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## COMMITTEE AND OFFICE-BEARERS

(As on 31<sup>st</sup> December, 2006)

### PRESIDENT

Mr. Syed Manzur Elahi  
Chairman, Apex Footwear Limited

### VICE-PRESIDENT

Mr. Obaidur Rahman Khan  
Executive Director, Bangladesh Lamps Ltd

### COMMITTEE MEMBERS

Mr. Jahangir Alamin  
Vice-Chairman  
Bangladesh Textile Mills Association

Mr. Nazmul Huq  
Member  
Bangladesh Jute Mills Association

Mrs. Sabrina Islam  
Vice-President  
Women Entrepreneurs' Association,  
Bangladesh

Mr. Syed S. Kaiser Kabir  
Managing Director  
Renata Limited

Mr. A.S.M. Mainuddin Monem  
Director, Finance & Administration and CEO  
K. Rahman and Co.

Mr. Faisal Samad  
Former Vice-President (Finance)  
Bangladesh Garment Manufacturers &  
Exporters Association

Ms. Luna Shamsuddoha  
Chairman  
Dohatec New Media

Mr. Anjan Chowdhury  
Managing Director  
Square Toiletries Limited

Mr. Md. Nurul Islam  
Regional Senior Vice-President,  
Middle East, Africa & South Asia  
American Life Insurance Compa

Mr. Ardashir Kabir  
Vice-Chairman  
Bangladesiyo Cha Sangsad

Mr. Masih Ul Karim  
Managing Director  
Berger Paints Bangladesh Limite

Mrs. Rokeya Quader  
Chairman  
Desh Garments Ltd.

Dr. Toufiq M. Seraj  
Managing Director  
Sheltech (Pvt) Limited

Mr. Shabbir Yusuf  
Chairman  
Bangladesh Jute Spinners Associ

Mr. Shafiq Uz Zaman  
Managing Director  
Coats Bangladesh Limited

### SECRETARY-GENERAL

Mr. C.K. Hyder



**PROCEEDINGS**  
**OF**  
**THE NINTH ANNUAL GENERAL MEETING**  
**OF**  
**BANGLADESH EMPLOYERS' FEDERATION**

held in the Conference Hall of the "Chamber Building", 122-124, Motijheel C.A., Dhaka, on Tuesday, the 31<sup>st</sup> July, 2007, at 12:00 noon.

Mr. Syed Manzur Elahi, President of the Federation was in the Chair.

The following members of the Federation were present:

Sl. No	Name of the Member-Firm	Name and Designation of the Representative attending the meeting
01.	Advanced Chemical Industries Limited	Mr. M. Anis Ud Dowla Chairman
02.	ACI Formulations Limited	Mr. M. Anis Ud Dowla Managing Director
03.	ACI Trading Limited	Mr. M. Anis Ud Dowla Managing Director
04.	American Life Insurance Co.	Mr. Md. Nurul Islam Regional Senior Vice President Middle East, Africa & South Asia-East
05.	Apex Adelchi Footwear Ltd.	Mr. Syed Manzur Elahi Chairman
06.	Apex Tannery Ltd.	Mr. Syed Manzur Elahi Chairman
07.	Aventis Ltd.	Mr. Iftekharul Islam Managing Director
08.	Bangladesh Lamps Ltd.	Mr. Obaidur Rahman Khan Director
09.	Bangladesh Knitwear Manufacturers & Exporters Association	Mr. M. A. Baset Director



# Annual Report-2006

- |     |  |  |
|-----|--|--|
| 10. | Bengal Glass Works Ltd., The                           | Mr. Tahmid Ahmed<br>Director                       |
| 11. | Bangladesh Jute Mills<br>Association                   | Mr. Kamran T. Rahman<br>Chairman                   |
| 12. | British American Tobacco<br>Bangladesh Company Limited | Mr. Golam Mainuddin<br>Deputy Managing Director    |
| 13. | Coats Bangladesh Ltd.                                  | Mr. Shafiq Uz Zaman<br>Managing Director           |
| 14. | Consumer Products Limited                              | Mr. Alamgir M. Z. Rahman<br>Managing Director      |
| 15. | Desh Garments Ltd.                                     | Mrs. Rokeya Quader<br>Chairman                     |
| 16. | Dohatec New Media                                      | Ms. Luna Shamsuddoha<br>Chairman                   |
| 17. | Duncan Products Ltd.                                   | Mr. Imran Ahmed<br>Managing Director               |
| 18. | Fisons (Bangladesh) Ltd.                               | Mr. Iftekharul Islam<br>Managing Director          |
| 19. | Lungla (Sylhet) Tea Company<br>Ltd., The               | Mr. Imran Ahmed<br>Chief Executive                 |
| 20. | Maritime Services Limited                              | Mr. Md. Jahangir Hossain<br>Controller of Accounts |
| 21. | Newage Garments Limited                                | Mr. A. S. M. Quasem<br>Chairman                    |
| 22. | Novartis (Bangladesh) Ltd.                             | Mr. Ashfaque ur Rahman<br>Managing Director        |
| 23. | Osman Textiles Limited                                 | Mrs. Sabrina Islam<br>Director                     |
| 24. | Pragati Insurance Ltd.                                 | Mr. A.K.M. Rafiqul Islam, FCA<br>Managing Director |
| 25. | Property Development Ltd.                              | Lt. Col. Mahtabuddin Ahmed<br>(Retd.)<br>Chairman  |
| 26. | Pubali Jute Mills Ltd.                                 | Mr. Kamran T. Rahman<br>Deputy Managing Director   |
| 27. | Rahimafrooz Batteries Ltd.                             | Mr. Md. Abul Hashem<br>Manager, Accounts & Finance |



28.	Reliance Insurance Ltd.	Mr. Akhtar Ahmed Managing Director & CEO
29.	Renata Limited	Mr. Md. Jubayer Alam Human Resources Manager
30.	Sathgaon Tea Estate	Mr. Ardashir Kabir Managing Partner
31.	Social Marketing Company	Mr. Md. Monirul Islam Head of Human Resources & Legal Matters
32.	Square Fashions Limited	Mr. Anjan Chowdhury Director
33.	Square Pharmaceuticals Ltd.	Mr. Anjan Chowdhury Director
34.	Square Textiles Limited	Mr. Anjan Chowdhury Director
35.	Square Toiletries Ltd.	Mr. Anjan Chowdhury Managing Director
36.	Technohaven Co. Ltd.	Mr. Habibullah N. Karim Managing Director
37.	Tiffany's Wears Ltd.	Mr. Alamgir M. Z. Rahman Managing Director
38.	Transcom Ltd.	Mr. Atiqur Rahman Executive Director
39.	Women Entrepreneurs' Association, Bangladesh	Mrs. Sabrina Islam President

There being a quorum, the Chairman called the ninth Annual General Meeting (AGM) of the Federation to order, and in doing so, he welcomed the members present.

The Chairman stated that the notice for the meeting giving the agenda and the requisite enclosures were circulated to all members and requested that the notice might be taken as read. There being no disagreement, the notice was taken as read.



The Chairman then said that the Annual Report circulated with the notice for the AGM contained the report of activities of the Federation during the year ended on the 31<sup>st</sup> December, 2006. Some of the important developments and activities which took place during the period, January-July, 2007, should be highlighted briefly before taking up the agenda for the meeting, he said.

The first issue which the Chairman mentioned was about the Federation's efforts for due implementation of the provisions of the newly promulgated Bangladesh Labour Act, 2006, which had been a historic statute in the sense that it merged 25 laws and at the same time, made significant statutory reforms. He stated that a delegation from the Federation called on the Hon'ble Adviser in charge of the Ministry of Labour and Employment requesting him that the Rules under the new law should be framed at the earliest. The Federation also suggested for publication of the official English version of the new legislation as the same would be needed by multinational companies in the country as well as companies which were in the Export Processing Zones and even outside.

The Chairman then stated that the Federation met the Hon'ble Adviser in charge of the Ministry of Labour and Employment twice and requested him (1) to allow conclusion of collective agreements through peaceful bi-partite negotiations, (2) include trade union leaders in the Crisis Management Committee on Industrial Relations, (3) take preparatory measures for the visit of the ILO's Direct Contact Mission, which was due to visit Bangladesh to examine the issues arising from the decision of the ILO Committee of Experts during the 96<sup>th</sup> Session of the International Labour Conference 2007 and (4) to keep the labour situation under close watch.

The Chairman continued to say that, later, a meeting was also held with the Secretary, Ministry of Labour and Employment to follow up the proposals submitted to the Hon'ble Adviser. Shortly thereafter, another meeting was held with the Secretary with regard to the Gazette notification issued by the Ministry of Labour and Employment declaring minimum wages at Tk.1500/-. It was pointed out to him that the Gazette notification was not in conformity with the present law, The Bangladesh Labour Act, 2006, which provided under section 139 that wages would be determined by the Minimum



Wages Board on sectoral basis and not on national basis. The Secretary was asked to withdraw the Gazette notification, the Chairman mentioned.

The Chairman referring the current trend of industrial unrest in some of the major industrial areas and sectors in the country mentioned that the Federation supported the constitution as well as functioning of the Crisis Management Committee for the garments sector and also the National Council for Industrial Health and Safety. The Chairman added that the Federation was nominated to represent on both the organisations and suggested that monitoring of the industrial relations situation should be done carefully. In that context, the Chairman further stated that, earlier, the Federation made a representation to the Government on the situation arising from bird flue epidemic in the country. The Federation suggested that in order to make the immune programme meaningful, the workers engaged in the poultry industry should be given 4 days' rest in a month at a time instead of one day per week as the poultry industry was to maintain high quarantine requirement. The Secretary, Ministry of Labour and Employment agreed with the proposal in principle but mentioned that the same needed to be discussed with other agencies.

The Chairman mentioned that a 4-member Employers' delegation under his leadership attended the 96<sup>th</sup> Session of International Labour Conference (ILC) in Geneva. The Vice-President, Mr. Obaidur Rahman Khan, the Secretary-General, Mr. C. K. Hyder and Secretary, Mr. Farooq Ahmed were in the delegation. He informed the house that the Conference discussed a number of important issues. There were a good number of complaints made against the Government of Bangladesh for non-observance of some of the ILO Conventions including Conventions No. 87 and 98. After detailed discussions, all but one complaint were dropped. The complaint, which was pursued related to discrimination against women guaranteed under ILO Convention No. 111. Efforts were made to put the record straight. However, the ILO meeting decided to send a direct contact mission to find out the exact situation.

The Chairman stated that the Federation continued to maintain close touch with the Government for convening meetings of



the Tripartite Consultative Council (TCC), which were due to be held at least once in four months.

With these words, the Chairman took up the agenda and moved Resolution No. 1:

“That the Report of the proceedings of the Committee of the Federation for the period from the 1<sup>st</sup> January to 31<sup>st</sup> December’ 2006 be and is hereby passed and accepted.”

Mr. A. S. M. Quasem, Chairman, Newage Garments Ltd., seconded the proposal, which was passed unanimously.

As requested by the Chairman, Mr. Md. Nurul Islam, Chairman of the Federation’s Finance and Membership Sub-Committee proposed the Resolution No. 2 as under:

“That the Income and Expenditure Accounts for the year ended on the 31<sup>st</sup> December’ 2006 and the Balance-Sheet as at that date, as audited and certified by the Federation’s Auditors, be received and passed.”

Mr. M. Anis Ud Dowla, Chairman, Advanced Chemical Industries Ltd., seconded the proposal, which was passed unanimously.

The Chairman then moved Resolution No. 3:

“That Messrs. A. Qasem and Co., Chartered Accountants, be and are hereby appointed as the Federation’s auditors for the year 2007 at a remuneration of TK.20,000/-.” (Present remuneration is Tk.15,000/-)

Mr. M.A. Baset of Bangladesh Knitwear Manufacturers & Exporters Association seconded the proposal, which was passed and adopted without any dissent.

The Chairman then took up Agenda No. 4 relating to filling up of vacant seats and announced that there were 8 (eight) valid candidates against 10 (ten) vacant seats representing the Ordinary members and 5 (five) valid candidates against 8(eight) vacant seats representing Group members. As such election was not necessary.



He informed that the Election Board declared the following 13 persons (in alphabetical order for each category) *ipso facto* elected to the Federation's Committee for the term, 2007 - 2009 under the Rule 12 of the Bangladesh Employers' Federation (Election of the Members of the Committee) Rules, 1998 (as amended in 2001 & 2005), subject to approval at the 9<sup>th</sup> AGM:

## Ordinary Members

1. Mr. M. Anis Ud Dowla Chairman  
Advanced Chemical Industries Ltd.
2. Mr. Habibullah N. Karim Managing Director  
Technohaven Co. Ltd.
3. Mr. Golam Mainuddin Deputy Managing Director  
British American Tobacco Bangladesh Co. Ltd.
4. Mr. Feroz Rahim Managing Director  
Rahimafrooz Batteries Ltd.
5. Mr. Ashfaque ur Rahman Managing Director  
Novartis (Bangladesh) Ltd.
6. Mr. Kamran T. Rahman Deputy Managing Director  
Pubali Jute Mills Ltd.
7. Mr. Alamgir M.Z. Rahman Managing Director  
Consumer Products Ltd.
8. Mr. Shafiq Uz Zaman Managing Director  
Coats Bangladesh Ltd.

## Group members

1. Mr. M.A. Baset Director  
Bangladesh Knitwear  
Manufacturers & Exporters  
Association
2. Mr. Ferdous Perves Bivon Vice-President  
Bangladesh Garment  
Manufacturers and Exporters  
Association



3. Mr. Nazmul Huq                      Member  
Bangladesh Jute Mills Association
4. Mr. M. Salman Ispahani            Chairman  
Bangladeshiyo Cha Sangsad
5. Mr. Muhammad Shams-uz Zoha    Former Committee Member  
Bangladesh Jute Spinners  
Association

The Chairman added that the following members would remain on the Committee as they were elected last year:

### **Ordinary members**

1. Mr. Masih Ul Karim                  Managing Director  
Berger Paints Bangladesh Ltd.
2. Mrs. Luna Shamsuddoha            Chairman  
Dohatec New Media

The Chairman then announced the composition of the full Committee (in alphabetical order):

### **Ordinary members:**

1. Mr. M. Anis Ud Dowla              Chairman  
Advanced Chemical Industries  
Ltd.
2. Mr. Habibullah N. Karim            Managing Director  
Technohaven Co. Ltd.
3. Mr. Masih Ul Karim                  Managing Director  
Berger Paints Bangladesh  
Limited
4. Mr. Golam Mainuddin                Deputy Managing Director  
British American Tobacco  
Bangladesh Co. Ltd.
5. Mr. Feroz Rahim                      Managing Director  
Rahimafrooz Batteries Ltd.
6. Mr. Ashfaque ur Rahman            Managing Director  
Novartis (Bangladesh) Ltd.



7. Mr. Kamran T. Rahman Deputy Managing Director  
Pubali Jute Mills Ltd.
8. Mr. Alamgir M.Z. Rahman Managing Director  
Consumer Products Ltd.
9. Ms. Luna Shamsuddoha Chairman  
Dohatec New Media
10. Mr. Shafiq Uz Zaman Managing Director  
Coats Bangladesh Ltd.

**Group Members:**

11. Mr. M.A. Baset Director  
Bangladesh Knitwear  
Manufacturers & Exporters  
Association
12. Mr. Ferdous Perves Bivon Vice-President  
Bangladesh Garment  
Manufacturers & Exporters  
Association
13. Mr. Nazmul Huq Member  
Bangladesh Jute Mills Association
14. Mr. M. Salman Ispahani Chairman  
Bangladeshiyo Cha Sangsad
15. Mr. Muhammad Shams-uz Zoha Former Committee Member  
Bangladesh Jute Spinners  
Association

The Chairman thanked the Chairman and Members of the Election Board for the time they spared for preparatory process of the election process. He also thanked the Chairman and Members of the Appeal Board.

Thereafter, the Chairman announced that Mr. Kamran T. Rahman and Mr. Alamgir M.Z. Rahman were elected as the new President and the new Vice-President of the Federation respectively at a meeting of the new Committee held just prior to the AGM on the 31<sup>st</sup> July, 2007.



Before concluding, the Chairman welcomed the new President, the new Vice-President and all other members of the new Committee. He also proposed a vote of thanks for the members of the outgoing Committee, for the manner in which they provided leadership to the Federation and gave effective leadership to the members' causes and upheld their interest in local fora and at the international levels. He stated that the success had been possible because the Vice-President and other members of the Committee extended due cooperation and worked as a key team players. The Chairman mentioned that the Federation was able to maintain excellent relationship with the trade unions and the Government, which indicated the effective and fair manner in which the Federation articulated the employers' view-points.

The Chairman thanked the Vice-President and all the members present once again.

The Vice-President, Mr. Obaidur Rahman Khan on behalf of all members, offered a vote of thanks to the President, Mr. Syed Manzur Elahi. He did his best to protect employers' interests. The Vice-President also thanked the Secretary-General and all staff-members of the Secretariat.

Finally, the Chairman thanked all present and then closed the meeting at 12.30 p.m.

