiation it is stated that GTCL executed the Outsourcing Agreement with the service provider/ contractor, Blue-Star. The Writ Petitioners being employees of Blue-Star, the

Respondents argue, they do not have any locus standi for lack of privity with GTCL to allege GTCL's failure to advertise direct recruitment for the post of driver and seek this Court's intervention in that regard.

16. Mr Murad Reza, appearing for GTCL, draws this Court's attention to its ruling in a case involving a similar matter concerning Airtel Bangladesh Limited ("Airtel") which regularly procures outsourcing services variously from outsourcing service providers. Airtel's Writ Petition of 2012 ("Airtel Case"), as hereinafter extensively discussed, thrashed out the essential elements of the relationship between an appointing authority receiving the services of workers supplied by a contracting agency, thereby, giving rise to three-tiered interests governed, however, preeminently by a bilateral contractual relationship and privity forged only between the Service Recipient appointing authority and a service providing contracting agency. As we shall see, the Airtel Case is authority for the view that an appointing authority, as recipient of contracted services through the agency of another contracting service providing entity, does not merely be receipt of such service hold out to the hired workers employed by the service providing entity any promise or prospects of treatment of such workers as full-time regularly employed workers. Such workers remain to be termed employees only of the service providing contracting agency as dealt with in the Labour Act, 2006 in a similar vein under section 3A(3) of the Act which reads thus:

(৩) ঠিকাদার সংস্থা দ্বারা সরবরাহকৃত শ্রমিকগণ সংশ্লিষ্ট ঠিকাদারের শ্রমিক হিসাবে গণ্য হইবেন এবং তাহারা শ্রম আইনের আওতাভুক্ত থাকিবেন। ব্যাখ্যাঃ এই ধারার উদ্দেশ্য পূরণকল্পে কর্মী বলিতে "শ্রমিক" সহ নিরাপত্তাকর্মী, গাড়ীচালক ইত্যাদিকে বুঝাইবে। ঞযব উহমষরংয ঃবীঃ ৎবধফং ঃযঁং:

(3) Workers supplied by a contracting agency shall be treated as the workers of the contractor concerned and shall remain within jurisdiction of the Labour Act. Explanation—For carrying out the purposes of this section, "worker" shall also include the security personnel, driver, etc.

Mr Murad Reza confirms that a similar finding has been arrived at in a Writ Petition filed in 2012 by Grameenphone Limited (i.e., Writ Petition No. 16781 of 2012.)

17. Mr Murad Reza satisfactorily submits further on the point of a misconceived reliance by the Petitioners on the previous ruling of this Court pertaining to outsourced drivers of Titas Gas. The Titas Case scenario this Court notes to be distinguishable given that the claims therein arose out of a distinct array of facts. The petitioners' grievance in that case stemmed from a Titas Board decision reversing its earlier decision and, thereby, refusing to issue interview cards to the outsourced drivers for appointments to permanent drivers' posts. At its earlier 633rd Meeting, the Titas Board had adopted a decision recognizing the eligibility of contractual employees, including outsourced employees, to apply for permanent posts whenever the authority decided to recruit against the said posts. It so transpired, however, that when all the petitioners-aspirants applied for those posts and were waiting to receive their viva cards, Titas by its 669th Board Meeting refused to issue interview cards to those petitioners. The legality of that decision of reversal came to be challenged in the Titas Case. It is amply clear, therefore, that the Petitioners of the instant Writ Petition cannot expect to be placed on the same footing as the petitioners in the Titas Case who benefited from distinguishable facts unique to that earlier case. Here, and as Mr Murad Reza aptly submits, there comes into play a settled principle of law that "equal protection is the guarantee that similar people will be dealt with in a similar way and that people of different circumstances will not be treated as if they were the same" [SheikhAbdus Sabur vs Returning Officer reported in 41 DLR (AD) 30 para 29]. This Court fails to detect any element, factor or ground to treat the present Petitioners' case on an equal footing as their Titas counterparts.

18. This Court is equally convinced by Mr Reza's argument further that GTCL in the facts followed its own Service Regulations, relevant outsourcing law and the Ministry of Finance's 2016 circular in hiring the services of outsourced drivers. Within that legal régime there indeed is no legally binding obligation on GTCL to publish advertisements in the national dailies for direct recruitment to the post of driver. Nor was it ever mandatory for GTCL to be guided by the example of another Petrobangla entity, like Titas at any material time.

19. In this milieu of applicable legal standards governing the availability and hiring of outsourced services, the Outsourcing Guidelines, 2008 have had a central role to play. These Guidelines provided both a sanction and an impetus for amending the Service Regulations and incorporating the provisions governing outsourcing in its Schedule in 2015. It is stated that the 360th GTCL Board Meeting was held on 23-2-2015 precisely for the purpose of amending the Schedule to the Service Regulations. The Board Meeting considered the recommendations by the GTCL Board Committee as included provision for Outsourcing under serial 23 of paragraph 1.4 thus:

"২৩। আউটসোসিং এর মাধ্যমে নিয়োজিত জনবলকে নিয়োগ ও পদোন্নতির তফসিলে অন্তর্ভূক্ত করা হয়েছে।"

Predicated on the same, the Board adopted a decision in the following terms:

"৬.০ সিদ্ধান্ত:

বিস্তারিত আলোচনার পর পরিচালকমন্ডলী জিটিসিএল এর চাকুরী প্রবিধানমালায় জিটিসিএল কমিটি কর্তৃক প্রণীত খসড়া তফসিল অংশে বোর্ড কমিটির সুপারিশকৃত অনুচ্ছেদ- ১.৪ এ বর্ণিত ক্রমিক নং-১১, ১৩, ১৪, ১৬, ১৮, ১৯ এ বর্ণিত "পাশ" শব্দটি বিয়োজন করে তদস্থলে "সনদ প্রাপ্ত" শব্দটি সংযোজন এবং ক্রমিক নং-২৩ এ বর্ণিত "নিয়োগ ও পদোন্নতির তফসিলে "এর স্থলে শুধুমাত্র "তফসিলে" সংযোজনপূর্বক বোর্ড কমিটি কর্তৃক সংশোধিত/প্রতিস্থাপিত অংশসহ কোম্পানীর চাকুরী তফসিল অংশ অনুমোদন প্রদান করে।"

(Emphasis Added by this Court)

This was, therefore, the administrative decisional route taken by GTCL to insert into the Schedule of the Service Regulations the provision of outsourcing which provides inter alia for the appointment of drivers on an outsourcing basis.

20. The fact that the mechanism of outsourcing hiring was giving a currency in policy realms is substantiated further by the Ministry of Finance circular of 25-8-2013 clause 7 of which mandatorily requires the hiring of fourth class employees on outsourcing basis in lieu of direct recruitment. Furthermore, the Ministry of Finance, during the pendency of the Rule has as of 1-1-2019 promulgated the "আইটসোর্সিং (Outsourcing)চ "প্রক্রিয়ায় সেবা গ্রহণ নীতিমালা, 2018 ("Outsourcing Guidelines, 2018"), thereby repealing the Outsourcing Guidelines, 2008. The Petitioners contend that Appendix "KA" to the Outsourcing Guidelines, 2018, comprising of an exhaustive list of services procurable through outsourcing bears no mention of or reference to services of drivers. This, they argue further, makes GTCL duty-bound to appoint drivers through direct recruitment. The Respondents, on the other hand, highlight the inclusion in the Appendix "KA" list the category of ÒcwienbÓ or "Transportation Service" which they argue to include hired services of drivers and the continued coverage, thereby, accorded to GTCL to maintain the status quo of hiring drivers through the outsourcing mechanism. That argument by the Respondents, this Court finds, to stands to much better reason than the discordant construction relied upon by the Petitioners.