Sd/-  
(Syed Manzur Elahi)  
CHAIRMAN OF THE MEETING

Sd/-  
(C.K. Hyder)  
SECRETARY- GENERAL



**BANGLADESH EMPLOYERS' FEDERATION (BEF)**  
**ANNUAL REPORT - 2006**  
**(January - December, 2006)**

The Committee of Bangladesh Employers' Federation has the pleasure of submitting to its members the following Annual Report for the year 2006.

During the year, the Federation continued its efforts to uphold the interests of the employers at all levels. The Federation held meetings with the Prime Minister and several other Ministers of the Government on issues like industrial relations, promulgation of labour code, implementation of minimum wage in garment sector, elimination of child labour etc. Side by side, the Federation shared its views/opinions on growth, employment generation, competitiveness, productivity, compliance, development of skills, globalization etc., with various national/international agencies including government organizations. The Federation was actively involved in tripartite meetings on minimum wages and formulation of labour code. Besides, the Federation was also involved in organizing seminars/workshops jointly with the International Labour Organization (ILO), Dhaka Office on elimination of child labour, promoting decent work for all, ensuring occupational safety and health etc. The Federation played its due role in resolving the labour unrest in the garment sector during May-June 2006 in the garment factories of Dhaka-Savar industrial belt. Following repeated persuasion by the Federation, the Government promulgated the Bangladesh Labour Act 2006 where Federation contributed all out efforts to finalize the Act.

On the international front, the Federation held meetings with the International Labour Organisation (ILO), the International Organisation of Employers (IOE), the Confederation of Asia-Pacific Employers (CAPE) and Nippon-Keidanren International Cooperation Centre (NICC). In these meetings, the Federation highlighted the need for capacity building and technical assistance for the employers' organizations in developing economies. The Federation also projected need for international support for preferential market access of the products of least developed countries (LDCs) in the developed countries. The Federation continued to highlight the need for not linking trade with labour



related issues. It also joined the employers' group in stressing that "decent work" should be in the context of situations in individual countries and under no circumstances, "one size fits all" approach in this regard.

## **MEETINGS WITH MINISTERS/ EMPLOYERS/ WORKERS/ OTHER GOVERNMENT OFFICIALS**

There were some agitations in the garment sector in May-June 2006 in Dhaka-Savar industrial belt including the Savar Export Processing Zone (EPZ) which culminated to law and order situation. The Federation made efforts to resolve the unrest. The Federation played its due role in the tripartite meetings organized by the Ministry of Labour and Employment. The Federation continued to maintain touch with international fora, particularly the ILO to explain the politico-economic context in which the labour agitations were organised. It also continued to maintain close contacts and cordial relations with the trade union federations.

Like in the process of finalising of The Bangladesh Labour Act, 2006, the Federation maintained close touch with the Ministry of Labour and Employment for its administration in areas like determination of minimum wages on sectoral basis, etc.

### **I. MEMBERSHIP:**

#### **New Members:**

During the period, the following organisations joined the Federation as new members (Ordinary):

Dhaka Electric Supply Company Ltd.

Technohaven Company Ltd.

Square Fashions Ltd.

### **II. MANAGING COMMITTEE**

At the commencement of the year, i.e. on the 1<sup>st</sup> January, 2006, the managing Committee of the Federation comprised of the following:



- |     |                                    |                    |   |
|-----|------------------------------------|--------------------|---|
| 1.  | Mr. Syed Manzur Elahi              | President          | Chairman<br>Apex Footwear Limited   |
| 2.  | Mr. Obaidur Rahman Khan            | Vice-<br>President | Executive Director<br>Bangladesh Lamps Ltd.   |
| 3.  | Mr. Jahangir Alamin                | Member             | Vice-Chairman<br>Bangladesh Textile Mills<br>Association  |
| 4.  | Mr. Waliur Rahman<br>Bhuiyan       | "                  | Managing Director<br>BOC Bangladesh Ltd.  |
| 5.  | Mr. Anjan Chowdhury                | "                  | Managing Director<br>Square Toiletries Ltd.   |
| 6.  | Mr. Md. Fazlul Hoque               | "                  | President<br>Bangladesh Knitwear<br>Manufacturers &<br>Exporters Association  |
| 7.  | Mr. A.K.M. Rafiqul Islam,<br>FCA   | "                  | Managing Director<br>Pragati Insurance Ltd.   |
| 8.  | Mr. Mirza Ali Behrouze<br>Ispahani | "                  | Chairman<br>Bangladesh Jute Mills<br>Association  |
| 9.  | Mr. Md. Nurul Islam                | "                  | Regional Senior Vice<br>President, Middle East, Africa<br>& South Asia-East,<br>American Life Insurance<br>Company. |
| 10. | Mrs. Sabrina Islam                 | "                  | Vice-President<br>Women Entrepreneurs'<br>Association, Bangladesh   |
| 11. | Mr. Ardashir Kabir                 | "                  | Committee Member<br>Bangladesiyo Cha Sangsad  |
| 12. | Mr. Syed S. Kaiser Kabir           | "                  | Managing Director<br>Renata Limited   |
| 13. | Mr. A.S.M. Mainuddin<br>Monem      | "                  | Director, Finance & Admin<br>and CEO<br>K. Rahman and Co.   |



- |     |                     |   |  |
|-----|---------------------|---|--|
| 14. | Mrs. Rokeya Quader  | " | Chairman<br>Desh Garments Ltd.   |
| 15. | Mr. Faisal Samad    | " | Vice-President (Finance)<br>Bangladesh Garment<br>Manufacturers<br>& Exporters Association |
| 16. | Dr. Toufiq M. Seraj | " | Managing Director<br>Seltech (Pvt) Limited   |
| 17. | Mr. Shabbir Yusuf   | " | Chairman<br>Bangladesh Jute Spinners<br>Association  |

The Managing Committee comprising of the above members remained in the office up to the Eighth Annual General Meeting (A.G.M) of the Federation held on the 31st July 2006.

The following members retired on the eve of 8<sup>th</sup> A.G.M. due to completion of two-year term 2004-06:

**Ordinary members:**

- |    |                                 |   |
|----|---------------------------------|---|
| 1. | Mr. Waliur Rahman Bhuiyan       | Managing Director<br>BOC Bangladesh Limited     |
| 2. | Mr. A. K. M. Rafiqul Islam, FCA | Managing Director,<br>Pragati Insurance Limited |

**Group members:**

- |    |                                 |  |
|----|---------------------------------|--|
| 1. | Mr. Md. Fazlul Hoque            | President,<br>Bangladesh Knitwear<br>Manufacturers & Exporters<br>Association. |
| 2. | Mr. Mirza Ali Behrouze Ispahani | Chairman,<br>Bangladesh Jute Mills<br>Association                              |

At the Eighth A.G.M (held on the 31<sup>st</sup> July, 2006), there were 7 (seven) vacant seats of the Committee; 4 (four) vacant seats



representing Ordinary members and 3 (three) vacant seats representing Group members.

But, there were 2 (two) valid candidates against 4 (four) vacant seats of the Ordinary members and there was no valid candidate for the vacant seats against Group members. As such, election was not necessary. The Election Board declared the following persons (in alphabetical order) ipso facto elected to the Federation's Committee for the term, 2006-2008.

### Ordinary members

- |     |                    |  |
|-----|--------------------|--|
| (1) | Mr. Masih Ul Karim | Managing Director<br>Berger Paints Bangladesh Ltd. |
| (2) | Ms. Luna Shamsdoha | Chairman<br>Dohatec New Media                      |

Later, the Federation Committee decided to co-opt 5 (five) members. The Federation looked for a good number of members to be co-opted in the Committee. However, there were only two interested candidates:

- |     |                     |  |
|-----|---------------------|--|
| (1) | Mr. Shafiq Uz Zaman | Managing Director<br>Coats Bangladesh Ltd.               |
| (2) | Mr. Nazmul Huq      | Committee Member<br>Bangladesh Jute Mills<br>Association |

The Managing Committee as on the 31<sup>st</sup> December, 2006 was as follows (in alphabetical order):

### PRESIDENT

Mr. Syed Manzur Elahi	Chairman Apex Footwear Limited
-----------------------	-----------------------------------

### VICE-PRESIDENT

Mr. Obaidur Khan	Rahman Executive Director Bangladesh Lamps Limited
------------------	---



## MEMBERS OF THE COMMITTEE

### Ordinary Members

1. Mr. Anjan Chowdhury  
Managing Director  
Square Toiletries Limited
2. Mr. Md. Nurul Islam  
Regional Senior Vice President,  
Middle East, Africa & South  
Asia-East,  
American Life Insurance  
Company.
3. Mr. Syed S. Kaiser Kabir  
Managing Director  
Renata Limited
4. Mr. Masih Ul Karim  
Managing Director  
Berger Paints Bangladesh Ltd.
5. Mr. A.S.M. Mainuddin  
Monem  
Director, Finance &  
Administration and CEO  
K. Rahman & Company
6. Mrs. Rokeya Quader  
Chairman  
Desh Garments Limited
7. Dr. Toufiq M. Seraj  
Managing Director  
Seltech (Pvt.) Limited
8. Ms. Luna Shamsuddoha  
Chairman  
Dohatec New Media
9. Mr. Shafiq uz Zaman  
Managing Director  
Coats Bangladesh Ltd.

### Group Members

10. Mr. Jahangir Alamin  
Vice-Chairman  
Bangladesh Textile Mills  
Association
11. Mrs. Sabrina Islam  
Vice President  
Women Entrepreneurs'  
Association



- |                        |  |
|------------------------|--|
| 12. Mr. Nazmul Huq     | Committee Member<br>Bangladesh Jute Mills<br>Association   |
| 13. Mr. Ardashir Kabir | Committee Member,<br>Bangladeshiyo Cha Sangsad.  |
| 14. Mr. Faisal Samad   | Former Vice-President<br>(Finance)<br>Bangladesh Garment<br>Manufacturers and Exporters<br>Association |
| 15. Mr. Shabbir Yusuf  | Chairman<br>Bangladesh Jute Spinners'<br>Association   |

### III. SUB-COMMITTEES:

As constituted by the Managing Committee, the following 13 (thirteen) Sub-Committees functioned during the term 2006 – 2007:

#### 1. FINANCE & MEMBERSHIP SUB-COMMITTEE

- |                                   |  |
|-----------------------------------|--|
| 1. Mr. Md. Nurul Islam (Chairman) | American Life Insurance Co.                                    |
| 2. Mr. Kutubuddin Ahmed           | Envoy Garments Limited   |
| 3. Mr. M. A. Awal                 | Bangladesh Textile Mills<br>Association                        |
| 4. Mr. Waliur Rahman Bhuiyan      | BOC Bangladesh Limited   |
| 5. Mr. A. Q. I. Chowdhury, OBE    | James Finlay Limited   |
| 6. Mr. Mahbub Jamil               | Singer Bangladesh Limited                                      |
| 7. Mr. Kamran T. Rahman           | Bangladesh Jute Mills<br>Association                           |
| 8. Mr. Faisal Samad               | Bangladesh Garment<br>Manufacturers & Exporters<br>Association |



## **2. LABOUR RELATIONS SUB-COMMITTEE**

1. Mr. Syed Manzur Elahi (Chairman) Apex Footwear Limited
2. Mr. M. Anis Ud Dowla Advanced Chemical Industries Ltd.
3. Mr. M. A. Awal Bangladesh Textile Mills Association.
4. Mr. Samson H. Chowdhury Bangladesh Aushad Shilpa Samity
5. Mr. Annisul Huq Bangladesh Garment Manufacturers & Exporters Association
6. Mrs. Laila Rahman Kabir Bangladeshiyo Cha Sangsad
7. Mr. Obaidur Rahman Khan Bangladesh Lamps Limited
8. Mr. Shabbir Yusuf Bangladesh Jute Spinners Association

## **3. LABOUR LAW SUB-COMMITTEE**

1. Mr. Masih Ul Karim (Chairman) Berger Paints Bangladesh Limited
2. Mr. Golam Mainuddin British American Tobacco Bangladesh Co. Ltd.
3. Mr. Ashfaque ur Rahman Novartis (Bangladesh) Limited
4. Mr. Md. Lutfor Rahman Bangladesh Garment Manufacturers & Exporters Association
5. Mr. Kamran T. Rahman Pubali Jute Mills Limited



#### **4. LABOUR COURTS SUB-COMMITTEE**

- |  |  |
|--|--|
| 1. Mr. Obaidur Rahman Khan<br>(Chairman) | Bangladesh Lamps Limited   |
| 2. Mr. A. Q. I. Chowdhury, OBE           | James Finlay Limited   |
| 3. Mr. A. Matin Chowdhury                | Malek Spinning Mills Limited   |
| 4. Mr. Syed Nasim Manzur                 | Apex Footwear Limited  |
| 5. Mr. Feroz Rahim                       | Rahimafrooz Batteries Limited  |
| 6. Mr. Tipu Sultan                       | Bangladesh Finished Leather,<br>Leathergoods and Footwear<br>Exporters Association |

#### **5. SELECTION SUB-COMMITTEE**

- |  |   |
|--|---|
| 1. Mr. Obaidur Rahman Khan<br>(Chairman) | Bangladesh Lamps Limited                        |
| 2. Mr. Anjan Chowdhury                   | Square Toiletries Limited                       |
| 3. Mr. Md. Nurul Islam                   | American Life Insurance Co.                     |
| 4. Mr. A.K.M. Rafiqul Islam, FCA         | Pragati Insurance Limited                       |
| 5. Mrs. Sabrina Islam                    | Women Entrepreneurs'<br>Association, Bangladesh |
| 6. Mr. A. S. M. Mainuddin Monem          | K. Rahman & Company                             |

#### **6. SEMINAR SUB-COMMITTEE**

- |                                   |  |
|-----------------------------------|--|
| 1. Mr. Jahangir Alamin (Chairman) | Bangladesh Textile Mills<br>Association                        |
| 2. Mr. Anjan Chowdhury            | Square Toiletries Limited                                      |
| 3. Mrs. Sabrina Islam             | Women Entrepreneurs'<br>Association, Bangladesh                |
| 4. Mr. Ardashir Kabir             | Bangladeshiyo Cha Sangsad                                      |
| 5. Mr. Obaidur Rahman Khan        | Bangladesh Lamps Limited                                       |
| 6. Mr. Faisal Samad               | Bangladesh Garment<br>Manufacturers & Exporters<br>Association |
| 7. Mr. Sakif Ariff Tabani         | Mirpur Ceramic Works Ltd.                                      |



## **7. WAGES CONSULTATIVE SUB-COMMITTEE (DHAKA REGION)**

- |   |   |
|---|---|
| 1. Mr. Syed S. Kaisar Kabir<br>(Chairman) | Renata Limited                                  |
| 2. Mr. Waliur Rahman Bhuiyan              | BOC Bangladesh Limited                          |
| 3. Mr. Akhter Matin Chaudhury             | Organon (Bangladesh) Limited                    |
| 4. Mr. Carlo Cifiello                     | Nestle Bangladesh Limited                       |
| 5. Mr. Mahbub Jamil                       | Singer Bangladesh Limited                       |
| 6. Mrs. Laila Rahman Kabir                | Kedarpur Tea Company Ltd.                       |
| 7. Mr. Obaidur Rahman Khan                | Bangladesh Lamps Limited                        |
| 8. Mr. Golam Mainuddin                    | British American Tobacco<br>Bangladesh Co. Ltd. |
| 9. Mr. Ashfaque ur Rahman                 | Novartis (Bangladesh) Limited                   |

## **8. MINIMUM WAGES RELATED SUB-COMMITTEE**

- |                                |   |
|--------------------------------|---|
| 1. Mr. Faisal Samad (Chairman) | Bangladesh Garment<br>Manufacturers & Exporters<br>Association  |
| 2. Mr. Jahangir Alamin         | Bangladesh Textile Mills<br>Association                         |
| 3. Mr. A. Matin Chowdhury      | Malek Spinning Mills Limited                                    |
| 4. Mr. Md. Fazlul Hoque        | Bangladesh Knitwear<br>Manufacturers &<br>Exporters Association |
| 5. Mrs. Sabrina Islam          | Women Entrepreneurs'<br>Association, Bangladesh                 |
| 6. Mr. Ardashir Kabir          | Bangladeshiyo Cha Sangsad                                       |
| 7. Mr. Kamran T. Rahman        | Bangladesh Jute Mills<br>Association                            |
| 8. Mr. Shabbir Yusuf           | Bangladesh Jute Spinners<br>Association                         |



## **9. PUBLIC RELATIONS SUB-COMMITTEE**

- |  |                                    |
|--|------------------------------------|
| 1. Ms. Luna Shamsuddoha<br>(Chairperson) | Dohatec New Media                  |
| 2. Mr. Waliur Rahman Bhuiyan             | BOC Bangladesh Limited             |
| 3. Mr. Samson H. Chowdhury               | Bangladesh Aushad Shilpa<br>Samity |
| 4. Mr. A. Q. I. Chowdhury, OBE           | James Finlay Limited               |
| 5. Mr. A. Matin Chowdhury                | Malek Spinning Mills Ltd.          |
| 6. Mr. Mahbub Jamil                      | Singer Bangladesh Limited          |
| 7. Mr. A. S. M. Quasem                   | Newage Garments Limited            |

## **1. SAFETY AND WORKING CONDITIONS SUB-COMMITTEE**

- |  |  |
|--|--|
| 1. Mrs. Rokeya Quader<br>(Chairperson) | Desh Garments Limited  |
| 2. Mr. A. Matin Chowdhury              | Malek Spinning Mills Limited                                   |
| 3. Mrs. Laila Rahman Kabir             | Kedarpur Tea Company Ltd.                                      |
| 4. Mr. Golam Mainuddin                 | British American Tobacco<br>Bangladesh Co. Ltd.                |
| 5. Mr. Syed Nasim Manzur               | Apex Footwear Limited  |
| 6. Mr. Lutfor Rahman Matin             | Bangladesh Garment<br>Manufacturers & Exporters<br>Association |
| 7. Mr. Niaz Rahim                      | Rahimafrooz Batteries Ltd.                                     |
| 8. Mr. Kamran T. Rahman                | Bangladesh Jute Mills<br>Association                           |
| 9. Mr. Sakif Ariff Tabani              | Mirpur Ceramic Works Ltd.                                      |
| 10. Mr. Shabbir Yusuf                  | Bangladesh Jute Spinners<br>Association                        |



## **11. TRAINING AND HUMAN RESOURCE DEVELOPMENT SUB-COMMITTEE**

- |    |                                |                                   |
|----|--------------------------------|-----------------------------------|
| 1. | Dr. Toufiq M. Seraj (Chairman) | Seltech (Pvt.) Limited            |
| 2. | Mr. Anjan Chowdhury            | Square Toiletries Limited         |
| 3. | Mr. A. Matin Chowdhury         | Malek Spinning Mills Ltd.         |
| 4. | Mr. Iftekharul Islam           | Aventis Limited                   |
| 5. | Mrs. Sabrina Islam             | Osman Textiles Limited            |
| 6. | Mr. Salahuddin Kasem Khan      | A. K. Khan & Company Ltd.         |
| 7. | Mr. Obaidur Rahman Khan        | Bangladesh Lamps Ltd.             |
| 8. | Mr. Kamran T. Rahman           | Bangladesh Jute Mills Association |

## **12. WOMEN IN DEVELOPMENT SUB-COMMITTEE**

- |    |                                  |  |
|----|----------------------------------|--|
| 1. | Mrs. Sabrina Islam (Chairperson) | Women Entrepreneurs' Association, Bangladesh |
| 2. | Mrs. Simeen Hossain              | Transcom Limited                             |
| 3. | Mrs. Rokeya Quader               | Desh Garments Limited                        |
| 4. | Mrs. Zeenat Rahim                | Rahimafrooz Batteries Ltd.                   |
| 5. | Mrs. Rokia A. Rahman             | Women Entrepreneurs' Association, Bangladesh |
| 6. | Mrs. Luna Shamsuddoha            | Dohatec New Media                            |
| 7. | Mrs. Nurjehan Sakif Tabani       | Mirpur Ceramic Works Ltd.                    |

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

- |    |                                       |                                      |
|----|---------------------------------------|--------------------------------------|
| 1. | Mr. A.S.M. Mainuddin Monem (Chairman) | K. Rahman & Company                  |
| 2. | Mr. Iftekharul Alam                   | Omnichem Limited                     |
| 3. | Mr. Jahangir Alamin                   | Bangladesh Textile Mills Association |



- |     |  |  |
|-----|--|--|
| 4.  | Mr. Waliur Rahman Bhuiyan                | BOC Bangladesh Limited   |
| 5.  | Maj.Gen. Amjad Khan<br>Chowdhury (Retd.) | Property Development Ltd.                                      |
| 6.  | Mr. A. Matin Chowdhury                   | Malek Spinning Mills Ltd.                                      |
| 7.  | Mrs. Sabrina Islam                       | Women Entrepreneurs'<br>Association, Bangladesh                |
| 8.  | Mr. Salahuddin Kasem Khan                | A. K. Khan & Company<br>Ltd.                                   |
| 9.  | Mr. Golam Mainuddin                      | British American Tobacco<br>Bangladesh Company<br>Limited      |
| 10. | Mr. Ashfaque ur Rahman                   | Novartis (Bangladesh) Ltd.                                     |
| 11. | Mr. Alamgir M. Z. Rahman                 | Bangladesh Garment<br>Manufacturers & Exporters<br>Association |

#### **IV. SECRETARIAT:**

Mr. C. K. Hyder continued to remain the Secretary-General and CEO of the Federation.



**YEARLY REPORT ON THE ACTIVITIES OF**  
**THE FEDERATION FOR THE PERIOD**  
**FROM THE 1<sup>ST</sup> JANUARY, 2006 TO 31<sup>ST</sup> DECEMBER, 2006**

**A. Labour Relations Situation**

The Federation had constantly reviewed the labour relations situation prevailed in the country during the period. The situation had been more or less quiet and peaceful except for a limited period in May-June 2006. It became suddenly precarious particularly in the garment sector in and around Dhaka-Savar industrial belt in May-June 2006 mainly due to some group of workers' demand to raise wages, coupled with instigations by certain unscrupulous quarters as felt by employers and many workers. The Federation in its routine monitoring and evaluation made emphasis of each incident.

**B. Bangladesh Labour Act 2006**

After having series of tripartite meetings, the Bangladesh Labour Act 2006 was finally promulgated on the 11<sup>th</sup> October 2006. The Federation made persistent move to convince the Government to promulgate the labour code for the better interest of the employers' and workers. While preparing the draft, the Federation actively represented in the Labour Code Review Committee and gave transparent analytical views on critical legal issues ensuring a win-win situation for all stakeholders, i.e., employers', workers and government.

**C. Declaration of Minimum Wage for the workers in the garment sector**

The government formed Minimum Wage Board to study and recommend minimum wages in various sectors. Accordingly, the Minimum Wage Board constituted for garment sector finalised its recommendation and submitted to the government for necessary promulgation. The Federation gave several inputs and institutional support to the Board taking reference from the wage practices in the neighbouring countries. The Federation's representative made all out effort to formulate a balanced wage structure beneficial for the long-term greater economic and industrial interest of the country. Finally,



the government declared minimum wages for the workers in the garment sector on the 11<sup>th</sup> November 2006 through Ministry of Labour and Employment S.R.O. No. 301.

#### **D. 95<sup>th</sup> Session of the ILC : BEF's Participation:**

The 95<sup>th</sup> session of the International Labour Conference (ILC) was held in Geneva from the 31<sup>st</sup> May to 16<sup>th</sup> June, 2006. The Federation President, Mr. Syed Manzur Elahi was nominated to represent the Federation. However, due to labour unrest in the garment sector during that time, he decided to stay in the country. The Secretary of the Federation, Mr. Farooq Ahmed attended the Conference as the Substitute Delegate.

The Conference dealt with, among others, the following subjects:

- 1) Information and Reports on the application of the Conventions and Recommendations
- 2) Occupational Safety and Health - Standard-Setting, second discussion with a view to the adaptation of a Convention supplemented by a Recommendation
- 3) The Employment Relationship - Standard-Setting with a view to the adaptation of a Recommendation
- 4) The Role ILO in Technical Cooperation - general discussion
- 5) Global Report under the follow up to the ILO Declaration on fundamental principles and rights at work
- 6) Director General's Report

#### **E. Participation in NICC/other International Organisation's Training Programmes:**

The Federation nominated a number of participants from its member firms to different training programmes conducted by the



Nippon-Keidanren International Cooperation Center (NICC) and other International Organisations :

Sl. No.	Name of Participant	Designation & Name of Firm	Training Programme	Place & Duration
1.	Ms. Khairun Nahar	Senior Officer - Health, Safety and Environment (HSE) Aventis Limited	NICC's Programme on "Occupational Safety and Health Management and Work Environment Improvement"	Tokyo, Japan, 11 <sup>th</sup> - 26 <sup>th</sup> January 2006.
2.	Mr. Kamran T. Rahman,	Chairman Bangladesh Jute Mills Association	"SME Cluster and Network Development : Principles and Practice"	International Training Centre of the ILO, Turin, Italy, 24 <sup>th</sup> April to 05 <sup>th</sup> May 2006.
3.	Ms. Saiqa Mazed,	Training Manager Dhaka Sheraton Hotel	NICC's Programme on "Trainers' Training Course on MTP (Management Training Programme)"	Tokyo, Japan, 15 <sup>th</sup> May to 2 <sup>nd</sup> June 2006
4.	Mr. Md. Mominul Ahsan	Head of Human Resource Apex Footwear Ltd.	NICC's Programme on "Total Quality Management (TQM) and Human Resource Development (HRD)"	Tokyo, Japan, 13 <sup>th</sup> to 29 <sup>th</sup> June 2006.
5.	Mr. Md. Moinul Islam	Head of Training, Advanced Chemical Industries Ltd.	NICC's Programme on "Industrial Relation (IR) and Human	Tokyo, Japan, 5 <sup>th</sup> to 19 <sup>th</sup> July 2006.



6.	Mr. Muhammad Irfanur Rahman	Operations Manager Knit Asia Limited	NICC's Programme for Executive Development on "Total Management System (TMS)"	Tokyo, Japan, 3rd to 18th October 2006.
7.	Mr. A B M Anwar Hussain	Director, Industrial Quality and compliance Aventis Limited	NICC's Trainers' Training Course on Total Quality Management (TQM)	Tokyo, Japan, 25th October to 8th November 2006
8.	Mr. Ardashir Kabir	Member of the Committee, BEF and Managing Partner, Sathgao Tea Estate	Training programme on : "Strategies for the Extension of Social Protection"	ITC-ILO in Turin, Italy, 13th to 24th November 2006.
9.	Mr. Anjan Kumar Paul	General Manager, Human Resources, Square Pharmaceuticals Limited	NICC's Joint Study workshop on "Restructuring and Employment Adjustments at the Company Level : Challenges and Opportunities in Industrial Relations in Asian Countries" followed by Consultation Meeting between NICC and Employers' Organisations in Asian Countries"	Bangkok, Thailand, 22nd to 24th November 2006.



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

**(1) Participation in Local Seminars / Workshops / Symposiums**

:

The Federation participated in various seminars/ workshops/ symposiums organised by various ministries, organisations and development partners. The major events where the Federation's nominee participated were:

(i) "Strategic Planning Workshop to adopt the National TBP Framework and its Institutional arrangement" organised by the International Labour Office (ILO), Dhaka, in collaboration with the Ministry of Labour and Employment, on the 21st-23rd April 2006 at Public Administration Center (PATC), Savar.

(ii) Workshop on the "Impacts of Globalisation and Decent Work" organised by the International Labour Office (ILO), Dhaka on the 30th May 2006 at BIAM Foundation, Dhaka.

(iii) Stakeholders Workshop on "Priorities for Gender Equality in the World of Work" organised by the International Labour Office (ILO), Dhaka on the 7th June 2006, in the Conference Room, BRAC Centre Inn, 75 Mohakhali, Dhaka.

(iv) Round Table Dialogue on "Enhancing Competitiveness in Leather Industry in Bangladesh" organised by the International Labour Office (ILO), Dhaka on the 28th June 2006, at Dhaka Sheraton Hotel.

(v) "Training of Trainers (TOT) programme on HIV/AIDS" for selected enterprises organised by the International Labour Office (ILO), Dhaka in the Auditorium of BRAC Centre Inn, 75 Mohakhali Commercial Area, Dhaka on the 14th and 15th August 2006.

(vi) Workshop on "Eradication of Hazardous Child Labour in Bangladesh" jointly organised by the Ministry of Labour and Employment and International Labour Office (ILO), Dhaka, in CIRDAP Auditorium, Dhaka on the 17th August 2006.



(vii) "National Seminar on : Worst Forms of Child Labour in an Urban Informal Economy" jointly organised by the Ministry of Labour and Employment and the International Labour Office (ILO) at Hotel Purbani, Dhaka on the 20th December 2006.

## **(2) Representations at various International Seminars / Workshops / Conferences :**

During the year 2006, representatives of the Federation participated in the following international seminars / workshops / conferences:

(i) Mr. Shahidul Karim, Secretary, Bangladesh Jute Spinners Association, joined the "Study Tour on TBP to the Philippines for the Key National Stakeholders (Government, employers and workers" organised in The Philippines during the 22nd - 28th January 2006.

(ii) Mr. Syed Nasim Manzur, Managing Director, Apex Footwear Limited, attended the "ILO/IOE/CAPE Asian Regional Employers' Meeting on the Impact of Labour Legislation on Labour Market Flexibility" held in Beijing, China, during the 25th to 27th April 2006.

(iii) Mr. Fashiur Rahman, Secretary, Bangladesh Garment Manufacturers & Exporters Association attended the ILO's "Subregional Workshop on the Follow-up to the Global Report on Child Labour of 2006 produced under the ILO Declaration on Fundamental Principles and Rights at Work" held in Lahore, Pakistan, during the 21st to 25th November 2006.

## **G. Bangladesh Employers' Federation - International Labour Organizations' (ILO) - Nippon-Keidanren International Cooperation Center (NICC) - Joint programmes :**

Following joint activities were undertaken with the NICC and ILO:

(1) BEF/NICC Training Workshop on : "Occupational Safety and Health (OSH)"



Bangladesh Employers' Federation (BEF) in collaboration with the Nippon-Keidanren International Cooperation Center (NICC) of Japan, organised a two-day long training workshop on "Occupational Safety and Health (OSH)" on the 22nd -23rd February 2006.

In the opening session, Mr. Syed Manzur Elahi, President, Bangladesh Employers' Federation (BEF), delivered the inaugural address marking the opening of the workshop discussion. Mr. Yasuo Yamaguchi, Advisor, Nippon-Keidanren International Cooperation Center addressed the workshop while Dr. Kazutaka Kogi, Research Advisor of the Institute for Science of Labour in Kawasaki, Japan, delivered the introductory statement on the theme of the workshop. Mr. C. K. Hyder, Secretary-General of the Federation, was also present in the inaugural session.

The BEF / NICC joint training workshop on OSH was planned to provide opportunities to the participants to share their own concerned issues in Occupational Safety and Health Management systems and also to provide the participants with practical knowledge and experience on OSH through lecture sessions, experience sharing, plant visit and exercises.

Thirty five (35) participants attended the workshop. Participants, from the senior and mid-level managers involved in the occupational safety and health measures at their work places and other relevant human resources, industrial relations and compliance management and other related officials from different organisations/ industrial establishments of different sectors attended the workshop.

The contents of the workshop included : International trends in occupational safety and health; occupational safety and health management systems - experiences in Japan and Asia; laws and practices in occupational safety and health in Bangladesh; practical ways of improving safety, health and productivity of (i) materials handling, (ii) workstation design, (iii) teamwork environment; implementation of cost-effective improvements for better safety and health management; and other related issues.



The workshop was conducted and facilitated by the Resource Person Dr. Kazutaka Kogi, Research Advisor of the Institute for Science of Labour in Kawasaki, Japan, who had years of experience as an OSH expert, on Japanese industrial workload and ergonomics. He also worked as Regional Adviser in ILO's regional office in Bangkok and as Chief of the OSH Branch and Director of the working conditions and environment department of the ILO Head Quarters in Geneva.

Besides, Mr. Kazi Saifuddin Ahmed, Labour Adviser, Bangladesh Employers Federation conducted session on the prevailing laws of the Government and practices in occupational safety and health in Bangladesh.

## **(2) Workshop on "Improving Enterprise Competitiveness and Productivity"**

Bangladesh Employers' Federation (BEF), in collaboration with the International Labour Organization (ILO), organised a day-long workshop on "Improving Enterprise Competitiveness and Productivity" in Dhaka on the 30th March 2006 under the ILO/BEF joint programme of activities.

In the opening session, Mr. Obaidur Rahman Khan, Vice-President, Bangladesh Employers' Federation (BEF), delivered the inaugural address marking the opening of the workshop. Dr. Rajen Mehrotra delivered the introductory statement on the theme of the workshop while Mr. C. K. Hyder, Secretary-General of the Federation, delivered the concluding statement.

Mr. Wilhelm Wiig, First Secretary, Royal Norwegian Embassy, Dhaka, also spoke in the opening session and handed over the publication printed in Bangla version entitled "ILO Tool-Kit on Enhancing Productivity and Competitiveness at the Enterprise Level" to Mr. C. K. Hyder, Secretary-General, Bangladesh Employers' Federation

Forty (40) participants attended the workshop. Participants, representing production department, HR management, factory administration, quality control, compliance, training, employee relations, personnel management, general administration, marketing,



sales, and other related officials from different organisations/ industrial establishments of different sectors attended the workshop.

The objectives of the workshop programmes were : renew the awareness of the participants on the need for enhancing enterprise competitiveness and productivity, make them understand competitors strategies and adjust their own strategies to improve competitive position, deliberate on the various choices and their practicability in adopting policies for productivity improvement, and other related issues. The workshop was also planned to discuss better methods of improving enterprise competitiveness so as to face the challenges of the competitive business environment in the world.

Dr. Rajen Mehrotra, Senior Specialist on Employers Activities for South Asia, ILO - Sub Regional Office, New Delhi, India, and Mr. Md. Akbar Hassan, Managing Director & CEO, Briddhi Industrial and Marketing Consultants, Dhaka conducted and facilitated the workshop.