21. The cumulative effect of the plethora of orders, guidelines and regulations above considered leads this Court to conclude at this juncture that the Petitioners' submissions on the Service Regulations and their questions raised as to the veracity and authencity of the table in the Schedule on "Outsourcing Posts" are indeed misconceived, without any sound legal basis and, hence, misleading. It is also noted in this regard that the Petitioners have further argued that the contents of the "comment" gšÍe¨ column in the table on "Outsourcing Posts" constituting a part of the Schedule, and as reproduced hereinbelow, has no legal or factual basis:

"মন্তব্য (৪)

(১) সাংগঠনিক কাঠামোর সংস্থানের আলোকে ক্রমিক নং-১১ হতে ৮ পর্যন্ত পদসমূহে জনবল আউটসোর্সিং এর মাধ্যমে নিয়োজিত করা হয় (২) ২৮/১২/২০১১ তারিখে অনুষ্ঠিত পরিচালকমন্ডলীর ২৯২তম সভা এবং ১৯-১২-২০১২ তারিখে অনুষ্ঠিত ৩১৭তম সভায় সাংগঠনিক কাঠামোয় সীমিত পর্যায়ে অর্থাৎ ৬টি স্থায়ী ড্রাইভার পদ এবং ১৯টি স্থায়ী এ্যাটেনডেন্ট (অফিস সহায়ক) পদের সংস্থান রাখা হয়।

The Petitioners' allegations above are proven to be unsubstantiated by the fact that as per the 292nd and 317th GTCL Board Meetings of 28-12-2011 and 19-12-2012 respectively the decision was to keep six permanent drivers only. Accordingly, as per the amended organogram provision remains exceptionally for one permanent driver for the GTCL Managing Director and five for Transport Control section. Apart from these six permanent drivers, the Schedule fully governs the hiring of drivers on outsourcing basis. There is found no ground to

agree with the Petitioners' contention that the six permanent posts of drivers present the norm rather than the exception to the operation of the outsourcing provisions of the Schedule.

22. On the preliminary issue of the maintainability of the Petitioners' Application, the centrality of section 3A(3) of the Labour Act, 2006 is unavoidable and it becomes incumbent upon this Court to probe into such preliminary objection raised by the Respondents at this juncture before delving into the more substantive issues raised. The primacy of consideration of maintainability and locus standi has been endorsed, for example, in Kartic Das Gupta vs Election Commission of Bangladesh, reported in 8 ADC 578 = 19 BLC (AD) 113 thus:

Ò..... before going into the merit of a writ petition the first and primary duty of the Writ Bench is to see whether the writ petition itself is maintainable in law or whether the writ petitioner has got any interest in the matter which if not protected he shall suffer injury."

Accordingly, the Respondents have all along maintained that the instant Writ Petition is not maintainable. A proper construction of section 3A(3) and analysis of the very concept of outsourcing" leads us to find, for reasons explained hereinbelow, against the locus standi of the Petitioners to file this Writ Petition. In reiteration it is noted that as per section 3A(3) of the Labour Act, 2006 provides that

"Workers supplied by a contracting agency shall be treated as the workers of the contractor concerned and shall remain within jurisdiction of the Labour Act. Explanation—For carrying out the purposes of this section, "worker" shall also include the security personnel, driver, etc."

In probing into the dynamics of outsourcing as a mechanism of employment in a given establishment and the relationships that this mechanism engenders, this Court subscribes in this regard to the ratio decidendi of the judgment in Airtel Bangladesh Limited vs the Chairman. First Labour Court, Dhaka, reported in 19 BLC 517 to find against any direct subsisting and substantive relationship between the Petitioners and the Respondent No. 4, GTCL as would justity the laying of the claims as has been done in this Writ Petition. The Airtel Case, notably, dealt with predecessor provisions of section 3A(3) and arrived at findings, in this Court's findings, which would equally hold true through the application of section 3A(3) to the present facts.

23. The Airtel Case, as authored by one of us (i.e., Syed Refaat Ahmed, J.) picks up on two essential notions of "direct supervision and control" and "contractual bind" or contractual privity to dislodge any perception or presumption that physical proximity between an appointing authority and a hired worker or the mere presence of such worker in the premise of an engaging entity remains the primary determinant of establishing an employer-employee or master-servant relationship. The genesis and purport of the term "worker" was extensively discussed by this Court in the Airtel Case in juxtaposition with judicial enunciations in this and the Indian jurisdiction. As will be noted in the excerpts from that judgment as reproduced hereinbelow, it is Justice Bimalenda Bikash Roy Chowdhury's incisive and precise delineation of the boundaries of definition and circumstances that proved decisive in clinching the outcome in that case for the Petitioner Airtel. It is this Court's opinion that Justice B.B. Roy Chowdhury's enunciation of the term "worker" merits unqualified subscription in the instant case negating, therefore, the standing and the claims of the present Petitioners. In ascertaining the factors that emphatically negate the existence of substantive linkages between employer and employee, this Court notably identified the missing links thus in the Airtel Case:

"..... this Court wholly subscribes further to the interpretation given to a similar definition of "worker" by the Supreme Court of India in Workmen Food Corporation of India vs M/s Food Corporation of India reported in (1985) AIR 670 at paragraph 11 as reads thus:

'The essential conditions of a person being a workman

within the terms of the definition is that he should be employed to do the work in that industry and there should be, in other words, an employment of his by the employer and that there should be a relationship between the employer and him as between employer and employee or master and servant. Unless a person is thus employed, there can be no question of him being a worker within the definition of the terms and contained in the Act.'

Predicated on that understanding of the connotation of the term "worker" this Court has further considered, and as submitted by Mr Alam, the elaboration provided by the Appellate Division of the definition of a "worker" under section 2(XXVIII) of the Industrial Relations Ordinance, 1969 ("IRO") which, considered along with the Employment of Labour Standing Orders Act, 1965, in fact constitutes the essential basis of the codification of the Act of 2006. The expression "worker" as defined in section 2(XX VIII) of the IRO stood thus:

'any person including an apprentice not falling within the definition of employer who is employed in an establishment or industry for hire or reward either directly or through a contractor to do any skilled, unskilled, manual, technical or clerical work whether the terms of employment be expressed or implied.'

It is noted that the Appellate Division in Karnaphuli PMWU vs KPM Employees Union reported in 11 ADC 300 = 52 DLR (AD) 36 was faced with the question of the extent to which the definition above contemplated the status of workers who are engaged in Karnaphuli Paper Mills ('KPM") through contractors, thereby, qualifying to be treated, if at all, as workers of the KPM establishment itself. In other words, the enquiry was of the extent to which each such worker could be said to be bound in a relationship of employer and employee with KPM. In examining that claimed status and entitlement as KPM workers/ employee the Appellate Division pertinently pursued a line of enquiry that focused primarily on the true construction of the terms of employment in each case to determine whether the incidences of employment of each individual claimant with KPM were present or not. Such exercise would finally determine whether any individual claimant was actually employed by KPM or by the concerned independent contractor personally. It is in that context that Justice Bimalendu Bikash Roy Chowdhurv laid down what this Court views to be the most succinct and authoritative interpretation of the true import of the words "directly or through a contractor", featured in section 2(XXVIII) of the IRO and incidentally in section 2(65) of the Act with which we are presently concerned.

Indeed a worker may be one who is employed by the management directly e.g.. by an entity like Airtel, the Petitioner before us, or through a contractor e.g., in the likeness 'of an outsourcing enterprise like ELSL before us and in both instances will be considered as employed by the management itself, provided, as Justice Bimalendu Bikash Roy Chowdhury stressed, in "either case there (is) a contract of employment between the management and the person employed". Applied to this case, that would mean the existence of a direct contractual nexus between each individual driver and the Airtel management binding one to the other by privity of contract. That privity, this Court finds, is. however, significantly absent in all the cases before us. For what the present facts manifest is yet a different scenario distinguishable important element of each of the twenty drivers in these Writ Petitions working instead "under the control and supervision of the Contractor". In other words, such direct control and supervision by a contractor wholly excludes the possibility of employment by the management itself i.e. by Airtel in the present instances. The fact that each driver works in the premises of Airtel makes no substantive difference in this record. They remained at all material times workers under the employment of the independent contractor ELSL and ELSL alone.

Premised on that essential determinant of the status of a worker under the IRO, and by extension under the Act, being that of a person who enters into a contract of service under the management itself (i.e., in the capacity and status of any appointing entity like the Petitioner Airtel before us), Justice Bimalendu Bikash Roy Chowdhurv observed thus at paragraph 12 at page 303:

'In order to arrive at the conclusion whether a person working in the establishment is a worker under the establishment or a worker under an independent contractor, that is, whether the employment is by and under the establishment through a contractor or by the indenpendent contractor for the benefit of whom the employment is given, one has to look to the terms of employment.'

Having this focused on the proximity of the contractual bind between an individual of the contractual bind between an individual with an establishment and/ or a contractor being determinable by reference essentially to the terms of employment. Justice Bimalendu Bikash Roy Chowdhury appears to this Court to subscribe to the ratio above cited in the workmen Food Corporation of India case in narrowing down the test of a worker's status to that of an existence of a relationship of employer and employee spelt out in such terms of employment.
Accordingly, the learned Judge observed thus:

'The terms of employment must establish a relationship of master and servant or employer and employee between the person employed and the establishment and it is not enough that a person is working in the premises of a certain establishment.'
(Emphasis added by this Court)

It is in this context Mr Tanjib-ul-Alam has satisfactorily submitted that the Respondent No. 2 driver in Writ Petition No. 110 of 2012, by his very terms of employment discernible from the Agreements of 2006 and 2009 falls in all aspects of his employment to be absolutely controlled and supervised by the independent Contractor ELSL under whose payroll he and the other Respondent drivers in all these Writ Petitions were at all material times and by dint of which each such driver received payments from the Contractor ELSL. Such payroll was maintained separately and independently by the Contractor of ELSL exclusively of Airtel with the latter having no authority of hiring and firing any of the Respondent No. 2 drivers in the Writ Petitions. It is submitted satisfactorily that clearly these contractual arrangements squarely fall into the scheme of the Agreements of 2006 and 2009 between the Service Receiver Airtel and the Contractor ELSL marked by the payment of the service charge payable by Airtel to ELSL.
This Court finds that nothing in the contractual regime governing these cases has gone to establish to the contrary that any of the Respondent No. 2 drivers discharged their duties and contractual obligations of service for consideration due them directly by Airtel in the form of salary earned. In fact, the Appellate Division in the Karnaphuli PMWU Case of the contractor submitting bills for services rendered to an establishment and payment under the bill being satisfied upon receipt of the bill amount by the independent contractor into its account from which it would be at liberty to disburse payments of salary and benefits to each individual member of its staff otherwise working in the premises of KPM.

..... In the present facts and circumstances, given this Court's finding above that absent a contractual bind between the Respondent No. 2 driver and Airtel resulting in a substantive employer employee relationship between the two there is necessarily no existing enforceable right that has at any material date accrued to the Respondent No. 2 driver that would permit of consideration and disposal by the Labour Court by invocation of section 213 of the Act."
(Emphases added by this Court)

It is our view that the Airtel ratio reflects and adds to the established jurisprudence distilled from a series of unreported cases being Sharmeen Annie vs. First Labour Court, Dhaka and another (Writ Petition No. 7068 of 2011) Grameenphone Limited vs the Chairman, First Labour Court, Dhaka (Writ Petition No. 16781 of 2012 and other Writ Petitions) and Khandaker Razib vs Government of Bangladesh represented by the Secretary, Ministry of Water Resources and others (Writ Petition No. 4486 of 2017 and other Writ Petitions). The Khandaker Razib Case succinctly outlines and clarifies the nature of outsourced services, concepts of service recipient, service provider or renderer thus which this Court is inclined to adopt for the present purposes:

"The concept of "Outsourcing" is not something new. Labour services and the professional services may be procured through outsourcing. In India, this process has been going on and is a process by which the recipient of service enters into a specific agreement with a contractor/service provider who engages these persons to render services to the service recipient. In such a situation, there is no employment contract between the service recipient and the service renderer. The contract only exists between the service recipient and the contractor and consideration for the service are provided by the service recipient or the contractor, as the case may be. It is also to be noted here that if the service recipient is not satisfied with the service rendered by the persons who are engaged by the contractor then his particularly remedy lies for breach of the terms and conditions of the agreement against the contractor and not by invoking the writ jurisdiction under Article 102 of the Constitution for regularization of their services with the authority concerned. Likewise, if the contractor does not receive adequate consideration for providing his service through his appointed employees, his remedy also lies against the service recipient.

The service recipient is generally not concerned who renders the service to him as long as the services sought is rendered adequately. As can be reasonably expected, the service recipient may set certain criteria and conditions to be observed by the service renderer and he has a discretion to reject any person through whom the service is provided by the contractor; but in such cases the matter is governed by the contract between the service recipient and contractor. It is a contract of services as opposed to a contract of employment.

24. In an unreported decision in Writ Petition No. 7068 of 2011 in Sharmeen Annie vs First Labour Court. Dhaka and another it has been held:

"To be an employee one has to be in the employer's pay roll and subject to the letter's control on questions of employment. There has to be a contract of employment inter Se, containing terms of employment. Nothing like that is present in the file before us. It transpires, the respondent No. 2 is indeed an employee of an independent contractor named TEAM Services. The contractual relationship is between the petitioner and TEAM Services, the respondent No. 2 is not a privy to it. So, he has no cause of action against the petitioner."

25. As noted earlier, the mainstay of the Petitioners' case and arguments has been the thrust of the judgment of this Court in Writ Petition No. 1406 of 2013 which in the facts this Court finds not applicable to the Petitioners' claim. That case, i.e., the Titas Case proceeds on the issue of a legitimate expectation engendered singularly through a series of factual developments unique to that case and which are found to have no manner of application to the case at hand. In this regard, this Court is constrained to find that the reliance on the Titas Case ratio by the Petitioners has been a highly misconceived one. That reading of the Titas Case coupled with this Court's understanding of the governing law, regulations and guidelines and the compelling enunciation of the dynamics of outsourced employment in the Airtel Case and the Khandaker Razib Case leads this Court to find that outsourcing is not a procedural or administrative aberration but is a legally sanctified mainstream mode of hiring. That leads us to observe and find as follows:

By virtue of the Outsourcing Agreement read with section 3A of the Labour Act, 2006 the Petitioners remain in law and by contract employees of Blue-Star and not of GTCL;

The Petitioners have assiduously and deliberately downplayed their relationship with Blue-Star (later added on as a Respondent) and that the Petitioners' learned Advocate Mr Md Bodruddoza could not satisfactorily argue why this Court should assume the Petitioners to be bound in a direct bilateral relationship with GTCL in lieu of that spelt out in the Outsourcing Agreement between GTCL and Blue-Star; The Petitioners present the outsourcing scheme/ notion to be an anathema whereas it is found to be a concept entrenched in law and sanctioned practice; and The physical proximity of the Petitioners to

GTCL and the fact of their daily contacts with GTCL administration and GTCL employees cannot undermine the effect of section 3A(3) and the Outsourcing Agreement and, therefore, the Petitioners cannot be deemed to be bound in privity with GTCL excluding wholly the all significant intervening substantive role of Blue-Star.

26. An analysis further of the set of the relevant laws, rules and regulations that are found by this Court to govern the Petitioners' relationship with the Respondent No. 4, GTCL satisfies this Court that GTCL has proceeded at all material times to adopt the outsourcing mode of engaging individuals as the Petitioners upon a proper reading and application of the same. Contrary to what the Petitioners would have this Court believe, GTCL's actions have always proceeded on a firm legal footing as further substantiated and sanctified by the Aritel Case ratio as above discussed and enunciated. As evident above, a careful study has been undertaken by this Court of the GTCL Service Regulations, along with amendments thereto and its Schedule, the relevant provisions of the Outsourcing Guidelines, 2008 and the successor Guidelines of 2018 and the set of circulars issued by the Ministry of Finance on 25-8-2013 and 27-1-2016. These rules and regulations collectively convince this Court of the propriety and legality of GTCL's reliance on the outsourcing mechanism of engaging workers as the Petitioners and their continued employment as such under full legal cover. In this regard, we have not been convinced of arguments made by Mr Md Bodruddoza on behalf of the Petitioners to dispute certain of the amendments/ amending provisions of the Service Regulations which the Petitioners have sought to challenge on grounds of lack of authenticity or of being a product of irregular inclusion in the body of the Service Regulations. Indeed, the agreements have seemed spurious. It is also this Court's view that a proper reading of the Outsourcing Guidelines, 2018 given effect from 1-1-2019, which is read as a consolidating exercise and intended to have a broad base application, leaves no scope for debate or confusion that the Guidelines bring within their ambit the outsourced hired services like drivers. The Petitioners' arguments to the contrary providing a different construction to the Guidelines and the provisions of its cwiwkó ÔKÕ or Appendix 'KA' covering "cwienb" or "Transportation Service" are found to be unsatisfactory and unconvincing, thereby, straining and stretching the boundaries of proper interpretation.