### **(3) Workshops on “Improving Productivity and Enterprise Competitiveness”**

Bangladesh Employers’ Federation (BEF), in collaboration with the International Labour Organization (ILO), organised three workshops on “Improving Productivity and Enterprise Competitiveness” in Chittagong, Dhaka and Khulna, under the ILO/BEF joint programme of activities.

(1) The first workshop was held in the Conference Hall at the "Chamber Building" (4th floor), 122-124 Motijheel C. A., Dhaka on the 12th September 2006 and forty two (42) participants attended the workshop.

(2) The second workshop was held at the Royal Hotel, Khulna on, the 14th September 2006 and fifty three (53) participants attended the workshop.

(3) The third workshop was held at Hotel Agrabad, Agrabad Commercial Area, Chittagong on the 17th September 2006 and forty seven (47) participants attended the workshop.



In the first workshop held in Dhaka on the 12th September 2006, Mr. Syed Manzur Elahi, President, Bangladesh Employers' Federation (BEF), delivered the inaugural address marking the opening of the workshop discussion. Dr. Rajen Mehrotra delivered the introductory statement on the theme of the workshop while Mr. C. K. Hyder, Secretary-General, Bangladesh Employers' Federation, delivered the concluding statement of the opening session.

Participants, representing production department, finance/accounts department, factory administration, quality control, training, employee relations, HR management, personnel management, general administration, marketing, sales, and other related officials from different organisations/industrial establishments of different sectors attended the three workshops organised in Dhaka, Khulna and Chittagong.

The objectives of the workshop programmes were to : renew the awareness of the participants on the need for enhancing enterprise productivity and competitiveness; deliberate on the various choices and their practicability in adopting policies for productivity improvement; understand competitors strategies and adjust own strategies to improve competitive position, and other related issues. The workshop also discussed better methods of productivity improvement so as to face the challenges of the competitive business environment in the world.

Dr. Rajen Mehrotra, Senior Specialist on Employers Activities for South Asia, ILO - Sub Regional Office, New Delhi, India, and Mr. Md. Akbar Hassan, Managing Director & CEO, Briddhi Industrial and Marketing Consultants, Dhaka conducted and facilitated the three workshops.

## **H. Representative on various Committees/Bodies:**

During the year under review, the Federation was represented on the following Committees/Bodies:

1. Executive Committee of International Organisation of Employers, Geneva      Mr. Syed Manzur Elahi, President.  
(Substitute Mr. C. K. Hyder Secretary-General.)



2. Governing Body of Bangladesh Institute of Management Mr. Syed Manzur Elahi, President.
3. Bangladesh Technical Education Board Mr. Kazi Saifuddin Ahmed, Labour Adviser.
4. Bangladesh Minimum Wages Board Mr. Kazi Saifuddin Ahmed, Labour Adviser.
5. Tripartite Consultative Council (TCC) on Labour Matters of the Ministry of Labour and Employment
  - (1) Mr. Syed Manzur Elahi, President.
  - (2) Mr. Obaidur Rahman Khan, Vice-President.
  - (3) Mr. M. Anis Ud Dowla, Past President.
  - (4) Mr. Md. Tipu Sultan, Chairman, Bangladesh Finished Leather, Leathergoods and Footwear Exporters' Association.
  - (5) Mr. M. Wahidul Haque, Chairman, Bangladeshiyo Cha Sangsad
  - (6) Mr. Samson H. Chowdhury, Member, Advisory Committee, Bangladesh Aushad Shilpa Samity.
  - (7) Mr. Md. Fazlul Hoque, President, Bangladesh Knitwear Manufacturers and Exporters Association.



- (8) Mr. Mirza Ali Behrouze  
Ispahani ,  
Chairman,  
Bangladesh Jute Mills  
Association
  - (9) Mr. M. A. Awal,  
Chairman,  
Bangladesh Textile Mills  
Association.
  - (10) Mr. Shabbir Yusuf,  
Chairman,  
Bangladesh Jute Spinners'  
Association
  - (11) Mr. Faisal Samad,  
Vice-President (Finance),  
Bangladesh Garment  
Manufacturers &  
Exporters Association.
  - (12) Chairman,  
Bangladesh Jute Mills  
Corporation.
  - (13) Mr. Syed S. Kaiser Kabir  
Managing Director,  
Renata Limited
  - (14) Mr. A. K. M. Rafiqul Islam,  
FCA  
Managing Director,  
Pragati Insurance Limited
  - (15) Mrs. Rokeya Quader  
Chairman,  
Desh Garments Limited
  - (16) Mr. C. K. Hyder,  
Secretary-General
  - (17) Mr. Kazi Saifuddin Ahmed,  
Labour Adviser
6. Bangladesh University of  
Engineering & Technology  
(BUET)
- Mr. A. S. M. Quasem,  
Chairman,  
Newage Garments Ltd.



## I. Representatives on the Labour Courts:

At the request of the Ministry of Labour & Employment, Government of Bangladesh, the Federation suggested the following names of employers' representatives for inclusion in the panel of members for the seven Labour Courts in the country, and they were subsequently accepted in the newly constituted Labour Courts vide SRO No.258- Aain/2003/srokom/shakha-9A-10/2001 and published in the Gazette dated the 28th August 2003.

First Labour Court, Dhaka	Mr. Nurul Alam Mr. A. K. M. Feroz Alam Mr. Sheikh Abdur Razzaque Mr. Md. Monirul Islam Mr. Md. Rafiqul Islam
Second Labour Court, Dhaka	Mr. Abdul Majid Mr. A.B.M. Yusuf Ali Khan Mr. Nurul Islam Mr. Md. Sadeque Hussain Mr. Mir Delwar Hussain
Third Labour Court Dhaka	Mr. Momtazur Rahman Mr. Md. Abdus Sattar Mr. Munshi Mokhlesur Rahman Mr. Md. Golam Kibria Mr. Md. Abdul Khaled Mridha
Labour Court, Rajshahi	Mr. A.K.A. Atoa-e-Rabbi Mr. Mortoza Reza Mr. A. Kafi Sarker Advocate Md. Motahar Hossain Mr. Md. Shamsul Islam
Labour Court, Khulna	Mr. Rafiqul Islam Mr. Rabiul Islam Mr. Pulin Bihari Biswas Mr. Abdul Halim Mr. Oliur Rahman Bhuyian



First Labour Court,  
Chittagong

Mr. Shaymal Kanti Barua  
Mr. Sheikh Shamim Ahmed  
Mr. Md. Mahbubul Haque  
Mr. Morshedul Alam Kaderi  
Mr. Md. Rezaul Alam Khan

Second Labour  
Court, Chittagong

Mr. Md. Amir Ali  
Mr. Golam Mostafa  
Mr. Md. Abdul Jabbar Chowdhury  
Mr. Jahangir Alam  
Mr. Md. Abu Jaher

## **J. Affiliation with World Bodies:**

The Federation continued to be affiliated to the International Organisation of Employers (IOE), Geneva and was a member of the Confederation of Asia Pacific Employers (CAPE).

Sd/-  
(Syed Manzur Elahi)  
PRESIDENT

Sd/-  
(C.K. Hyder)  
SECRETARY-GENERAL



## IMPORTANT COURT CASE ON LABOUR MATTERS

APPELLATE DIVISION

(Civil)

Civil Appeal No. 128 of 1998

Md Fazlul Karim J

Md Hamidul Haque J

Md Tofazzul Islam J

Superintendent (now General Manager),

James Finlay PLC and another ..... Appellants

vs

Chairman, 2nd Labour Court and another

.....Respondents

November 14th, 2003

Judgment

Md Faziul Karim J:

The second-party respondent obtained leave to appeal against the judgment and order dated 26-8-1998 passed by a Division Bench of the High Court Division in Writ Petition No. 670 of 1994 making the Rule absolute and sending back the Complaint Case No. 122 of 1992 to the respondent No. 1 for fresh trial with direction to decide the case in the light of the observations made in the impugned judgment.

2. The appellant moved the writ petition challenging the legality of the judgment and order dated 20-12-1993 passed ex parte by the respondent No.1 in Complaint Case No. 122 of 1992 under section 25 of the Employment of Labour (Standing Order) Act, 1965 directing the appellant to reinstate the respondent No. 2 in his service with all back wages. The respondent No. 2 was appointed by the appellant on 15-2-1989 as a Storekeeper of Balisera Central Hospital, PS Sremangal, Moulvi Bazar and was discharged from service on 2-10-1992 for misconduct in accordance with the provision of section 17(3)(b) of the Employ



ment of Labour (Standing Order) Act, 1965. On 20-7-1992 at 7-00 AM the respondent No. 2 sent an information to the Estate Medical Officer that on opening the store house he found that the glass of one window was broken and one rod of the same window was curved up and he suspected theft in the medical store. The EMO then and there rushed to the store and on his direction an inventory of the medicine in the store was prepared and found that medicine worth Taka 72,541 was missing. A first information report was lodged with Sree Mongal Police Station; the officer-in-charge of the Police Station came to the place of occurrence and started investigation; suspected the respondent No. 2 and he was taken to police station for interrogation.

The respondent No.2 confessed to the investigating officer that he took away the entire quantity of medicine from time to time with the aid of others. The police forwarded him to the Court and the learned Magistrate remanded him to custody. The police after completion of investigation submitted charge-sheet against him under sections 461 and 380 of the Penal Code. That on 1-8-1992 the respondent No.2 was served with a charge-sheet under section 7(3)(b) of the Act asking him to submit his written explanation on 8-8-1992 against the charges. The respondent No. 2 submitted his written explanation denying the allegation brought against him and contending that he had no complicity with the alleged theft of medicine from the store and that he was innocent.

The explanation submitted by the respondent No.2 was found not satisfactory and a three-member Committee was constituted for holding an enquiry into the charges brought against respondent No.2 and asked him to appear before the Enquiry Committee on 26-8-1992 with his witnesses if any. The Enquiry Committee held the enquiry on 25-8-1992, 27-8-1992 and 28-8-1992 and in his presence witnesses were examined but except one witness he declined to cross examine others. He examined himself as a witness but did not examine any other witness in support of his defence. That the Enquiry Committee while holding the enquiry found that only one rod of the window was bent about 6/7 inches and it was not possible for any person to enter into the store from outside by that bend. Attention of the respondent No.2 was drawn by the Enquiry Committee to the above fact and he also expressed his doubt about it; the Enquiry Committee further found that one set of key of the



stores used to remain with respondent No.2 and the second set was kept in the safe of the Chief Medical Officer; and that the respondent No.2 alone used to open the store house by his keys and no one else could unlock it; he alone received the medicine and distributed the same.

The Enquiry Committee after a fair enquiry submitted its report dated 19-9-1992 unanimously finding him guilty of the charges brought against him. Upon consideration of the enquiry report as well as the extenuating circumstance that the respondent No.2 was the first offender during his service career, the appellant No.1 instead of dismissing the respondent No.2, discharged him from service under sub-section (2) of section 17 read with section 18(6) of the Standing Order Act vide letter dated 2-10-1992.

On receipt of the said order of discharge from service dated 2-10-1992, the respondent No.2 submitted a grievance petition to appellant No. 1 under section 25(1)(b) of the said Act. The appellant No. 1 by its letter dated 27-10-1992 replied to the said grievance petition upholding its earlier decision dated 2-10-1992. Thereafter, the respondent No.2 filed Complaint Case No. 122 of 1992 under section 25(1)(b) of the said Act before the respondent No.2, Chairman, 2nd Labour Court, Dhaka challenging the order of his discharge from service dated 2-10-1992 passed by appellant No. 1 and prayed for an order for his reinstatement in service with back wages.

3. The appellant No. 1 alone contested the said complaint case by filing a written statement denying the material allegations made in the complaint petition and stating that respondent No.2 was an employee of the writ petitioner No. 1 and was appointed and discharged from service by the writ petitioner No. 1 and has no connection whatsoever with appellant No.2 as such, the case is within the exclusive jurisdiction of Labour Court, II, Chittagong vide Notification dated 22nd April, 1980 and Notification dated 4-11-1991 and the 2nd Labour Court, Dhaka had no jurisdiction to entertain the case. The appellant No. 1 after filing written statement, filed a petition raising the question of jurisdiction but the respondent No. 1 did not give any decision on the question of jurisdiction. The further case of the appellant No. 1 was that since the respondent No.2 has not alleged any grievance of unfairness or bad faith or malafide on the part of the Enquiry Committee in his petition of complaint, the



Labour Court had no jurisdiction to interfere with the findings of the Enquiry Committee because the Labour Court is not a Court of appeal having no occasion to consider whether the respondent No.2 is guilty or not.

4. The respondent No. 1, however, passed an ex parte order dated 20-11-1993 allowing the complaint case directing the appellant to reinstate the respondent No.2 in his service with all back wages. The appellant thereafter moved the High Court Division but the Rule was made absolute sending the complaint case back to the Second Labour Court, Dhaka for fresh trial with direction to decide the complaint case in the light of the observations made in the judgment.

5. Leave was granted to consider the following submission of the learned Counsel for the appellant:

"Mr MA Mannan, the learned Advocate for the petitioners, submits that the High Court Division in the writ jurisdiction is not a Court of Appeal and it has no jurisdiction to send a case back on remand in exercise of a jurisdiction in the nature of certiorari. Secondly, he submits, the observations which the Labour Court were directed to follow are not the proper yardsticks for determination of the legality of an order of discharge. The Labour Court is invested only with the power to see that the procedure followed by the domestic Enquiry Committee was in accordance with rules and principles of natural justice or not. The Labour Court also is not a Court of review or appeal over the Enquiry Committee."

6. On perusal of the impugned judgment it appears that the High Court Division observed, inter alia, that:

"The judgment passed by the Labour Court is not a speaking one, although the Labour Court disposed of the case ex parte but it has not discussed the evidence of the respondent No.2 and the Labour Court did not discuss statements made in the written statement and also did not discuss about the enquiry report. The Labour Court ought to have examined the show cause issued against the respondent No.2, the reply made by the respondent No.2, the enquiry report submitted by the Enquiry Committee and further, whether the petitioner discharged the respondent No.2 from his service in accordance with law or not, etc. The Labour Court does not



appear to have performed its function which it was required by law to do and, as such, the judgment and order passed by the respondent No. 1 is not in accordance with law and the same is liable to be set aside."

7. The exercise of jurisdiction under certiorari empowers High Court Division to declare a proceeding to have been taken without lawful authority and of no legal effect which includes either declaring the impugned proceeding to have been taken without any lawful authority or discharging the Rule or making an order of remand to the Court or tribunal below for disposal of the proceeding in accordance with law. Remand is also a method of disposal by a Court. By way of issuance of certiorari the Court is to see whether the authority concerned or administrative body has acted without bias observing the rule of natural justice as to fair hearing and whether there is an error of law apparent on the face of the record justifying the issuance of certiorari.

8. Such error must clearly be apparent resulting in manifest injustice. The finding based on no evidence or inadmissible evidence or arriving at the finding of guilt without any enquiry is an error of law.

9. The Labour Court disposed of the case ex parte by order dated 20-12-1993 without any finding as to whether the order of dismissal was passed in accordance with law. The High Court Division, however, making the Rule absolute remanded the case for fresh trial.

10. Writ of certiorari under Article 102(2)(a)(ii) of the Constitution authorises the High Court Division to issue the writ for declaring an order or an act done or proceeding taken to be without lawful authority and of no legal effect. Thus the Court could interfere only when a person proceeded against has done the act or action taken is vitiated by an act of lack of jurisdiction or by being in excess of jurisdiction.

11. It is now an established principle of law that the Labour Court sitting over the impugned order of the Authority concerned is invested with the power to see whether the Enquiry Committee proceeded in accordance with the procedure laid down in holding



enquiry under section 18(1) of the Employment of Labour (Standing Order) Act and to see as to whether the principle of natural justice has been complied with or not and in disposing of the case the Labour Court is duty bound to arrive at a finding as to whether or not the law, that is, the aforesaid provisions, have been complied with or not.

12. In the instant case the Labour Court while disposing of the complaint case, as it appears, did not arrive at any such finding and passed the order without any finding of any kind.

13. The Labour Court is established under section 35 of the Industrial Relations Ordinance, which empowers to determine and decide the case under section 25 of the Employment of Labour (Standing Order) Act and attached a duty to see as to whether the requirement of section 18 of the Act, i.e., an allegation against worker has been recorded in writing or whether he has been given a copy thereof or at least 3 days' time to explain was allowed or not or whether he has been given personal hearing, if prayed for, and as to whether the order of discharge or dismissal has been approved by the employer or not.

14. Thus it is not the function of the Labour Court to make any reassessment of the evidence recorded by the Enquiry Committee. The fact that upon the assessment of the evidence a different finding could be arrived at is not a ground to hold that the enquiry was inappropriate or unfair.

15. In the instant case, we do not find any such finding regarding the enquiry proceeding held by the domestic tribunal or that the Authority has exceeded its jurisdiction/power given to it to make it invalid or without lawful authority or that the Authority having initial jurisdiction has acted or exceeded its jurisdiction by doing act stepping out of its jurisdiction.