27. Both on the grounds of maintainability and substantive soundness of the Petitioners' case this Court, therefore, remains wholly disinclined to a favourable consideration of the Rules Nisi.

28. It is noted additionally that this Court's initial Order of Status Quo was modified by the Appellate Division by its Order of 14-5-2018 enabling the Writ Respondents to follow the usual terms and conditions to deal with the service of the Writ Petitioners henceforth. Given the terms of our findings above and the outcome declared above, we see no discordance with our substantive findings and findings and the effect of the Appellate Division's Order of 14-5-2018, thereby enabling GTCL to henceforth continue to engage the Petitioners according to the terms and conditions of service as envisaged in the Outsourcing Agreement already executed between GTCL and Blue-Star Services. That position finds endorsement in practice by Clause 4(C) of the Outsourcing Agreement as previously discussed and indeed Clause 33 of the said Agreement declaring the drivers hired from Blue- Star to be treated as employees of Blue-Star alone with incidences of such employer-employee relationship between Blue-Star and the Petitioners clearly stipulated elsewhere in the said Agreement.

29. Resultantly, the Rule is discharged with the findings and observations above.

30. There is no Order as to costs. Communicate this Order at once.

Ed.

Source: The Dhaka Law Reports (July 2019)

December

High Court Division

(Special Original Jurisdiction) Writ petition No. 11756 of 2017

Tariq ul Hakim J

Md Shohrowardi J

Nur Alam Chowkider (Md) .... Petitioners

vs

Bangladesh, represented by the Secretary, Ministry of Shipping, Bangladesh Dhaka and others .... Respondents

Md Shohrowardi J: This Rule Nisi was issued calling upon the respondents to show cause as to why job circular (wb‡qvM weÁwß) being No. 56/2017 dated I5-3-2OI7 published in the Daily New Nation (Annexure-C) for appointment in the post of Greaser without appointing the petitioners and inaction of the respondents in absorbing! regularizing the service of the petitioners in regular establishment in the vacant posts of Greaser at Bangladesh Inland Water Transport Corporation (BIWTC) should not be declared to have been done without lawful authority and of no legal effect and as to why a direction should not be given upon the respondents to absorb/ regularize the service of the petitioners in regular establishment in the vacant posts of Greaser at Bangladesh Inland Water Transport Corporation (BIWTC) and/or pass such other or further order or orders as to this Court may seem fit and proper.

2. The relevant facts for disposal of the Rule are that the petitioners were appointed as Greaser on different dates in the year 2014 to 2015 on "no work no pay" basis. The initial appointments were given for 85 (eighty-five) days and subsequently, respondent No. 6 extended the service of the petitioners issuing fresh appointment letters for another period of 85 (eighty-five) days and till today the petitioners are serving as Greaser.

The petitioner No. 10 was initially appointed on 25- 11-2014 for a period of 85 (eighty-five) days as Greaser on 'no work no pay' basis and on 24-2-2015 the respondent No. 6 issued a fresh appointment letter for 85(eighty-five) days with effect from 20-2-2O15 to 15-5-2015. On 14-6-2015 respondent No. 6 issued another letter appointing him for 85 (eighty-five) with effect from I7-5-2015 to 9-8-2OI5. Lastly, respondent No. 6 issued a fresh appointment letter on 7- 1O-2018 appointing petitioner No. 10 as Greaser for 85 (eighty-five) days. All other petitioners were also similarly appointed issuing several appointment letters for 85 (eight-five) days. Now they are serving with full satisfaction of the respondents. The petitioners further stated that some employees of the BIWTC who were appointed along with the petitioners in the post of Greaser has been regularized/ absorbed in the revenue set-up, but the respondents without taking any step for regularization/absorption of their service in the revenue set-up issued appointment notice on 15-3-2017 for appointment in the vacant post of Greaser. Thereafter, the petitioner filed the writ petition and obtained the Rule Nisi.

3. The petitioners filed a supplementary affidavit on 17-1-2019 stating that after issuance of the Rule, the petitioners filed applications for appointment in the vacant post of Greaser of BIWTC and the respondents also issued admit cards in favor of the petitioner Nos. 2, 5 to 17 and 19 for appearance in the viva voce examination and they also appeared in the viva voce examination but no admit card for viva voce

examination was issued in favour of the petitioner Nos. 1, 3, 4 and 18 on the ground of age bar although in the appointment notice it has been mentioned that বিভাগীয় প্রার্থীদের বেলায় বয়স শিথিলযোগ্য। Finally the respondent did not appoint them in the vacant post.

4. The respondent Nos. 4, 5 and 6 filed affidavit-in-opposition stating that the petitioners were temporarily appointed in the post of Greaser on 'no work no pay' basis for 85 (eighty-five) days and there is no continuation in their service. The petitioners joined in their service accepting the terms and condition of the appointment letter wherein it has been specifically mentioned that এই নিয়োগ আদেশের সাথে বিআইডব্লিউটিসিতে আপনার চাকুরী নিয়মিত নিয়োগের কোন সম্পর্ক থাকবে না। It is further stated that in the বাংলাদেশ অভ্যন্তরীণ নৌ পরিবহন কর্পোরেশনের কর্মচারী চাকুরী বিধিমালা, 1989, there is no provision for regularization/absorption of the service of the casual employees in the revenue set-up. It is specifically stated that petitioner No. I is absent in his office since 7-9-2018.

5. Mr Yusuf Hussain Humayun, the learned Advocate appearing along with Mr Motiur Rahaman on behalf of the petitioners submits that they are serving in the post of Greaser for last 5 (five) years with full satisfaction of the authority and in the meantime, they acquired experience and there is no stigma against them. He further submits that some other employees of the BIWTC who were appointed along with the petitioners in the post of Greaser have been regularized/absorbed in the revenue set-up, but the respondent without absorbing/regularising the service of the petitioners issued a fresh appointment notice for appointment in the vacant post of Greaser which is discriminatory and violative of Article 27, 31 and 40 of the Constitution.

6. Mr Saifur Rashid, the learned Advocate appearing on behalf of the respondent Nos. 4 to 6 submits that the petitioners were appointed temporarily on "no work no pay" basis and accepting the terms and conditions of the appointment letters, they joined in their service. He also submits that there is no provision in the বাংলাদেশ অভ্যন্তরীণ নৌ পরিবহন কর্পোরেশনের কর্মচারী চাকুরী প্রবিধানমালা, 1989 for regularization/absorption of the service of the casual employees in the revenue set-up.

7. Although the Ministry of Finance and the concern Ministry are made party in the writ petition and the notices have been served upon them but no affidavit-in-opposition has been filed on behalf of those respondents.

8. We have considered the submissions of the learned Advocates who appeared on behalf of the petitioners and the learned Advocate who appeared on behalf of the respondent Nos. 4 to 6.

9. The issue involves in the instant Rule as to whether casual employees who worked for a substantial period in the BIWTC without any stigma are entitled to be absorbed in the revenue set-up.

10. On perusal of the records it appears that after publishng the appointment notice dated 15-3-2017 (Annexure-C), the petitioners filed applications for appointment in the vacant posts of Greaser and the petitioner Nos. 2, 5 to 17 and 19 also appeared in the viva voce examination but the respondents without appointing them in the permanent posts of Greaser finalized the appointment process appointing the other candidates in the vacant posts of Greaser. At the time of issuance of the Rule, this court directed the respondents to keep 19 (nineteen) posts of Greaser vacant under the BIWTC and the respondents also filed affidavit-in-compliance stating that they kept 19 (nineteen) posts of Greaser reserve.

11. Nothing has been stated on behalf of the respondents to the effect that the petitioners were not appointed by the competent authority. Rather

it is conceded that they were legally appointed and now serving with full satisfaction of the authority and there is no stigma against them. The case of the respondents is that the petitioners are casual employees and there is no provision in the বাংলাদেশ অভ্যন্তরীণ নৌ পরিবহন কর্পোরেশনের কর্মচারী চাকুরী প্রবিধানমালা, 1989 for absorption of the service of the casual employees in the revenue set-up.

12. On perusal of the records, it appears that the petitioners were appointed in the year of 2014 to 2015 on `no work no pay' basis against the permanent posts of Greaser and now serving with full satisfaction of the authority and there is no stigma against them. They also acquired skills and experience in their service. In the mean-time, some of the employees crossed the age bar for no fault of them. Their service is permanent in nature and they served in the vacant posts.

13. As regards the submission made on behalf of the respondent Nos. 4 to 6 regarding the absence of provision in service rule for absorption we hold that no provision has been made in the বাংলাদেশ অভ্যন্তরীন নৌ পরিবহন কর্পোরেশনের কর্মচারী চাকুরী প্রবিধানমালা, 1989 prohibiting absorption/regularization of the service of casual employees in the revenue set up. Rather the respondents regularized/absorbed the service of some other employees of BIWTC in the revenue set up who were appointed along with the petitioners on `no work no pay' basis and created a legitimate expectation of the petitioners which has now become a vested right to be absorbed/ regularized/ confirmed their service in the revenue setup, The respondents applied the pick and choose theory and made discrimination amongst the employees of BIWTC in regularizing/ absorbing their service in the revenue setup.

14. In the case of Bangladesh Biman vs Zahangir Farazi, reported in 65 DLR (AD) 117 para 31 judgment dated 7-8-2012 our Apex Court considered the case of casual workers of Bangladesh Biman Corporation who were appointed on `no pay' basis and held as under:

"Though the petitioners were appointed as casual workers on `no work no pay' basis against the permanent posts initially for 90 days, because of their continuous services therein for 7/8 years without any gap and thus, they having completed the period of probation of three months as provided in section 4(2) of the Act, 1965, acquired a right to be permanent in their respective posts, the High Court Division did not commit any illegality in making the Rues absolute."

15. In the case of Government of Bangladesh vs Anisur Rahman, reported in 18 MLR (AD) 372, Para 15 judgment dated 1-8-2013 again our Apex Court considered the case of casual workers who were appointed on 'no work no pay' basis and directed the writ-respondents in the following terms:

"(a) The leave-petitioners are directed to absorb the writ petitioners respondents under the revenue budged subject to availability of same/equivalent posts under the Bureau of Manpower Employment and Training provided that they have the requisite qualification.

(b) In the event of non-availability of adequate vacant posts to absorb the writ petitioners-respondents, the authority shall not make any recruitment in BMET in future until the writ-petitioners are absorbed provided that they have requisite qualification.

(c) The writ-petitioners-respondents are entitled to salaries and other benefits only for the period of rendition of their service."

16. In similar situation, in Writ Petition No. 6075 of 2018 in the case of Sharmin Jahan vs Government of the People's Republic of Bangladesh, this Division

by Judgment and order dated 2-10-2018 directed the respondents to absorb/regularize/confirm the service of the petitioners of that writ petition in the permanent posts of "Flight Steward" of Biman Bangladesh Airlines Limited who were appointed on `no work no pay' basis and observed as under:

"We further note that as a result of petitioners' service for a substantial time, the petitioners have crossed the age limit of 30 years and become ineligible to apply for any government jobs, despite being a part of the Government. There are yet vacant posts. By working for a substantial period of time and acquired skills and experience in the flight service, these petitioners can legitimately expect to be absorbed in the permanent post, when on similar footing, others have been absorbed."

17. It is noted that there is no denial of the fact that petitioner No. I is absent in his office since 7-9-2018.

18. It is conceded that there are sufficient vacant posts of Greaser for the appointment of the petitioners. Therefore we do not find any reason for not absorbing/ regularizing the service of the petioners in the revenue set-up. We hold that the petitioners can legitimately expect to be absorbed/regularized in the revenue set-up as some other employees who were appointed along with the petitioners on work no pay' basis has been absorbed/ regularized in the revenue set up.

19. In the above facts and circumstances of the case, we are of the view that ends of justice would be best served if we direct the respondents to absorb/ regularize/confirm the service of the petitioners in the revenue set-up except the petitioner No. I.

20. The respondents are directed to absorb/ regularize/confirm the service of the petitioners in the permanent post of Greaser under the BIWTC except the petitioner No. I within 90(ninety) days from the date of receipt of the copy of the judgment subject to the condition that they are not otherwise disqualified.

21. With the above direction, the Rule is disposed of.

However, there will be no order as to costs.

Ed.

Source: The Dhaka Law Reports (July 2019)

Statistics

DISTRIBUTION OF POPULATION BY ECONOMIC ACTIVITIES

(In million)

Major occupation	2010			2013			2016-17(*)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Professional, technical	1.89	0.52	2.41	2.68	1.09	3.77	2.86	1.21	4.07
Administrative, managerial	0.59	0.10	0.69	0.49	0.08	0.57	0.89	0.11	1.00
Clerical workers	0.91	0.10	1.01	0.74	0.18	0.92	0.77	0.14	0.91
Service and Sales workers	8.56	2.60	11.16	8.14	1.46	9.60	9.10	0.92	10.02
Agriculture, forestry & fisheries	15.19	10.51	25.70	13.87	7.50	21.37	10.04	9.64	19.68
Production, transport and craft & trade labourer and others	10.74	2.37	13.11	15.31	6.53	21.84	18.52	6.63	25.15
Total	**37.88**	**16.20**	**54.08**	**41.23**	**16.85**	**58.07**	**42.18**	**18.65**	**60.83**

Note: (* Provisional) indicates population 15 years and above as per Labour Force Survey 2016-17

Source: Labour Force Survey 2010, 2013 and 2016-17; Bangladesh Bureau of Statistics.

(In percent of total)

Major occupation	2010			2013			2016-17(*)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Professional, technical	3.5	1.0	4.5	4.6	1.9	6.5	4.7	2.0	6.7
Administrative, managerial	1.1	0.2	1.3	0.8	0.1	1.0	1.5	0.2	1.7
Clerical workers	1.7	0.2	1.9	1.3	0.3	1.6	1.2	0.2	1.4
Service and Sales workers	15.8	4.8	20.6	14.0	2.5	16.5	15.0	1.5	16.5
Agriculture, forestry & fisheries	28.1	19.4	47.5	23.9	12.9	36.8	16.5	15.9	32.4
Production, transport and craft & trade labourer and others	19.9	4.4	24.2	26.4	11.2	37.6	30.4	10.9	41.3
Total	**70.0**	**30.0**	**100.0**	**71.0**	**29.0**	**100.0**	**69.3**	**30.7**	**100.0**

Note: (* Provisional) indicates population 15 years and above as per Labour Force Survey 2016-17

Source: Labour Force Survey 2010, 2013 and 2016-17; Bangladesh Bureau of Statistics.