16. In the case of Mohd Abdun Noor vs Platinum Jute Mills Ltd and another reported in 1978 BSCR 467 it has been held that:

The phrase "the principles of natural justice" can only mean in this connection the principles of fair trial. A provision for an inquiry necessarily imports that the accused should be given a



## APPELLATE DIVISION

(Civil)

Civil Petition for Leave to Appeal Nos. 656 & 657 of 2002

Syed JR Mudassir Husain CJ  
Md Fazlul Karim J  
MA Aziz J  
Amirul Kabir Chowdhury J

SM Salim ..... Petitioner

vs

Chairman, Ctg Club Ltd and others ..... Respondents

August 1st, 2004

### Judgment

Md Fazlul Karim J: The first party petitioner seeks leave to appeal against the impugned judgment and order dated 3-12-2001 and 4-12-2001 in Writ Petition No. 2580 of 2000 heard analogously with Writ Petition No.3386 of 2000 by a Division Bench of the High Court Division making the Rules absolute.

2. The writ-petitioner in Writ Petition No.3386 of 2000 as the first party filed complaint case No.19 of 1999 against the opposite party-respondent Nos.1-2 (Writ Petition No.2580 of 2000) before the opposite party respondent No.3 challenging the order dated 29-6-1999 terminating the petitioner's service from the office of the opposite party-respondent No.1 along with a prayer for arrear salary.

The respondent No.3. the Chairman, Labour Court allowed the complaint case but rejected the prayer for arrear salary by his judgment and order dated 17-4-2000. That challenging the order dated 17-4-2000 the respondent No.1 moved Writ Petition No.2580 of 2000 and being aggrieved by and dissatisfied with the rejection of arrear salary the petitioner moved Writ Petition No. 3386 of 2000. Both the writ petitions were heard together by a Division Bench of the High Court Division who by the impugned judgment and order dated 3-12-2001 and 4-12-2001 made the Rule absolute in Writ Petition No.2580 of 2000 while discharged the Rule in Writ Petition No.3386 of 2000.



3. That the case of the petitioner is that he was initially appointed as an Electrician under the second party. He was, thereafter, promoted to the post of Electrical Supervisor. He had a good service career. He was elected Assistant General Secretary of the employees union. He was also elected General Secretary for consecutive three (3) terms. He raised the demands of the employees for which the second party became annoyed with him and illegally terminated him with effect from 29-6-1999. He had an altercation with one Md Solaiman of swimming pool committee of the Club following which the second party tried to victimize him for which a committee was formed but no inquiry was held, rather he was terminated on 29-6-1999. After receipt of the termination letter he preferred grievance petition but it was of no avail, then he filed the case.

4. That the respondent Nos.1 and 2 in Writ Petition No.3386 of 2000 (petitioner in Writ Petition No.2580 of 2000) as the second parties contested the case by filing written statement denying the material allegations made therein. The positive case of the second party is that the petitioner was not terminated as a measure of victimization. It was a termination simpliciter without any stigma whatsoever. The complaint case was allowed but the prayer for arrear salary was rejected by judgment and order dated 17-4-2000.

5. Mr Abdur Rob Chowdhury, the learned Counsel appearing for the petitioner, submits that the learned judges of the High Court Division erred in law in not considering that the termination, in fact, was dismissal under the garb of termination, inasmuch as it appears from the record that the petitioner was the General Secretary of the Employees Union and he took active part in the Union Affairs and for this reason he has been terminated.

The learned Counsel further submitted that under the amended provisions of section 25 of the Employment of Labour (Standing Orders) Act, 1965, the Labour Court was vested with the powers and jurisdiction to go behind the order of termination to find out if the impugned order was made malafide as a measure of victimisation of an officer of a registered trade union and the decision of the Labour Court was final under the provisions of section 37(4) of the IRO, 1969. The decisions in 28 DLR (AD) 190 which was attracted to the present case was not brought to the



attention of the High Court Division and its reliance on the decisions in 25 DLR (SC) 85 and 22 DLR (SC) 284 has resulted in an error of judgment.

6. Admittedly, the petitioner was initially proceeded by issuance of the show cause notice pursuant to an altercation with one Md Solaiman Alam of Swimming Pool Committee of the Club but no formal enquiry was held. Subsequently, the petitioner was terminated on 29-6-1999. On receipt of the said letter he filed grievance petition which not having been redressed, the petitioner moved the Labour Court praying for setting aside the impugned order of termination and reinstate him with back wages.

The Labour Court, however, while setting aside the order of termination, ordered for reinstatement of the first party without back wages but maintaining the continuity of the service.

The High Court Division, however, held that though allegation of the first party is that termination was not a termination simpliciter as it sought to victimize him for his active role as the General Secretary of the Union and also for altercation with one Solaiman Alam, an active member of the swimming pool committee but from the impugned letter it is apparent that it does not contain any charge or stigma and there is hardly any scope to go behind the letter of termination to characterise the same to be dismissal under the garb of termination or that it was done as a measure to victimize him for his altercation with the said Solaiman, an active member of the swimming pool committee or for his trade union activities, and referred to a decision in the case of EPIDC vs Md Sirajul Huq reported in 22 DLR (SC) 284 and the case of Khulna Newsprint Mills Ltd vs Khulna Newsprint Employees Union reported in 25 DLR (SC) 85.

7. Mr Abdur Rob Chowdhury, the learned Counsel, has referred to a decision in the case of Bangladesh Tea Estate Ltd vs Bangladesh Tea Estate Staff Association reported in 28 DLR (AD) 190 for his proposition that the termination of the service of a worker may lead to a dispute which under certain circumstances may be a labour dispute. Though section 25 of the Employment of Labour (Standing Orders) Act, 1965 bars all complaints against the order of termination under section 19 of the said Act, yet it authorizes the



worker to claim relief if the termination is of an officer of the registered trade union for his trade union activities or the worker is deprived of the benefit under section 19 of the Employment of Labour (Standing Orders) Act, 1965.

8. But in the instant case, the High Court Division has considered the previous charge which the employer did not proceed against by observing the formalities but subsequently proceeded to terminate the petitioner without any stigma or charge and there is hardly any scope to go behind the letter of termination in the given facts to see the real purpose of termination. No material other than the said altercation with one Solaiman Alam, an active member of the swimming pool committee, has been brought on record to show that the petitioner was terminated for his trade union activity and that the alleged altercation also cannot be claimed/termed to be trade union activities. Though the petitioner was the General Secretary but there was no other allegation or instance alleged which leads to support the allegation of the first party that the termination was, in fact, a victimization for his trade union activities.

These petitions are accordingly dismissed.

Ed.

Source : The Dhaka Law Reports (November 2005)



## HIGH COURT DIVISION

(Special Original Jurisdiction)

Writ Petition Nos. 2605, 1741, 1740, 2034, 2035 of 2002, 3580 of 2001, 2128 of 2000, 3012, 1390 of 2002.

Md Joynul Abedin J

Md Abdul Matin J

Syed Md Hossain J

Rupali Bank Ltd and ors..... Petitioners

vs

Chairman, First Labour Court and others ..... Respondents

August 24th, 2005

### Judgment

Md Joynul Abedin J : These 9 Rules Nisi were issued against the impugned decisions passed by the First Labour Court, Dhaka in 9 different labour cases treating the respondent No. 2 in all the writ petitions appointed against temporary posts/positions as Godown Darwan, Godown Chowkider and Godown Keeper in the petitioners' bank as permanent workers should not be declared to have been passed without any lawful authority and are of no legal effect.

2. These Rules initially came up for hearing before a Division Bench of the High Court Division and the said Bench having noticed a conflicting decision in 54 DLR 602 on the point, whether persons employed against a temporary post/position can be held to have been permanently employed because of some subsequent development in the service such as transfer from one post to another and from one place to another and or allowing those temporary workers to continue in service even after the temporary project against which they were employed came to an end, referred the matters to the Hon'ble Chief Justice for necessary order constituting a Full Bench with a view to resolving the conflict in the decision. Accordingly, the Hon'ble Chief Justice by order dated 29-4-2004 constituted this Full Bench to resolve this conflict. Since all these 9 Rules involve common questions of fact and law they are heard and disposed of by this common judgment.



3. The broad fact in all the 9 writ petitions is that the respondent No. 2 in all these cases were appointed by the petitioner bank, Rupali Bank, against temporary posts/positions either as Godown Darwan or Godown Chowkider or as Godown Keeper against various godowns to ensure security of the pledged goods of the borrowers of the petitioners' bank. The petitioners' bank, on the basis of application from the respondent No. 2, appointed them as Godown Darwan or Chowkider or Godown Keeper against a named godown on purely temporary basis for a fixed monthly salary subject to terms and conditions contained in their letters of appointment. The respondent No. 2 in all the 9 writ petitions were aware of the nature of the job and, as such, they never approached the petitioners bank for the benefits permissible to permanent workers and the said respondents were being paid their salary by debiting the account of the said borrowers of the petitioners' bank with consent and approval of the said borrowers. Since the pledged goods of the borrowers of the petitioners bank were sold away and the godowns were closed the services of the respondent No. 2 in all the cases stood terminated with the closure of the said godowns and their salaries were also stopped. But the respondent No. 2 in all these writ petitions filed cases in the Labour Court alleging, inter alia, that although they were appointed on a temporary basis against temporary posts or positions as Godown Darwan, Godown Chowkider or Godown Keeper but since they were allowed sick leave, casual leave, daily allowance, etc. and also allowed them to continue in service even after the temporary project against which they were appointed came to an end and in some cases they were transferred from one post to another and or from one place to another they should have been treated as permanent workers of the petitioners' bank and financial and other benefits should have been allowed to them.

4. The petitioners' bank contested the aforesaid labour cases by filing written statements denying the material allegations contending, inter alia, that the said labour cases were barred by limitation and that since the said employees were appointed on purely temporary basis for a temporary period their services came to an end after the job or the project against which they were appointed being temporary in nature came to an end. Hence there was no warrant in law to treat their employment as permanent and the labour cases were therefore liable to be dismissed.



5. The Labour Court having recorded the evidence adduced by both the parties and hearing the arguments advanced by the learned lawyers of the parties passed the impugned decisions holding that the said employees i.e the respondent No. 2, in all the writ petitions were permanent workers of the petitioners' bank and the petitioners bank was accordingly directed to allow all financial benefits to them treating them as permanent workers. Against this backdrop the petitioners' bank filed the writ petitions and obtained the above Rules.

6. Mr Tufailur Rahman, the learned Counsel, appears with Mr Abdun Nur, Advocate, for the petitioners in all the writ petitions and Mr Mahbubul Haque with Mr Md Mirza Alam Bhuiyan, Advocate, appears for the respondent No. 2 in all the writ petitions. It is argued on behalf of the petitioners bank that since in all the cases grievance petitions under section 25(a) of the Employment of Labour (Standing Orders) Act, 1965 were not made within the statutory period of 15 days from the date of occurrence of the cause of such grievance the cases were not maintainable and were liable to be dismissed in limini. It is further argued that since all the appointments under consideration were made expressly against temporary post as Godown Darwan or Godown Chowkidar or Godown Keeper for a temporary period, such employment could not be treated as permanent and their employment ought to have been treated to have come to an end after the project against which they were appointed came to an end. The impugned decisions were thus passed by the Labour Court in disregard of this legal position.

8. In reply, it is vehemently contended on behalf of the respondent No. 2 in all the writ petitions that out of the 9(nine) cases under consideration only two cases were filed under section 25 of the said Standing Orders Act. 1965 as complaint cases namely, Complaint Case No. 37 of 1994 and Complaint Case No. 37 of 1998 and these two cases are respectively covered by Writ Petition Nos. 2605 and 1390 of 2002. Other 7 (seven) cases were filed as IRO cases under section 34 of the Industrial Relations Ordinance, 1969. All the aforesaid 9 cases were filed within time prescribed by law and, in particular, the said two complaint cases were filed within the statutory period of 15 days of the occurrence of the cause of grievance as contemplated under section 25(a) of the Employment of Labour (Standing Orders) Act, 1965. In any view of the matter, these



two cases could not be held to be barred by limitation inasmuch as the wrong complained of was a continuing wrong, it is argued.

9. With regard to the second contention, it is submitted by Mr Mahbubul Haque that in all these 9 cases although the appointment of the respondent No. 2 was either made as Godown Darwan or Godown Chowkidar or as Godown Keeper against a godown for a temporary period, but they were allowed by the petitioners' bank to continue in their services even after the project or the job against which they were appointed came to an end. This apart, in some cases they were transferred from one place to another and also from one post to another in the petitioners' bank. Further, the respondent No. 2 in all these cases were allowed casual leave, sick leave, yearly leave, daily allowance, bonus, etc. It is, therefore, argued that since these are incidents of permanent employment the respondent No. 2 in all these cases should have been treated as permanent workers and benefits like provident fund and promotions should have been allowed to them. The learned lawyer for the respondent No. 2 in all these cases has referred to a number of reported and unreported decisions including a decision in the case reported in 46 DLR 143 in support of his contention showing that such employees, initially appointed against temporary post or position, were held to be permanent workers for the aforesaid incidents having taken place in course of their service. It is pointed out that there is only a lone case reported in 54 DLR 602 where a Division Bench of the High Court Division in similar fact as obtained in these 9 cases has held that such employees should be classified as regular temporary workers. It is precisely for this solitary decision these 9 writ petitions have been referred to this Special Bench to resolve the conflict whether such employees should be regarded as temporary or permanent workers or as regular temporary workers. Mr Haque submits that the lone decision does not reflect the correct proposition of law.

10. We have carefully perused the pleadings of the parties in all the writ petitions together with the annexures appended thereto which also include the evidence adduced by the parties in the Labour Court. On overall consideration of the facts and circumstances as well as the evidence and materials on record in these 9 cases we find that the Labour Court has arrived at a finding on fact on evidence recorded in each case that the respondent No. 2 in all these writ



petitions were initially appointed as Godown Darwan, etc. against a named godown purely on temporary basis to ensure safety and security of the goods stored in the godowns; the said respondents were the employees of the petitioners' bank and not of its borrowers; these respondents were allowed to continue in service for a minimum period of 15/16 years and their services were never terminated even after the project or the job in which they were appointed came to an end. Only in Complaint Case No. 37 of 1994 covered by Writ Petition No. 2605 of 2002 the Labour Court found the respondent No. 2 in continuous service with the petitioners' bank for 11/12 years but all other findings indicated above were the same. The Labour Court also found that these respondents were continued in service either transferring them from one place to another or from one post/position to another in the service of the petitioners' bank. Besides, they were allowed to enjoy sick leave, casual leave, annual leave, daily allowances, etc and they were paid their wages by the petitioners' bank and the petitioners' bank regulated and controlled their services.

11. The only key point we are, in fact, called upon to address and determine in all these cases is, whether in the given facts and circumstances stated above the respondent No. 2 in all the writ petitions could be adjudged as permanent workers of the petitioners bank.

12. Needless to mention that the Employment of Labour (Standing Orders) Act, 1965 provides for and regulates the service conditions of the workers employed in commercial establishments including the banks, inasmuch as section 2(d) of the Act defines and includes a banking company or a bank as a commercial establishment. Both permanent and temporary workers have been respectively defined under section 2(m) and 2(s) of the Act as under:

"2(m) 'permanent worker' means a worker who has been engaged on a permanent basis or who has satisfactorily completed the period of his probation in the shop or the commercial or industrial establishment;

2(s) 'temporary worker' means a worker who has been engaged for work which is essentially of temporary nature and is likely to be finished within a limited period."



13. Keeping the definition in view, which is applicable to and controls the present case, it has been observed in the case of Managing Director, Rupali Bank Ltd vs First Labour Court, and others 46 DLR 143 that the term "temporary worker" has a connotation which is different from popular and dictionary meaning of the term. It is further held that mere mentioning of the fact that a job is of temporary nature does not render it to be of temporary nature or necessarily give rise to inference that work is likely to be finished within a limited period. Thus, mere appointment on a temporary basis is not the sole criteria for holding the work as temporary one. Incidents and developments that take place in course of the service are important and pertinent in the matter of adjudication whether the employee is temporary or permanent. The incidents and developments that took place in the course of the service after the appointment of respondent No. 2 in these writ petitions therefore, require due consideration in taking a decision whether these respondents, who initially started as a temporary worker under the petitioners' bank, remained a temporary worker or became a permanent worker. In all these 9 cases the relevant and important incidents and developments are that the respondent No. 2 in all these writ petitions have been allowed to continue in their services even after the job for which they were hired came to an end. To put it differently, the petitioners' bank omitted to terminate the services of the respondent No. 2 even after the job against which they were appointed came to an end. Rather the petitioners' bank by a positive act allowed them to continue in service by means of transfer from one post to another and from one place to another. The petitioners' bank are therefore liable to suffer for its omission and commission. To avoid or resist the present claim of the respondent No. 2 in all these writ petitions the petitioners bank was required in law to terminate the services by issuing a letter that their services were no longer required as the job or the project against which they were employed came to an end. It is no defence for the petitioners' bank to plead that since the said respondents were not appointed by the head office but by the branch they cannot be considered to be appointed as permanent workers inasmuch as only the Head Office and not the branch office could make a permanent appointment. The reason being that such appointment as well as the subsequent acts and omissions committed by the branch are binding on its Head Office.