POPULATION AGED 15 YEARS AND ABOVE BY MAJOR INDUSTRY

(In million)

Major Industry	2010			2013			2016-17 (*)
	Male	Female	Total	Male	Female	Total	Total
Agriculture, forestry & fisheries	15.22	10.51	25.73	17.18	9.01	26.19	24.7
Mining and quarrying	0.09	0.02	0.11	0.21	0.02	0.23	0.1
Manufacturing	4.82	1.91	6.74	5.72	3.78	9.50	8.8
Electricity, gas and water	0.11	0.01	0.10	0.17	0.03	0.20	0.1
Construction	2.39	0.23	2.62	1.96	0.17	2.14	3.4
Trade, hotel and restaurant	7.31	1.08	8.39	7.50	0.90	8.40	9.9
Transport, storage, information and communication	3.79	0.25	4.04	3.75	0.14	3.89	5.4
Finance & business services and real estate	0.88	0.12	1.00	0.75	0.12	0.87	0.5
Health, education, public							
administration & defense	1.79	0.53	2.32	2.28	1.11	3.39	4.4
Community and personal							
services and others	**1.81**	**1.56**	**3.37**	**1.31**	**1.54**	**2.85**	**3.5**
Total	**37.88**	**16.20**	**54.08**	**41.23**	**16.85**	**58.07**	**60.8**

Note: (* Provisional) indicates population 15 years and above as per Labour Force Survey 2016-17

Source: Labour Force Survey 2010, 2013 and 2016-17; Bangladesh Bureau of Statistics.

(In percent of total)

Major Industry	2010			2013			2016-17 (*)
	Male	Female	Total	Male	Female	Total	Total
Agriculture, forestry & fisheries	28.1	19.4	47.6	29.6	15.5	45.1	40.6
Mining and quarrying	0.2	0.0	0.2	0.4	0.0	0.4	0.2
Manufacturing	8.9	3.5	12.5	9.9	6.5	16.4	14.5
Electricity, gas and water	0.2	0.0	0.2	0.3	0.1	0.3	0.2
Construction	4.4	0.4	4.8	3.4	0.3	3.7	5.6
Trade, hotel and restaurant	13.5	2.0	15.5	12.9	1.5	14.5	16.3
Transport, storage & communication	7.0	0.5	7.5	6.5	0.2	6.7	8.9
Finance & business services and real estate	1.6	0.2	1.8	1.3	0.2	1.5	0.8
Health, education, public							
administration & defense	3.3	1.0	4.3	3.9	1.9	5.8	7.2
Community and personal							
services and others	**3.3**	**2.9**	**6.2**	**2.3**	**2.7**	**4.9**	**5.8**
Total	**70.0**	**30.0**	**100.0**	**71.0**	**29.0**	**100.0**	**100.0**

Note: (* Provisional) indicates population 15 years and above as per Labour Force Survey 2016-17

Source: Labour Force Survey 2010, 2013 and 2016-17; Bangladesh Bureau of Statistics.

DISTRIBUTION OF EMPLOYED PERSON AGED 15 YEARS AND ABOVE BY EMPLOYMENT STATUS, RESIDENCE AND SEX

(In million)

Employment Status	Rural (*)			Urban (*)			National (*)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Employer	1.79	0.09	1.88	0.79	0.03	0.82	2.59	0.12	2.71
Own account worker	14.71	6.19	20.90	4.91	1.14	6.05	19.62	7.33	26.95
Contributing family helper	1.38	4.82	6.20	0.33	0.47	0.80	1.71	5.29	6.99
Employee	11.71	2.91	14.63	6.25	2.90	9.15	17.96	5.82	23.78
Others	0.21	0.06	0.28	0.09	0.02	0.12	0.31	0.09	0.40
Total	**29.81**	**14.08**	**43.89**	**12.37**	**4.57**	**16.94**	**42.18**	**18.65**	**60.83**

Note: * = Provisional

Source: Labour Force Survey 2016-17; Bangladesh Bureau of Statistics.

DISTRIBUTION OF EMPLOYED PERSON AGED 15 YEARS AND ABOVE BY EMPLOYMENT STATUS, RESIDENCE AND SEX

(In percent of total)

Employment Status	Rural (*)			Urban (*)			National (*)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Employer	2.9	0.1	3.1	1.3	0.1	1.4	4.2	0.2	4.4
Own account worker	24.2	10.2	34.4	8.1	1.9	9.9	32.3	12.1	44.3
Contributing family helper	2.3	7.9	10.2	0.5	0.8	1.3	2.8	8.7	11.5
Employee	19.3	4.8	24.0	10.3	4.8	15.0	29.5	9.6	39.1
Others	0.4	0.1	0.5	0.2	0.0	0.2	0.5	0.1	0.7
Total	**49.0**	**23.1**	**72.1**	**20.3**	**7.5**	**27.9**	**69.3**	**30.7**	**100.0**

Note: * = Provisional

Source: Labour Force Survey 2016-17; Bangladesh Bureau of Statistics.

EMPLOYED POPULATIONS AGED 15 YEARS AND ABOVE BY ECONOMIC SECTOR, SEX AND AREA

Employment Status	Rural (*)			Urban (*)			National (*)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
In Million									
Agriculture	12.48	10.22	22.70	1.09	0.91	1.99	13.57	11.13	24.69
Industry	5.83	1.61	7.44	3.45	1.53	4.98	9.28	3.15	12.42
Service	11.50	2.24	13.74	7.84	2.13	9.97	19.34	4.37	23.71
Total	**29.81**	**14.08**	**43.89**	**12.37**	**4.57**	**16.94**	**42.18**	**18.65**	**60.83**
% of Total Employment									
Agriculture	20.5	16.8	37.3	1.8	1.5	3.3	22.3	18.3	40.6
Industry	9.6	2.7	12.2	5.7	2.5	8.2	15.3	5.2	20.4
Service	18.9	3.7	22.6	12.9	3.5	16.4	31.8	7.2	39.0
Total	**49.0**	**23.1**	**72.1**	**20.3**	**7.5**	**27.9**	**69.3**	**30.7**	**100.0**
Column %									
Agriculture	41.9	72.6	51.7	8.8	19.9	11.8	32.2	59.7	40.6
Industry	19.6	11.5	17.0	27.9	33.5	29.4	22.0	16.9	20.4
Service	38.6	15.9	31.3	63.3	46.6	58.8	45.8	23.5	39.0
Total	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**

Note: * = Provisional

Source: Labour Force Survey 2016-17; Bangladesh Bureau of Statistics.

EMPLOYMENT INDICES OF INDUSTRIAL WORKERS IN SELECTED INDUSTRIES (Base: 1988 - 89 = 100)

Period	Jute		Cotton		Paper		Cement		Fertilizer		Petroleum		Paints & Varnishes	
	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees
2003-2004	69.07	66.56	71.69	71.81	29.47	34.19	143.96	127.82	95.45	100.28	99.46	116.44	167.91	155.35
2004-2005	65.46	62.58	71.76	71.78	26.72	30.38	145.05	128.64	92.22	96.25	109.26	118.55	167.37	156.27
2005-2006	65.87	63.12	71.90	71.97	29.86	31.42	146.56	130.23	89.69	94.57	110.35	121.13	193.58	155.80
2006-2007	65.14	59.06	72.47	72.49	27.11	30.59	148.62	132.79	89.13	94.16	107.90	118.71	185.56	152.32
2007-2008	64.35	57.81	72.56	72.62	24.91	28.22	150.13	134.46	85.14	89.62	101.90	118.04	177.00	147.20
2008-2009	64.59	58.04	72.69	72.62	22.87	26.18	154.93	139.40	80.53	86.53	105.58	121.07	180.75	150.52
2009-2010	65.04	58.46	74.88	74.30	23.51	26.76	166.28	152.30	82.61	88.06	114.71	131.34	207.48	169.30
2010-2011	65.08	58.50	75.02	74.45	23.68	26.95	168.74	154.74	82.98	88.36	117.71	134.87	217.11	177.38
2011-12	72.61	61.32	75.02	74.44	21.45	22.93	194.06	160.00	84.02	77.72	106.33	128.00	153.82	127.54
2012-13(P)	78.77	72.37	75.05	74.55	22.39	24.32	200.91	162.67	91.70	83.53	100.56	127.54	150.00	123.35
2013														
January	79.21	72.75	75.03	74.60	22.59	24.66	201.23	162.96	92.01	83.54	100.27	126.97	150.80	123.48
February	79.22	72.76	75.04	74.62	22.57	24.63	201.37	163.11	92.15	83.47	99.45	126.65	151.87	124.41
March	79.22	72.76	75.05	74.62	22.59	24.68	201.64	163.41	91.98	83.35	100.27	126.49	152.40	124.88
April	79.22	72.76	75.05	74.63	22.55	24.66	201.78	163.56	92.19	83.68	101.08	126.81	152.40	124.65
May	79.23	72.76	75.05	74.63	22.58	24.66	201.79	163.57	90.56	83.10	100.82	126.82	151.87	124.19
June	78.81	72.77	75.05	74.63	22.60	24.67	201.92	163.72	90.56	83.10	100.82	127.30	151.34	123.95