14. It has been argued both in the Labour Court and also before this Court that since the respondent No. 2 in all the cases have been allowed sick leave, casual leave, annual leave, daily allowance, etc they should be taken to have been treated and appointed as permanent workers by the petitioners bank. These respondents are, therefore, entitled in law to be declared and treated as permanent workers. We regret to accept this position. The benefits like sick leave, casual leave, annual leave, daily allowance, etc. are not the incidents or criterion under the labour laws to be reckoned or considered for the purpose of adjudicating whether a worker, who is allowed these benefits, are entitled to be considered as a permanent worker. These benefits are allowed under the Shops and Establishments Act, 1965 to all types of workers regardless whether he is a permanent, temporary or other class of worker. The benefits or facilities like gratuity, provident fund, etc. are also no criterion under the labour laws to determine the status of the worker as temporary or permanent. These benefits may be made available by making private Rules or agreements for internal administration of the employer. Even statutory Rules may provide for such provident fund and gratuity for the workers or a particular class of workers. Plantation Employees Provident Fund Ordinance, 1959 and Rules made thereunder may be mentioned in this connection. But these laws are not relevant for our purpose inasmuch as they are meant for the plantation workers and employees.

15. Again, some argument has been sought to be made on behalf of the respondent No. 2 in these cases, relying on section 4(2) of the Employment of Labour (Standing Orders) Act, 1965 that if a temporary worker successfully completes 3 months in service he should be taken to have successfully completed the probation period and is therefore, entitled to be appointed or declared as a permanent worker. This is again, a mistaken view of the law. The expression 'probation' as per Law Lexicon, Second Edition, 1983, Vol. III connotes a period of trial. On successful completion of the probation the employee is confirmed in the appointment held by him. It also means "testing of a person's capacity, conduct or character, especially before he is admitted to regular employment." The expression 'probationer' as defined under section 2(P) of the said Act means a worker who is provisionally employed to fill a permanent vacancy in a post and has not completed the period of his probation. The expression 'probationer' vide section 2(P) of the said Act, 1965, if read



along with the expressions 'permanent worker' and temporary worker' under the same definition section 2(m) and 2(s) of the said Act, it would only show and mean that there cannot be any probation period for any other classes of workers mentioned under section 4 of the said Act except in case of permanent worker. Therefore, successful completion of 3(three) months' period or so in the service of a temporary' worker is no valid consideration in matters of deciding whether the respondent No. 2 in these cases having successfully completed 3 months' service as Godown Chowkider, etc. were entitled to be declared as permanent worker.

16. In regard to the point of limitation canvassed on behalf of the petitioners bank, we would point out that there is no period of limitation applicable in cases filed under section 34 of the Industrial Relations Ordinance, 1969. Seven out of nine (9) cases filed before the Labour Court, which are under consideration, were filed under section 34 of the Ordinance, 1969. Only 2 (two) cases as stated above were filed under section 25 of the Standing Orders, Act, 1965 which required to be filed within 15 days of the occurrence of the cause of grievance. It has been held in the case of Rupali Bank Ltd vs 2nd Labour Court, 52 DLR 603. that the grievances like the ones involved in these 9 writ petitions are continuing wrong. Hence, fresh limitation began to run at every time. In this view of the matter even these two complaint cases were not barred by limitation.

17. Before we part with the matter, it is stated that the terminology or concept of 'regular temporary worker' is not known or recognised in the labour laws. It could at best be a terminology to identify and recognise a group of temporary workers as a 'regular temporary' worker for certain purpose. In any view of the matter, 'regular temporary worker' also means temporary worker and not permanent worker.

18. The present 9 (nine) Rules, therefore, must fail.

In the result, all these Rules are discharged without any order as to costs.

Ed.

Source : The Dhaka Law Report (February 2006)



## APPELLATE DIVISION

(Civil)

Civil Petition for Leave to Appeal No. 1490 of 2003

Md Ruhul Amin J  
MM Ruhul Amin J  
Md Tafazzul Islam J

Government of Bangladesh and others ..... Petitioners

vs

Khondaker Khairul Kabir .....Respondent

April 10th, 2005

### Judgment

Md Tafazzul Islam J : This petition for leave to appeal is directed against the judgment and order dated 15-9-2003 passed by Administrative Appellate Tribunal in Appeal No. 43 of 1993 allowing the appeal upon setting aside the judgment and order dated 16-3-2003 passed by Administrative Tribunal, Dhaka dismissing the Administrative Tribunal Case No. 185 of 1989.

2. The respondent filed the above Administrative Tribunal Case No. 185 of 1989 stating, inter alia, that on 23-9-1980 he was appointed as the Field Officer of the National Security & intelligence and after completion of departmental training he in the year 1981 was posted at Khulna and on 17-5-87 he was transferred to Dhaka Office and he having served sincerely and honestly for 9 years was awarded many rewards and while posted at Dhaka City Internal Operation he suddenly fell ill and, as such, could not attend the office from 9-7-87 to 14-7-87 and he having no relation at Dhaka could not also inform the office about his illness and after recovery he attended office on 15-7-87 and submitted petition for leave supported by medical certificate and then on 26-7-87, receiving the information that following land dispute his wife was attacked and injured by miscreants, he on verbal permission from his office left for home at Khulna by filing petition for 10 days leave and thereafter, he



sent application for extension of leave for 30 days but was not informed as to whether leave was sanctioned or not, then on 23-8-87 the petitioner No. 2 called for an explanation from him as to his unauthorised absence whereupon he submitted reply stating the circumstance of his absence but without considering the same at all departmental proceedings were drawn against him to which he submitted written defence denying all the charges and as the inquiry officer had some bias against him he on 3-10-1987 also made representation praying for changing the Inquiry Officer but nothing was done. Then he duly appeared before the inquiry officer during the inquiry wherein the petitioner No. 2 did not nominate any officer to conduct the prosecution and the Inquiry Officer himself played the role of prosecutor and he, without giving the respondent the opportunity to cross-examine the witnesses in violation of the provisions of rule 10(1)(2)(3) and (4) of the Government Servant (Discipline and Appeal) Rules 1985, completed the inquiry and submitted report holding the respondent guilty of the charge, then second show cause notice was issued without supplying the copy of the inquiry report and the respondent on the ground of illness prayed for time to file his reply to the second show cause notice but no time was allowed and thereafter the petitioner 'No. 2 by order dated 14-12-87 dismissed him from service and being aggrieved he preferred appeal to the petitioner No.1 which was also rejected by order dated 28-12-88.

3. The petitioners contested the above case by filing written statement contending, inter alia, that the respondent on 9-7-1987 at 12 noon left office without obtaining any leave or permission and he remained absent till 14-7-87 without giving any intimation and he was found in Khulna City on 11-7-87 and after attending the office on 15-7-87 he prayed for leave from 11-7-87 to 14-7-87 but then on 28-7-87 he left the office leaving behind a petition seeking leave for 10 days and then remained on unauthorised absence till 12-12-87 which constituted misconduct and then for keeping unauthorised firearms in his possession as well as for remaining in unauthorised absence



charges were brought against the respondent on 23-8-87 to which he submitted statement of defence and then on inquiry, charges against him were established and second notice was also served upon him with copy of the inquiry report to which he did not give any reply and then the order of dismissal was passed and the appeal of the respondent was also rejected after due consideration.

4. The Administrative Tribunal, after hearing dismissed the case and the respondent then preferred Appeal No. 43 of 1993 before the Administrative Appellate Tribunal which after hearing allowed the appeal.

5. The learned Counsel appearing for the petitioners, submits that the Administrative Tribunal dismissed the above case on the finding that due to unauthorised absence of the respondent from his office notice was issued on 23-8-87 calling from him explanation for his unauthorised absence and the statement of defence submitted by him being found not satisfactory formal proceedings were drawn up against him by filing specific charges of misconduct and desertion and after holding inquiry the Inquiry Officer submitted his report holding the respondent guilty of the charges and then second notice was issued upon the respondent to show cause as to why the proposed penalty of dismissal should not be passed and on receiving the same the respondent raised the plea that copy of the inquiry report was not supplied to him but on production of official file of the proceedings of the respondent, it was found that he received the copy of the inquiry report on 25-11-87 by putting his signature. The learned Counsel further submits in the proceeding against the respondent all the requirements of law were complied and the Appellate Tribunal erred in law in allowing the appeal.

6. As it appears, the Appellate Tribunal allowed the appeal holding that sub-rule (2) of Rule 7 of Government Servant (Discipline and Appeal) Rules, 1985 provides that after receiving of the statement of defence from the accused the authority is to consider



such statement along with all materials relating to the charge and if on such consideration the authority is of the opinion that there is good ground for proceeding against the accused then only the authority shall appoint an Inquiry Officer to inquire into the allegations made against him but in the present case prior to such consideration as provided above the Inquiry Officer was appointed and further the respondent was also directed to forward his statement of defence directly to the Inquiry Officer and thus it is apparent that the authority failed to consider at all as to whether there is a good ground for proceeding against the respondent or not and such failure cannot be said to be a mere violation of the procedure nor it can be said this provision is mere directory in nature.

7. We are of the view that the Appellate Tribunal on correct appreciation of the materials on record and the law applicable allowed the appeal and accordingly, no interference is called for.

The petition is dismissed.

Ed.

Source : The Dhaka Law Reports (January 2006)



HIGH COURT DIVISION

(Special Original Jurisdiction)

Writ Petition No. 6822 of 2001 with Writ petition no 9 of 2002.

Tariq-ul-Hakim J

Afzal Hossain Ahmed J

Faruque Hasan ..... Petitioners

vs

Titas Gas Transmission and Distribution

Company Ltd and others ... Respondent

August 16th, 2005

Judgment

Tariq-ul-Hakim J: In Writ Petition 6822 of 2001 Rule Nisi has been issued calling upon the respondents to show cause as to why the impugned order (Annexure B to the Writ Petition) to the extent of transferring the petitioner from his present place of posting in the office of the respondent No. 1 at 105, Kazi Nazrul Islam Avenue, Karwan Bazar, Commercial Area, Tejgaon, Dhaka to the office of the respondent No.1 in the Transmission Department at Demra, Dhaka should not be declared to have been passed without any lawful authority and is of no legal effect and or pass such other or further order or orders as to this Court may seem fit and proper.

2. In Writ Petition No.9 of 2002 Rule Nisi has been issued calling upon the respondents to show cause as to why the impugned order of termination of service as contained in Memo No. Sangsthaon 2013/25 (Sring)/822 dated 9-12-2001 (Annexure G to the Writ Petition) passed by the respondent No.3 should not be declared to have been passed without any lawful authority and is of no legal effect and or pass such other or further order or orders as to this Court may seem fit and proper.

3. Both the Writ Petitions have been filed by the same petitioner against the same respondents. In both the Writ Petitions it has been stated that the petitioner worked as Accounts Assistant in the Revenue Department all through in the head office of the respondent No.1, Titas Gas Transmission and Distribution Company



Limited. He was elected General Secretary of Titas Gas Karmachari Union having registration No. B-1193 in the year, 1986. The registered office of the said Trade Union is 105. Kazi Nazrul Islam Avenue, Karwan Bazar. Commercial Area, Tejgaon, Dhaka and thereafter, he was reelected to the same post from time to time. It has been further stated that the petitioner's Trade Union was elected as Collective Bargaining Agent (CBA) in the year 1986 and reelected in the year. 1988 but since then there has been no election for Collective Bargaining Agent (CBA). Thereafter, due to various disputes the petitioner's Trade Union has been performing the functions of the Collective Bargaining Agent, (CBA) in the respondent No. 1 's establishment under section 22 of the Industrial Relations Ordinance, 1969. It has been further stated that the petitioner was placed under suspension by Memo No. Sangsthapon 2013/25 (Srिंग)/855 dated 29-7-1992 which was withdrawn after more than 9 years on the management's decision dated 24-11-2001.

4. It has been, further stated that in Memo dated 24-11-2001 while withdrawing the order of suspension against, the petitioner he was under order of transfer from his post of Accounts Assistant, Revenue Department, at the Head Office to a new place in the Transmission Department of Respondent No. 1 located at Demra and he was asked to join his duty there. It has been further stated that the petitioner in his capacity as General Secretary of the Trade Union is entitled to get protection from order of transfer from one place to another and that he can only be transferred from one place to another with his consent as per provisions of section 47B of the Industrial Relations Ordinance, 1969. The said provisions provide that the President and the General Secretary of a Trade Union shall not be transferred from one place to another without his consent. It has been further stated that over the last 10 years a large number of workers and employees in the employment of respondent No. 1 from time to time were suspended or terminated or dismissed from service for Trade Union activities as a result of which there has been no Collective Bargaining Agent (CBA) election after 1988 and that after a series of inter-departmental meetings and deliberations with the Government, a list of 40 workers and employees was prepared who had been placed under suspension for various allegations over the last 9 years and although their orders of suspension were withdrawn and they were allowed to join their respective positions of employment, only the petitioner was transferred without his consent



to a new place even though there is only transmission work there and no clerical job for him.

5. Being aggrieved, the petitioner has filed Writ Petition No. 6822 of 2001 and obtained a Rule along with an interim order staying the operation of the order of transfer.

6. It has been alleged that on 8-12-2001 after issuance of the aforesaid Rule the petitioner verbally brought the matter to the notice of the respondent Nos. 2 and 3 and sent a written communication to the respondent No.2 on 9-12-2001 enclosing a certified copy of the aforesaid Rule and stay. Thereafter, during pendency of the Rule the respondent No.3 issued office order bearing Memo No. Sangsthapon 2013/25 (Srimg)/822 dated 9-12-2-001 (Annexure G) terminating the petitioner from service. It is stated that the impugned Memo was issued malafide and discriminatory by infringing the fundamental rights of the petitioner under Articles 27 and 31 of the Constitution of the People's Republic of Bangladesh.

7. Being aggrieved, the petitioner has also filed Writ Petition No.9 of 2002 and obtained another Rule along with an interim order staying the operation of the said order of termination.

8. The respondent Nos. 1-3 are contesting both the above mentioned Rules by filing Affidavit- in-Opposition wherein it has been stated, inter alia, that the instant Rules are not maintainable, since the petitioner is a worker and as per provisions of section 25 of the Employment of Labour (Standing Orders) Act, 1965, the appropriate forum for agitating his grievance is the Labour Court. It has been further stated that transferability from one place of employment to another is a condition of service for all employees of respondent No. 1 and the petitioner being an employee of the said respondent. he has impliedly consented to being transferred from one place to another place and. as such. no illegality has been committed by transferring him by the impugned Memo. It has been further stated that the service of the petitioner has not been terminated for his Trade Union activities and that he cannot have any grievance against the impugned order of termination simpliciter, It has been categorically denied that the order of termination was actuated by any malice and that since the order of termination was an order of termination simpliciter by the respondent No.1 which he



is entitled to take, therefore the petitioner has no cause of action against the said order.

9. Both the Rules were heard together and are being disposed of by this single judgment.

10. Mr Tufailur Rahman, assisted by Ms Sufia Ahmed and Ms Umme Salma. learned Advocates. appearing on behalf of the respondent Nos. 1-3 submits that the instant Rules are not maintainable. since the petitioner is a worker and the Labour Court is the specific legal forum available under the law for settling such disputes. In this connection he has pointed out the provisions of section 25(1)(b) of the Employment of Labour (Standing Orders) Act, 1965 which provides that any worker having grievance against his termination, dismissal, discharge and otherwise removal from service is required to apply to the Labour Court for the settlement of disputes and also refers to section 34 of the Industrial Relations Ordinance, 1969 which entitles a worker in service to seek redress before the Labour Court. and submits that in view of such specific provisions under the law. the petitioner not having resorted to the alternative remedy these Rules are not maintainable. Mr Tufailur Rahman further refers to the case of Abdul Mannan Talukder vs Bangladesh House Building Finance Corporation and another reported in 1990 BLD (AD) 71 wherein it has been held that for violation of the provisions of section 47B of the Industrial Relations Ordinance, 1969 a Trade Union leader will seek remedy before the Labour Court under section 34 of the Industrial Relations Ordinance, 1969 unless the said Trade Union leader is working for a statutory public authority mentioned in the schedule to the Administrative Act, 1980 in which case he shall seek his remedy before the Administrative Tribunal.

11. As against this, Mr Khondaker Mahbubuddin Ahmed, the learned Advocate for the petitioner, assisted by Mr Nesar Ahmed, submits that the High Court Division can assume jurisdiction on any matter under Article 102(1)(2) of the Constitution if the said right is not barred by law. In this connection, he submitted that despite the availability of an alternative remedy of going before the Labour Court, this court will entertain Writ Petitions when the alternative remedy is not efficacious and effective in the circumstances and in this connection he referred to the case of

Bangladesh Bank and others vs Zafar Ahmed Chowdhury- and another reported in 56 DLR (AD) 175. Mr Khondaker Mahbubuddin Ahmed also referred to the case of Pubali Bank vs Chairman First Labour Court, Dhaka and another reported in 44 DLR (AD) 40 wherein it has been stated that Labour Court acts as a Civil Court for limited purpose and does not have the power to grant interim order of injunction or stay. In the instant case, since the petitioner was transferred from one place to another in violation of section 47B of the Industrial Relations Ordinance, 1969 an interim order was necessary to stay the impugned order to enable the petitioner to continue with his Trade Union activities as the General Secretary of his Trade Union, the Labour Court not having the power or jurisdiction to pass such an interim order, the learned Advocate submits that the Writ Petitions were rightly filed before this Hon'ble Court.