P= Provisional

Source: Monthly Statistical Bulletin, Bangladesh Bureau of Statistics

PRODUCTIVITY INDICES OF INDUSTRIAL WORKERS IN SELECTED INDUSTRIES (Base: 1988 - 89 = 100)

Period	Jute		Cotton		Paper		Cement		Fertilizer		Petroleum		Paints & Varnishes	
	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees
2003-04	80.99	84.04	201.92	201.59	114.49	98.68	362.82	408.64	144.11	137.17	132.72	113.92	473.17	511.39
2004-05	82.65	86.35	251.28	246.96	113.10	99.47	413.94	466.74	142.62	136.64	106.99	98.63	617.39	661.24
2005-06	76.02	79.34	287.38	287.10	107.68	95.48	435.50	490.11	134.38	127.45	115.78	105.48	577.40	717.41
2006-07	79.32	87.48	366.28	366.18	98.56	87.34	454.46	508.63	139.13	131.70	118.86	108.03	663.97	808.86
2007-08	89.83	100.00	400.06	399.74	112.80	99.57	469.84	524.59	116.22	110.41	113.49	97.98	672.13	808.20
2008-09	91.65	86.84	411.76	414.98	92.73	68.86	535.18	594.61	104.99	97.38	78.86	68.48	623.40	748.78
2009-10	91.65	86.84	411.76	414.98	92.73	68.86	503.01	549.19	88.23	82.77	105.28	91.95	683.94	838.18
2010-11	92.68	103.10	421.00	424.67	103.57	92.64	513.76	560.25	76.35	71.72	105.89	92.41	706.56	866.47
2011-12	99.77	109.13	393.51	396.58	290.91	273.58	479.20	489.44	70.04	80.95	117.27	99.75	938.97	1228.25
2012-13(P)	106.20	115.64	390.05	400.95	297.28	273.74	500.81	618.54	75.66	80.37	131.44	103.64	1042.72	1268.42
2013														
January	102.39	111.49	399.29	401.59	302.65	277.25	501.63	619.44	86.20	94.94	148.62	117.39	1036.18	1265.44
February	96.25	104.79	399.36	401.60	279.39	256.02	501.51	619.15	89.39	98.69	127.98	100.49	1028.11	1255.04
March	89.27	97.19	398.66	400.96	283.39	259.40	502.23	619.72	90.42	99.78	138.25	109.59	1023.77	1249.38
April	98.04	106.74	398.81	401.05	280.26	256.28	505.64	623.80	47.07	51.86	138.38	110.30	1022.62	1250.28
May	84.17	91.64	398.44	400.68	290.48	265.98	505.71	623.88	30.47	33.20	122.76	97.60	1025.04	1253.51
June	232.89	253.57	298.93	401.18	288.76	264.53	507.41	625.80	69.29	42.82	138.49	109.44	1027.08	1254.05

P= Provisional, Source: Monthly Statistical Bulletin, Bangladesh Bureau of Statistics

AVERAGE WAGE RATES FOR CONSTRUCTION WORKERS IN PRINCIPAL TOWNS

(Value in Taka)

Types of Labour	Town	2006 - 07	2007 - 08	2008-09	2012-13	2015-16	Monthly		
							Dec-19	Jan-20	Feb-20
Mason (Skilled)	Chittagong	221.50	240.75	270.83	442.33	437.00	511.00	512.00	512.00
	Dhaka	228.00	250.92	286.33	401.09	495.00	557.00	557.00	558.00
	Khulna	188.00	206.42	254.00	414.82	468.00	512.00	515.00	515.00
	Narayanganj	225.00	247.08	250.00	389.18	450.00	892.00	892.00	890.00
	Rajshahi	184.50	204.92	230.58	391.00	482.00	527.00	527.00	527.00
	Rangpur	192.08	248.18	250.00	382.50	436.00	482.00	482.00	482.00
	Sylhet	200.00	-	300.00	392.75	444.00	452.00	452.00	452.00
Helper to Mason	Chittagong	118.00	136.57	216.67	270.00	394.00	438.00	440.00	440.00
	Dhaka	131.00	150.00	200.00	275.20	387.00	438.00	440.00	440.00
	Khulna	98.67	116.57	180.00	331.56	387.00	452.00	452.00	452.00
	Narayanganj	121.25	151.66	190.83	330.40	394.00	450.00	450.00	450.00
	Rajshahi	96.83	109.17	186.25	296.33	386.00	500.00	500.00	500.00
	Rangpur	98.18	104.55	180.00	271.45	466.00	500.00	500.00	500.00
	Sylhet	150.00	-	182.50	295.00	478.00	500.00	500.00	500.00
Carpenter (Skilled)	Chittagong	280.00	280.00	310..83	427.00	473.00	498.00	499.00	500.00
	Dhaka	250.00	287.00	300.00	431.00	477.00	500.00	500.00	500.00
	Khulna	150.00	117.50	226.92	335.82	421.00	468.00	470.00	470.00
	Narayanganj	250.00	265.83	300.00	481.36	423.00	462.00	462.00	462.00
	Rajshahi	143.33	165.83	209.58	320.92	422.00	470.00	470.00	470.00
	Rangpur	153.33	170.00	210.00	305.17	417.00	466.00	468.00	468.00
	Sylhet	200.00	-	220.83	402.50	512.00	452.00	452.00	452.00
Plumber	Chittagong	250.00	262.50	310.42	438.89	492.00	448.00	450.00	450.00
(Sanitary fitter)	Dhaka	258.33	250.00	333.33	486.89	489.00	550.00	550.00	550.00
	Khulna	154.58	195.25	243.33	404.18	482.00	525.00	525.00	526.00
	Narayanganj	250.00	275.00	296.67	442.09	477.00	532.00	532.00	532.00
	Rajshahi	200.00	175.00	211.67	373.42	480.00	508.00	508.00	508.00
	Rangpur	178.75	238.18	250.10	379.17	473.00	505.00	505.00	505.00
	Sylhet	200.00	-	300.00	375.42	485.00	512.00	512.00	512.00
Painter	Chittagong	217.50	255.83	307.08	415.78	483.00	522.00	522.00	522.00
	Dhaka	218.33	267.00	310.42	431.89	470.00	525.00	525.00	525.00
	Khulna	157.08	183.33	220.67	366.82	483.00	505.00	505.00	505.00
	Narayangaj	227.00	234.17	256.67	432.27	482.00	508.00	508.00	508.00
	Rajshahi	150.00	172.50	210.00	344.00	482.00	510.00	510.00	510.00
	Rangpur	160.91	195.00	248.33	390.42	482.00	577.00	577.00	577.00
	Sylhet	200.00	-	300.00	397.00	475.00	521.00	522.00	522.00
Electrician	Chittagong	250.00	300.00	325.00	471.78	453.00	516.00	518.00	518.00
	Dhaka	258.33	272.00	333.33	500.64	459.00	512.00	512.00	512.00
	Khulna	152.50	181.67	234.17	385.27	455.00	584.00	584.00	584.00
	Narayangaj	250.00	304.00	392.50	526.55	441.00	490.00	490.00	490.00
	Rajshahi	200.00	187.50	221.67	341.58	442.00	480.00	480.00	480.00
	Rangpur	182.28	213.18	248.33	371.25	444.00	482.00	482.00	482.00
	Sylhet	200.00	-	300.00	402.20	446.00	483.00	484.00	484.00