12. In the case of Writ Petition No.9 of 2002 Mr Khondaker further submits that, since this Court was already in seisin of the matter and since the respondent No.1 acted mala fide and with high-handedness in not complying with this Court's order, this Writ Petition was rightly filed in this Court under Article 102 of the Constitution. Section 47B of the Industrial Relations Ordinance, 1969 provides:

"Officers not to be transferred: No officer of any trade union shall be transferred from one place to another without his consent".

13. The purpose of section 47B of the IRO is to give protection to a Trade Union President and General Secretary so that they may not be harassed by the employer by transferring them from one place to another without their consent for Trade Union activities.

14. The established principle of law is that even if there is an alternative remedy provided by a Statute if a legal right is challenged for being wholly without jurisdiction/authority, then the alternative remedy provided by the Statute will not stand in the way of exercise of writ jurisdiction. This was the view stated in the case of Bangladesh Bank and another vs Zafar Ahmed Chowdhury reported in 56 DLR (AD) 175. Similarly, in the case of Shahedci Khatun vs the Administrative Appellate Tribunal. Dhaka and others reported in 3 BLC (AD) 155 it has been held that :



Bangladesh Bank and others vs Zafar Ahmed Chowdhury- and another reported in 56 DLR (AD) 175. Mr Khondaker Mahbubuddin Ahmed also referred to the case of Pubali Bank vs Chairman First Labour Court, Dhaka and another reported in 44 DLR (AD) 40 wherein it has been stated that Labour Court acts as a Civil Court for limited purpose and does not have the power to grant interim order of injunction or stay. In the instant case, since the petitioner was transferred from one place to another in violation of section 47B of the Industrial Relations Ordinance, 1969 an interim order was necessary to stay the impugned order to enable the petitioner to continue with his Trade Union activities as the General Secretary of his Trade Union, the Labour Court not having the power or jurisdiction to pass such an interim order, the learned Advocate submits that the Writ Petitions were rightly filed before this Hon'ble Court.

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"Notwithstanding the ouster of jurisdiction of the High Court Division by any legislative provision or even under Article 102 itself the High Court Division is yet entitled to exercise its power of judicial review under Article 102 if the action complained of before the High Court Division is found to be coram non judge, without jurisdiction and malafide"

15. The principles laid down in all the above decisions is that an aggrieved party instead of availing the statutory forum for remedy, may invoke the extraordinary writ jurisdiction of the High Court Division if in the circumstances it can be shown that the alternative/remedy is not likely to be efficacious and effective in the facts and circumstances of the case. In the case of Nawabzada Md Amir Khan vs Controller of Estate Duty, Pakistan and others reported in PLD 1961 (SC) 119 = 13 DLR (SC) 105 it has been held that "The rule that the Court will not entertain a Writ Petition when appropriate remedy is yet available is not a rule of law barring the jurisdiction of the Court. It is a rule by which the Court regulates the exercise of its own discretion"

16. The Principles laid down in the 10 BLC case that the Labour Court will have jurisdiction to entertain the application for violation of section 47B of the Industrial Relations Ordinance, 1969 and that the Writ Petition in this regard will not be maintainable, in our view, is no longer applicable in view of the subsequent decision in the case of Pubali Bank vs Chairman, First Labour Court, Dhaka and another reported in 44 DLR (AD) 40 wherein it has been settled that the Labour Court does not have the power to pass interim order of stay or injunction. In case of violation of the statutory provision of section 47B of the IRO if a Trade Union leader is compelled to go to the Labour Court and wait for a decision in this regard till final adjudication of the case, then he will be prevented from carrying out his functions as Trade Union General Secretary or President during pendency of the dispute in the Labour Court thus frustrating the very purpose of the enactment. This would, in fact, result in making section 47B of the IRO nugatory. Thus, in our view, despite the general principle that the writ jurisdiction of this Court is not available to a worker for violation of the provisions of the



Employment of Labour (Standing Orders) Act, 1965 and the Industrial Relations Ordinance, 1969, in exceptional cases like in the instant case the High Court Division will exercise its extraordinary jurisdiction of judicial review under Article 102 of the Constitution.

17. After the Rule and the order of stay was passed by this Court in Writ Petition No. 6822 of 2001; the petitioner was terminated from his service. Since this court was already in seisin of the matter relating to the petitioner's employment and since it was apparent that without complying with the Court's order of staying the order of transfer he was terminated from service, in our opinion, the subsequent Writ Petition No.9 of 2002 is also maintainable.

18. Section 47B of the Industrial Relations Ordinance, 1969 categorically states that the President or General Secretary of a Trade Union cannot be transferred from one place to another without his consent. This statutory provision has been defined to facilitate the Trade Union leaders to perform their Trade Union activities, so that the employer may not be able to harass them by way of transfer.

19. The submission made by Mr. Tufailur Rahman that the petitioner being in the employment of respondent No. 1 has consented to such transfer even though he is a Trade Union leader, does not have any merit. For the purpose of section 47B of the IRO consent must be voluntary and specific. The employer must show that the General Secretary or President of the Trade Union specifically consented to being transferred from one place of employment to another. Such consent will normally have to be obtained when the worker is serving as a General Secretary or President of the Trade Union. A condition incorporated in the terms of employment of a worker that his job is transferable will not satisfy the requirement of consent under section 47B Mr. Tufailur Rahman has not been able to satisfy this test and, as such, in our opinion, we hold that the petitioner never consented to being transferred from his place of employment. What is prohibited by law cannot be circumvented by a previous agreement

20. Mr. Khandaker has argued that the impugned orders of termination and transfer are the result of discrimination and is also malafide in view of the fact that out of 40 suspended workers and



employees, only the petitioner was transferred. The learned Advocate further submits that after an interim order of stay was passed by this Court staying the order of transfer of the petitioner the management terminated the petitioner's service without cancelling his order of transfer and without assigning any reason whatsoever and during pendency of Writ Petition No. 6822 of 2001, thus clearly indicating that the said order of termination was malafide and an arbitrary exercise of power.

21. As against this, Mr. Tufailur Rahman submits that the service of the petitioner was not terminated for any Trade Union activity but that it was 'termination simpliciter' which the employer had every right and authority to do under section 19 of the Employment of Labour (Standing Orders) Act, 1965. He further submits that the termination order was not actuated by any malice and that an employer in an appropriate case has the right to terminate any of its employee's services and denies that the said order was passed to circumvent the interim order of stay passed by this Court. The learned Advocate further submits that a worker can-not question the legality of an order of termination without complying with the requirements of filing a grievance petition.

22. An employer has the right to transfer any of its employees from one place to another and the simple act of not transferring 39 of the 40 suspended workers and employees as alleged by the petitioner, cannot be a sufficient ground for showing discrimination against the petitioner. However, no Court worth the name can tolerate non compliance of its own order and nothing has been shown by the respondents that after passing the interim order of stay by this Court in Writ Petition. No. 6822 of 2001 directing the respondents to allow the petitioner to resume his duty in his former place of posting and that he has been so allowed in due time. In fact, on the other hand, it appears that he has been terminated from his employment by the impugned order dated 9-12-2001.

23. In the case of the Managing Director, Rupali Bunk Limited vs Nazrul Islam Patwary and others reported in 48 DLR (AD) 62 it has been held-

"The respondent though a worker his civil suit is maintainable as the proviso to section 25(1) does not provide any



scope for redress as the order of termination was not passed for Trade Union activity or for depriving him of benefits specified under section 19".

24. The aforesaid decision requires that if a worker is terminated for reasons other than those stated in sections 19 and 20 of the Employment of Labour (Standing Orders) Act, 1965 then he may seek redress in the civil Court or elsewhere. In the instant case, since the petitioner is alleging non-compliance with the Court's order in Writ Petition No. 6822 of 2001, malafide and discrimination by the respondent No. I we find no reason why the instant matter cannot be adjudicated in this writ jurisdiction.

25. It is a settled principle of administrative law that the action of the executive authority must be judged by the standards by which it professes and it must scrupulously observe those standards on pain of invalidation of an act in violation of them. This is a rule of administrative law, which has been judicially developed as a check against exercise of arbitrary power by the executive authority and the administrative authority will be subject to such inherent restriction in a democratic society.

26. The learned Advocate for the petitioner has alleged that the respondents have acted malafide. A malafide act is an act which is done with malice. Malice may be in fact or in law. If an act is done illegally without knowledge of law one will be guilty of malice in fact. On the other hand, if an act is done contrary to law but having knowledge of the law there will be malice in law. In the present case the respondent No.I had no reason to terminate the petitioner from service other than to frustrate and circumvent the order of this Court in Writ Petition No. 6822 of 2001. This is evident from the fact that the order of transfer was never recalled or cancelled prior to issuance of the order of termination and also because the order of termination was passed immediately after the order of transfer was stayed by this Court. This clearly constitutes malice in law and is liable to be struck down for being malafide. This finds support in the decision of Dr Nurul Islam vs Bangladesh reported in 33 DLR (AD) 201.

27. The contention of Mr Tufailur Rahman on behalf of the respondent No.I, that no grievance Petition was filed by the petitioner prior to challenging the order of termination, is



misconceived since the instant matter has been challenged before the High Court Division under Article 102 of the Constitution, and is not being challenged under section 25(1)(b) of the Employment of Labour (Standing Orders) Act, 1965.

28. Accordingly, in view of the matters stated above, both the Rules have substance and they are made absolute without any order as to costs.

29. The impugned order of transfer dated 24-11-2001 passed by the respondent No.1 vide Memo No. Sangsthapon 2013/25 (Sring)/8682, Annexure B to the Writ Petition No. 6822 of 2001 and the impugned order of termination of service as contained in Memo No. Sangsthapon 2013/25 (Sring)/822 dated 9-12-2001, Annexure G to the Writ Petition No.9 of 2002 passed by the respondent No.3 are declared to have been passed without any lawful authority and of no legal effect.

Ed.

Source: The Dhaka Law Reports (June 2006)



HIGH COURT DIVISION  
(Special Original Jurisdiction)  
Writ Petition No 6761 of 2001.

Tariq-ul-Hakim J  
Afzal Hossain Ahmed J

Mashriqui Jute Mills ..... Petitioner  
vs  
Chairman, Second Labour Court & another ..... Respondents

August 14th, 2005

Judgment

Afzal Hossain Ahmed J: This Rule Nisi was issued calling upon the respondents to show cause as to why the impugned Judgment and order dated 17-9-2001 passed by the respondent No. 1 in Complaint Case No. 29 of 1996 (Annexure-C to the petition) should not be declared to have been made without lawful authority and is of no legal effect.

2. Facts giving rise to this Rule Nisi, briefly, be put thus :

The respondent No.2 was employed as Waiver of the petitioner's company and he was dismissed from service by order dated 21-7-1996. Thereafter, the respondent No.2 filed the Complaint Case No. 29 of 1996 in the Second Labour Court at Dhaka under section 25(1)(b) of the Employment of Labour (Standing Orders) Act, 1965 stating, inter alia, that he had been serving since 1973 in the establishment of the petitioner and lastly he was designated as "Packer" and his wages was Taka 1560 per month. The respondent No. 2 was served upon a show cause notice with false allegations. The respondent No. 2 replied to the show cause notice denying all the allegations. Without considering the explanation to the show cause notice the petitioner constituted an inquiry committee and directed the petitioner to appear before the inquiry committee on 10-7-1996. The respondent No. 2 appeared before the inquiry committee and gave his statement denying the allegations brought against him. The petitioner, thereafter, dismissed him on 21-7-1996 on the basis of the inquiry report. The respondent No. 2 sent a grievance petition to



the petitioner as per rule. He appeared before the petitioner for personal hearing but to no effect and the petitioner kept his earlier decision unchanged. The dismissal order was illegal and hence the respondent No. 2 filed the aforesaid Complaint Case No. 29 of 1996.

3. The writ-petitioner appeared in the Labour Court and contested the said case by filing a written statement denying all the material allegations made against him and stating, inter alia, that, in the interest of the petitioner-company, the respondent No. 2 was dismissed from service according to law and there was no illegality in dismissing him from the service vide the impugned order of dismissal. Thereafter, by the judgment and order dated 17-9-2001 the respondent No. 1 allowed the case on contest, set aside the said order of dismissal dated 21-7-1996 and ordered for his reinstatement in the job within 30 days from the date of the judgment with full back wages holding that the dismissal order was issued by an incompetent person which has no legal basis.

4. Being aggrieved by that judgment and order dated 17-9-2001 passed by the respondent No. 1 the petitioner company has come to this Court and obtained the present Rule.

5. Respondent No. 2 has contested the Rule by filing an affidavit-in-opposition contending, inter alia, that he was dismissed from service most illegally on the basis of an inquiry report which was not impartial. Moreso, one Hamidur Rahman, Assistant Labour Officer, issued the show cause notice, prepared the Inquiry report and dismissed the respondent No. 2. The Assistant Labour Officer is not the competent authority to dismiss any permanent labourer of the said mills. The impugned judgment and order passed by the respondent No. 1 was just in holding that the Assistant Labour Officer had no authority to pass such an order dismissing the respondent No. 2 from the service. The Rule is devoid of any substance and it is liable to be discharged with costs.

6. Mr. Khalilur Rahman, the learned Advocate appearing for the petitioner, submits that in the interest of the petitioner mills the petitioner has rightly dismissed the respondent No. 2 from the service in compliance with all the provisions of law and that it is apparent from the impugned judgment and order that the Labour Court below (respondent No. 1) also did not question as to the



veracity of the domestic inquiry but questioned only on the authority of the Assistant Labour Officer who passed the order dated 21-7-1996 dismissing the respondent No. 2 from the service, Mr Rahman further submits that the dismissal order was issued by the Assistant Labour Officer after obtaining prior approval of the Managing Director who is the Chief Executive of the petitioner-company. Therefore, the observation of the learned Labour Court that the dismissal order was issued by an incompetent authority is not based on facts or law. He further submits that the learned Labour Court below failed to appreciate that the provisions of the General Clauses Act are not applicable in the instant case as the special law like the Employment of Labour (Standing Orders) Act, 1965 specially laid down the procedure to be followed in dismissing a worker or labourer for misconduct. The learned Labour Court failed to appreciate the law involved in this case and thereby arrived at an erroneous decision allowing the Complaint Case No. 29 of 1996 in favour of the respondent No. 2 and, as such, it is not sustainable in law.

7. Mr Yakub Ali Howlader, the learned Advocate appearing for the respondent No. 2, submits that the Assistant Labour Officer had no authority to pass an order dismissing the respondent No. 2 from his service and, as such, the order of dismissal in question is not sustainable in law.

8. It appears from the impugned judgment and order dated 17-9-2001 that the learned Labour Court below while adjudicating the case did not question as to the veracity of the domestic inquiry but questioned only on the competency of the Assistant Labour Officer in passing the order dated 21-7-1996 dismissing the respondent No. 2 from the service.

9. Mr Khalilur Rahman, the learned Advocate appearing for the petitioner in support of his submission, has cited a decision in the case of Mobarakganj Sugar Mills Ltd vs ABM Kazi Naznil Islam 1987 BLD (AD) 182 wherein it has been held that when the Manager being the competent authority himself contested the suit and filed the written statement admitting the dismissal of the worker concerned it is to be deemed that the impugned order of dismissal was passed by the competent authority.



10. It appears from the LC Records that the impugned order of dismissal dated 21-7-1996 was issued by the Assistant Labour Officer of the petitioner mills after the proposal for dismissal of the respondent No. 2 from the service was duly approved by the Managing Director, who is the Chief Executive of the petitioner mills. When admittedly, the Complaint Case No. 29 of 1996 was contested by the Managing Director of the respondent No. 1 by filing a written objection admitting the dismissal in question, of the respondent No. 2 it is to be deemed in view of the decision as above reported in 1987 BLD (AD) 182 that the said dismissal order has been passed by the Managing Director himself. Consistent view also finds place in the case of Messrs Malik & Haq and another vs Md Shamsul Islam Chowdhury and two others reported in 13 DLR (SC) 228 wherein it has been held that:

"The relationship of Master and servant can be terminated by the Master even when he files the written statement or appears in Court and takes up the position that the servant is no longer his servant and that his services have been terminated by him".

11. As per section 18(1)(d) of the Employment of Labour (Standing Orders) Act, 1965, dismissal order of a worker requires only the approval of the employer or the Manager and as it appears in the instant case the Assistant Labour Officer issued the dismissal order after obtaining prior approval of the Managing Director who is the Chief Executive of the petitioner-company. Therefore, the observation of the Labour Court below that the dismissal order in question was issued by an incompetent authority is without any legal basis misconceived and not based on facts or law.

12. Further, it appears that the Labour Court below also failed to appreciate that the provisions of the General Clauses Act are not applicable in the instant case as the special law, like the Employment of Labour (Standing Orders) Act, 1965, specially laid down the procedure to be followed in dismissing a worker for misconduct.

13. In view of the facts and circumstances of the case and also of the decisions referred to above we find merit in this Rule.



14. Accordingly, the Rule is made absolute without any order as to costs.

15. The impugned Judgment and order dated 17-9-2001 passed by the respondent No. 1 in Complaint Case No. 29 of 1996 (Annexure C to the petition) is declared to have been made without lawful authority and is of no legal effect.

Send down the LC Records at once.

Ed.