Types of Labour	Town	2006 - 07	2007 - 08	2008-09	2012-13	2015-16	Monthly		
							Dec- 2019	Jan-2020	Feb-2020
Brick Breaking 1" size khua per 100 cft	Chittagong	775.00	720.83	837.50	906.00	1091.00	1150.00	1155.00	1155.00
	Dhaka	800.00	1020.00	1066.67	1424.20	1090.00	1020.00	1020.00	1020.00
	Khulna	617.25	597.17	670.83	340.00	1090.00	1120.00	1120.00	1120.00
	Narayangaj	800.00	1000.00	920.83	996.70	1089.00	1133.00	1135.00	1135.00
	Rajshahi	733.33	820.83	991.67	1583.08	1074.00	1112.00	1113.00	1113.00
	Rangpur	714.55	758.18	1000.00	2104.44	1079.00	1020.00	1022.00	1022.00
	Sylhet	800.00	-	800.00	988.09	1082.00	1015.00	1016.00	1016.00
Situ Mosaic per sft. (fitting charge)	Dhaka	25.82	25.00	25.83	32.00	44.00			
Glazed Tile per sft. (fitting charge)	Dhaka	20.17	25.00	25.83	32.00	45.00	72.00	73.00	74.00
Floor Tile Per sft. (fitting charge)	Dhaka	20.17	25.00	25.83	32.00	43.00	75.00	75.00	76.00

Source: Monthly Statistical Bulletin, Bangladesh Bureau of Statistics

AVERAGE WAGE RATES FOR INDUSTRIAL WORKERS IN BANGLADESH

(Nominal wages in Taka)

Industry	Types of Labour	2005 - 06	2006 - 07	2007 - 08	2008-09	2012-13	2015-16	Monthly		
								No-19	Dec-19	Jan-20
Medium & Large Scale Industry										
(i) Cotton Textile	Skilled	129.67	129.67	164.89	228.25	294.17	360.00	440.00	440.00	441.00
	Unskilled	109.94	109.94	120.53	156.46	213.25	286.00	356.00	356.00	357.00
(ii) Jute Textile	Skilled	129.67	129.67	163.55	224.08	279.33	349.00	410.00	411.00	412.00
	Unskilled	109.94	109.94	-	141.85	209.08	278.00	353.00	353.00	354.00
(iii) Match	Skilled	129.67	129.67	158.98	210.83	266.17	326.00	389.00	390.00	391.00
	Unskilled	109.94	109.94	117.81	142.31	200.33	272.00	338.00	339.00	340.00
(iv) Engineering (fitter)	Skilled	262.38	280.06	304.96	329.44	375.67	442.00	489.00	489.00	490.00
	Unskilled	146.00	164.67	192.46	216.90	264.00	335.00	339.00	401.00	402.00
(v) Edible Oils	Skilled	126.50	163.34	145.69	226.13	279.08	356.00	425.00	426.00	428.00
	Unskilled	107.67	120.29	185.91	172.50	219.92	284.00	369.00	369.00	371.00
(vi) Small & Cottage	Skilled	152.61	169.54	185.02	204.71	268.92	-	-	-	-
	Unskilled	-	-	-	-	-	-	-	-	-
(vii) Construction	Skilled	191.49	205.50	225.75	265.04	431.75	-	-	-	-
	Unskilled	99.56	111.12	128.13	163.25	326.92	-	-	-	-
(vii) Construction	Skilled	191.49	205.50	225.75	265.04	431.75	-	-	-	-
	Unskilled	99.56	111.12	128.13	163.25	326.92	-	-	-	-

Source: Monthly Statistical Bulletin, Bangladesh Bureau of Statistics

WAGE RATE INDICES BY MAJOR SECTORS IN BANGLADESH (Base: 1969 – 70 = 100)

Period	General	Nominal Indices			
		Agriculture	Fishery	Manufacturing	Construction
2006-07	3779.00	3151.00	3332.00	4636.00	3135.00
2007-08	4227.00	3524.00	3669.00	5197.00	3549.00
2008-09	5025.65	4273.71	4236.49	6128.36	4311.31
2009-10	5459.66	4832.49	4741.95	6536.03	4683.91
2010-11	5781.64	5325.63	5086.67	6778.06	4983.36
2011-12	6469.17	6133.57	5020.23	7221.17	6583.08
2012-13	7388.42	7399.85	5739.22	7950.57	7651.93
2013-14	8097.40	8282.91	6566.36	8699.92	8237.89
2014-15	8898.78	9254.25	7129.29	9552.95	9004.44
2015-16	9745.83	10275.92	7755.89	10454.73	9776.94
2016-17	10597.35	11242.77	8421.18	11387.72	10591.04
2017-18	11281.46	11963.23	8972.37	12132.86	11284.05
2018-19					
July	11623.33	12323.53	9243.89	12502.29	11627.64
August	11649.55	12345.03	9276.31	12535.27	11658.31
September	11730.46	12433.39	9327.94	12643.64	11759.10
October	11827.85	12544.05	9392.78	12746.52	11854.78
November	11932.73	12665.85	9460.02	12853.32	11954.11
December	11978.43	12706.45	9505.65	12917.72	12014.01

Note: P = Provisional, Source: Monthly Statistical Bulletin, Bangladesh Bureau of Statistics

WAGE RATE INDEX BY SECTORS: BANGLADESH

(Base: 2010-11=100)

Sector	2017-18	2018-19	2019-20	April'20	May'20	June'20
1	2	3	4	5	6	7
General	150.59	160.23	170.39	173.49	173.56	174.31
percentage change (Point to Point)	6.46	6.40	6.35	6.10	5.89	5.90
percentage change(over previous				-0.03	0.04	0.43
month)						
1. Agriculture	150.27	159.92	170.28	173.43	173.51	174.40
percentage change (Point to Point)	6.41	6.42	6.48	6.33	6.16	6.18
percentage change(over previous month)				-0.02	0.05	0.51
I. Agriculture	150.23	159.91	170.32	173.48	173.57	174.45
percentage change (Point to Point)	6.40	6.44	6.51	6.35	6.19	6.20
percentage change(over previous month)				-0.20	0.05	0.51
II. Fish	152.63	160.59	168.58	170.88	170.91	171.76
percentage change (Point to Point)	6.61	5.22	4.97	5.15	4.86	4.88
percentage change(over previous month)				-0.05	0.02	0.49
2. Industry	149.45	158.74	168.24	171.15	171.20	171.69
percentage change (Point to Point)	6.55	6.22	5.99	5.59	5.29	5.31
percentage change(over previous month)				-0.04	0.03	0.28
I. Construction	145.32	152.86	160.17	162.43	162.47	162.94
percentage change (Point to Point)	5.75	5.19	4.77	4.44	4.22	4.24
percentage change(over previous month)				-0.03	0.02	0.29
II. Production	157.81	170.66	184.65	188.83	188.92	189.42
percentage change (Point to Point)	8.08	8.14	8.21	7.66	7.22	7.23
percentage change(over previous month)				-0.06	0.05	0.26
3. Service	154.44	164.78	175.33	178.58	178.62	179.29
percentage change (Point to Point)	6.51	6.69	6.41	5.99	5.75	5.78
percentage change(over previous month)				-0.02	0.03	0.37

(C) =Corrected and Revised.
Source: Bangladesh Bureau of Statistics

Note

A BRIEF PROFILE OF BEF

Bangladesh Employers' Federation (BEF) is the national organization of employers. It represents all associations representing major industries in the country as well as established individual enterprises.

The objectives of the Federation are to promote, encourage and protect the interests of employers in industrial relations and, through such efforts, to establish good relations among employers and workers, which play a vital supporting role in the country's economic development.

BEF is well known as a progressive body, having a proactive approach on social issues. It is the only body of the employers recognized by the Ministry of Labour and Employment, and accordingly enjoys the sole representative capacity in the Tripartite Consultative Council, Labour Courts, Minimum Wages Board, National Wages and Productivity Commission, etc. It closely interacts with the Ministry of Labour and Employment on all policy issues. Similarly, it maintains close touch with other relevant Ministries of the Government on issues concerning industrial relations, enterprise efficiency, competitiveness, etc.

BEF's activities cover a wide range of issues besides industrial relations. Training and skill development is a major activity along with enterprise level programs for productivity improvement, safety and health, good management practices, etc.

BEF has taken major initiatives to foster close relationship with the trade unions and it enjoys their goodwill and confidence on many issues.