Source : The Dhaka Law Report (July 2006)



APPELLATE DIVISION  
(Civil)  
Civil Appeal No. 283 of 2002.

Md. Fazlul Karim J  
MA Aziz J  
Amirul K Chowdhury J

Government of Bangladesh and others ..... Appellants  
vs  
AKM Fazlul Haque ..... Respondents

March 22nd, 2005

Judgment

Md Fazlul Karim J : This appeal by leave is directed against the impugned judgment and order dated 30-11-2000 passed by the Administrative Appellate Tribunal in Miscellaneous Appeal No. 1 of 2000 allowing the appeal on contest against the order No. 3 dated 3-1-2000 in Administrative Tribunal Case No. 282 of 1999 rejecting as premature the application filed under section 4(2) of the Administrative Tribunal Act, 1980 for respondent's reinstatement in service as Assistant Director after setting aside the order dated 11-11-1999 putting him under suspension and also the order of the same date framing charge against him for the purpose of further enquiry.

2. The respondent as the petitioner instituted Administrative Tribunal Case No. 282 of 1999 on 15-2-1999 before the Administrative Tribunal Dhaka.

3. The respondent's case, inter alia, is that he joined the service on 6-3-70 as a Social Welfare Organiser under the Ministry of Social Welfare, since then he served at different stations efficiently, sincerely, honestly and to the satisfaction of the authority. He was promoted to the post of Assistant Director on 27-11-86 and was posted at Jessore. Lastly, he was posted to the District Social Service Office, Pabna. That the Additional Secretary-in-Charge, Ministry of Social Welfare by his order dated 16-6-1991 framed charge against him. There were many other allegations in the charge as regards misuse of public money, misappropriation and irregularity in



dealing with Government money, etc. The allegations were enquired into and by order dated 1-6-1995 he was retired from service. The respondent filed Administrative Tribunal Case No. 84 of 1996 before the Administrative Tribunal, Dhaka with a prayer for setting aside the order of retirement dated 1-6-1995. The Administrative Tribunal after hearing the parties allowed the case on contest by the judgment and order dated 15-9-1998. The Administrative Tribunal disposed of the case on merit discussing all the material facts necessary for proper adjudication. The said Tribunal observed that no evidence was there to establish any of the allegations labelled against the respondent mentioned in the charge. And, as such, the Administrative Tribunal set aside the order imposing penalty upon the respondent and directed the authority to reinstate the respondent in service with all financial benefits. The authority preferred no appeal against the said judgment and order dated 15-9-1998 passed in AT Case No. 84 of 1996 before the Administrative Appellate Tribunal and accepted the judgment and order in question. Thereafter, the authority in the Ministry of Social Welfare by their order dated 4-5-1999 transferred the respondent to the District Social Service Office, Khagrachari as the Assistant Director. The respondent joined there and took over charge of the said office on 31-5-1999 from Janab Teslim Uddin Ahmed, Deputy Director, District Social Service Office, Khagrachari. The respondent served as the Assistant Director in the District Social Service Office Khagrachari until he was again placed under suspension by order dated 11-11-1999 passed by the Secretary, Ministry of Social Welfare. Before his suspension the respondent served the department very sincerely, honestly and efficiently, he received salary and allowance from May, 1999 to October, 1999. The authority by obeying the directions give by the Administrative Tribunal, Dhaka reinstated the respondent in service, accepted his joining report, allowed the respondent to serve physically for more than six months and allowed him to draw pay and allowance admissible under the rules. Thereby all the actions of the previous departmental proceeding starting from framing of the charges by order dated 16-6-1991 were complete, closed and past transaction. After compliance with the direction given by the Administrative Tribunal. Dhaka in AT Case No. 84 of 1996 and after rendering service physically for more than 6 months by the respondent, the Secretary, Ministry of Social Welfare must illegally and only to harass the respondent passed an order dated 11-11-1999 directing further enquiry under the provision of rule 11(3) of the

Government Servants (Discipline and Appeal) Rules 1985 placing the respondent under suspension with immediate effect from 1-6-1995 which was contrary to the provision of rule 11(3). Thereafter, the Secretary, Ministry of Social Welfare by order dated 11-11-1999 framed charge on the selfsame allegations in the previously disposed of charges and directed the respondent to submit explanation within ten working days. In the last portion of the said order the Secretary directed suspension of the respondent from service with effect from 1-6-1995, though he served after reinstatement in service for more than six months during the interim period. This action of the Secretary, Ministry of Social Welfare is out and out an illegal one which should not be allowed to stand.

4. The Administrative Tribunal summarily rejected the AT Case No. 289 of 1999 on the ground of non-maintainability by order dated 3-1-2000 and an appeal therefrom to the Administrative Appellate Tribunal was, however, allowed setting aside the impugned judgment and order dated 11-11-1999 placing the respondent under suspension and also directing further enquiry against him, and declared that the respondent is entitled to be reinstated in service with arrear benefits admissible under the rules.

5. Leave was granted to consider the submission of the learned Additional Attorney-General as under:

6. Mr Abdur Razaque Khan, the learned Counsel appearing for the petitioners, submits that the respondent had been initially awarded an order of compulsory retirement as a measure of punishment on 1-6-1995 and the said order was set aside by the Administrative Tribunal, Dhaka in AT Case No. 84 of 1996 vide judgment and order dated 15-9-1998 on procedural irregularities as the competent authority did not initiate action and the departmental inquiry had not been conducted in accordance with rules, and pursuant thereto the respondent was reinstated in service on 5-4-1999. Thereafter, the Government invoking the provision of Rule 11(3) of the Government Servant's (Discipline and Appeal) Rules 1985 placed the respondent under suspension and commenced a fresh proceeding with a view to holding an inquiry on the charges as per Government order as contained in Memo dated 11-11-1999, whereby the Government has acted in accordance with rules and the learned Administrative Appellate Tribunal illegally and improperly



did not consider that aspect of the case while allowing the appeal. It is further submitted that the Government acted in accordance with Rule 11(3) of the Government Servant's (Discipline and Appeal) Rules, 1985 in the manner as decided in the case of Zane Alam Khan vs Abdul Hamid Chowdhury reported in 3 BLC (AD) 55 and ABM Abdul Baqi vs Government of Bangladesh reported in 4 BLC (AD) 213.

7. Mr Abdur Razaque Khan, the learned Additional Attorney-General with Mr Faisal H Khan, the Assistant Attorney-General appearing for the appellants, submitted that the respondent had been initially awarded an order of compulsory retirement as a measure of punishment on 1-6-1995 and the said order was set aside by the Administrative Tribunal, Dhaka in AT Case No. 84 of 1996 vide judgment and order dated 15-9-1998 on procedural irregularities as the competent authority did not initiate the action and the departmental inquiry had not been conducted in accordance with rules, and pursuant thereto the respondent was reinstated in service on 5-4-1999, Thereafter the Government invoking the provision of Rule 11(3) of the Government Servant (Discipline and Appeal) Rules, 1985 placed the respondent under suspension and commenced a fresh proceeding with a view to holding an inquiry on the charges as per Government order as contained in Memo dated 11-11-1999, whereby the Government has acted in accordance with rules and the learned Administrative Appellate Tribunal illegally and improperly did not consider that aspect of the case while allowing the appeal. The learned Additional Attorney-General further submitted that the Government acted in accordance with Rule 11(3) of the Government Servants (Discipline and Appeal) Rules, 1985 to remove any irregularities and instituted a fresh enquiry against the respondent on the self-same charges and the Government action suspending the respondent from service is fully lawful as in the previous proceedings the respondent was not found guilty of the charges framed against him but the proceedings against the respondent were vitiated with irregularities by the Tribunal as have been decided in the case of Zane Alum Khan vs Abdul Hamid Chowdhury reported in 3 BLC (AD) 55 and ABM Ahdul Baqi vs Government of Bangladesh reported in 4 BLC (AD) 213. The learned Counsel further submitted that the respondent is a servant of the People's Republic of Bangladesh whose service is controlled by the Bangladesh Service Rules but the respondent violated the service rules and acted against

the public interest and hence Government look legal action against him under the provision of Government Servants (Discipline and Appeal) Rules, 1985.

8. Mr TH Khan, the learned Counsel appearing for the respondent, submitted that the order of reinstatement not being made within 3 months as directed in the Tribunal's order, the authority could not be heard to say that it had to pass the order of re-instatement showing respect to the Tribunal's decision. The learned Counsel further submitted that the authority by complying with the direction given by the Tribunal, re-instated the respondent in service, accepted his joining report, allowed him to physically join, serve and to draw his salary admissible under the Rules and under the circumstances the previous proceeding being a past and closed transaction, the order dated 11-11-1999 directing further enquiry of the proceeding was contrary to the provisions of Rule 11(3) of the Government Servants (Discipline and Appeal) Rules, 1985. The learned Counsel submitted that the decisions in 3 BLC (AD) 55 and 4 BLC (AD) 213 being distinguishable from the facts and circumstances of the present case are not applicable in the facts of the instant case.

9. Rule 11(3) of the Government Servants Discipline and Appeal) Rules, 1985 reads as under:

"11. Suspension-(1) A Government servant against whom action is proposed to be taken under clause (b) or (c) or (d) of rule 3, may be placed under suspension if, in the opinion of the authority, suspension is necessary or expedient;

Provided that the authority may, if it considers it more expedient, instead of placing such Government servant under suspension, by order in writing require him to proceed on such leave as may be admissible to him from such date as may be specified in the order.

(2) Omitted

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed Upon a Government servant is set aside or declared or rendered void in consequence of, or by a



decision of a Court of law or Administrative Tribunal and the authority, on consideration, of the circumstances of the case, decided to hold a further inquiry against him on the allegation on which the penalty of dismissal, removal or compulsory retirement was originally imposed the Government servant shall be deemed to have been placed under suspension by the authority from the date of original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

(4) Omitted."

10. Mr Faisal H Khan, the learned Assistant Attorney-General referred to a decision in the case of Jane Alam Khan vs Ahdul Hamid Chowdhwy and another reported in 3 BLC (AD) 55 for the reposition that the Government on consideration of the circumstances of the case that the proceeding against the respondent though vitiated by the Tribunal on ground of irregularity and no finding having been given as to the guilt or otherwise of the charges framed against him, could institute a fresh enquiry against the delinquent officer on the same cause of action set aside earlier by the Administrative Tribunal. In the said decision, the appellant was dismissed on 7-12-1993 with a direction for recovery of Taka 2,09,70,909.47 who moved the Administrative Tribunal on 9-4-1996 which set aside the impugned order of dismissal but refused to give the financial benefit allowances during the period of suspension, for which the delinquent officer moved the Appellate Tribunal which allowed the said appeal with attending benefits including pay and allowances to the delinquent officer on 25-7-1997, the appellant having filed the joining report on 12-5-1996 and another on 8-6-1997, but by order dated 16-6-1997 the delinquent officer was again suspended from the date of dismissal i.e. 7-12-1993 in exercise of power under rule 11(3) of the Rules, 1985 whereupon the cited decision held that:

"We do not think that the petitioner succeeded in the Appellate Tribunal not only on the ground of technicality but also on merit. The proceedings against the petitioner were found by both the Tribunals to be vitiated with irregularities but no finding was given that the petitioner was not guilty of the charges framed against him. If the Government now decides to remove those irregularities and to institute a fresh inquiry against the petitioner on the self-same

charges the Government action is fully covered by the provisions of Rule 11(3)."

11. Mr Faisal H Khan has further referred to the decision reported in the case of ABM Abdul Baki vs Government of Bangladesh reported in 4 BLC (AD) 213 and submitted that Rule 11(3) of the Government Servants (Discipline and Appeal) Rules, 1985 empowers the authority to hold further enquiry against an incumbent in respect of whom an order of dismissal, removal, etc has been set aside by a Court or Tribunal. The Appellate Division with reference to Rule 11(3) of the said Rules observed that:

12. "It is true that rule 11(3) does not speak of fact or new proceeding but it empowers the authority to hold a further enquiry against an incumbent in respect of whom an order of dismissal, removal, etc had been set aside by a Court or Tribunal"

13. "The submission made by the learned advocate is not tenable because the consequences of suspension will follow after the decision of the authority is taken and it is not known if any decision has been taken by the authority."

14. Mr TH Khan, the learned Counsel, has submitted with reference to the said provision to Rule 11(3) of the said Rules that in the instant case the appellant was dismissed on 1-6-1995 and the Administrative Tribunal set aside the said impugned order on 15-9-1998 against which the appellant did not prefer any appeal. The respondent thereafter, joined in the service on 31-5-1999 as Assistant Director and drew the pay and allowances while serving as such but long about 6 months thereafter the respondent was suspended on the basis of previous charge dated 16-6-1991 with effect from 1-6-1995 under the provision of rule 11(3) of the said Rules as a measure of after-thought and has not been contemplated in the said Rules after the respondent was allowed to join on 30-5-1999 by waiving its right under Rule 11(3) of the Rules, 1985 and thus the Government under the circumstances is estopped from acting under Rule 11(3) of the Rules.

15. In the cited decision, soon after the order of reinstatement and before allowing him to join in his service on the basis of reinstatement, the delinquent officer was served



with the order of suspension pursuant to Rule 11(3) of the said Rules. But in the instant case the respondent was allowed reinstatement who joined his post as Assistant Director on 11-5-1999 and had served the appellant until 11-11-1999 and got all the service benefits i.e. pay and allowances, for serving until then.

16. Rule 11(3) provides that the authority on consideration of the circumstances of the case may decide to hold the further enquiry against the delinquent on the allegation on which the penalty of dismissal, removal or compulsory retirement was originally imposed by the Government and shall be deemed to have been placed under suspension by the authority from the date of original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further order. The said provision clearly speaks out that subsequent action is being taken in the said self-same proceeding in which delinquent officer was dealt with previously and in spite of setting aside the impugned order by the Tribunal, the authority could proceed with him for the self-same offence by way of further enquiry putting him under suspension under the said Rules.

17. The instant case is distinguishable from the cited decisions in that though Rule 11(3) speaks about a single proceeding in a row of events following out of the proceeding but in the instant case the proceeding, as in our view, culminated in its finality with the setting aside of the impugned order dated 5-4-1999 against which no appeal was preferred by the appellant, and upon filing of the joining report the appellant allowed him to join on 31-5-1999 in consideration of the circumstances of the case and serve until 11-11-1999 and was allowed to draw the pay and allowances, which manifest clearly that the appellant has decided not to proceed with the previous proceeding against the delinquent, instead, allowed him to join his service and serve the appellant, drew financial benefits including pay until 11-11-1999, when as a measure of afterthought, after a long lapse of six months the delinquent officer was served with an order of suspension under Rule 11(3) and placed him under suspension with effect from 1-6-1995, the date of suspension in the previous proceeding. Thus, the cited decisions are distinguishable on the facts than the present one.

18. In the instant case, the dates are very material as the Tribunal on 15-9-1998 made the order of reinstatement within three months but the appellant reinstated the respondent on 5-4-1999 and the respondent joined the post on 31-5-1999 but the order of suspension was made on 11-11-1999 and thus the sequence of events apparently show that the authority initially decided not to proceed against the delinquent officer and allowed him to be re-instated and posted him and drew pay and allowances but, as a measure of afterthought, after a lapse of about 1 year 2 months of the order of reinstatement decided to take the purported action on 11-11-1999. The conduct of the appellant supports the submissions of the learned Counsel for the respondent about waiver, acquiescence of the appellant and estoppel from proceeding with further enquiry under Rule 11(3) of the Rules, 1985 at this belated stage.

19. In Halsbury's Laws of England. 3rd Edition Volume 14 page 637. "Waiver is the abandonment of a right, and is either express or implied from conduct. A person who is entitled to the benefit of a stipulation in a contract or of a statutory provision may waive it."

20. Thus, though provision of Rule 11 (3) of the Rules. 1985 authorises the authority to hold a further enquiry on consideration of the case but the facts manifestly reveal that the authority has waived the power to act accordingly and a Court of law can reasonably and validly make an inference of waiver.

21. This view find supports indirectly in the case of ' Mustqfa Ijjat Ali Chowdhury' vs Government of Bangladesh reported in 1982 BLD 101 that (the reinstatement in the service on withdrawal of suspension order amounts to withdrawal of charge and dropping of the pending enquiry. The Tribunal, in the facts and circumstances of the case, has also arrived at a definite finding that:

22. "From the above discussion it is clear that the impugned orders for suspension as well as for further proceeding could not be made under Rule 11(3) and the learned member of the authority holding further enquiry against the applicant. We are, therefore, inclined to hold that after the reinstatement, further proceeding is patently illegal and the application is not premature. In such view of the matter, the impugned order



passed by the learned Administrative Tribunal below is not sustainable in law and is, as such, liable to be set aside." In the facts and circumstances of the instant case, the authority having allowed the respondent to act in his service for about six months of joining, the purported action after about more than a year of setting aside the order of termination, the impugned action against the delinquent officer dated 11-11-1999 was surely a measure of belated afterthought and the authority will be estopped from initiating an action under Rule 11(3) of the Rules, 1985.

23. In view of above facts and circumstances of the case and submissions of the learned Counsels for the parties, we do not find any substance in the appeal in order to interfere with the impugned judgment and order of High Court Division.

The appeal is, accordingly, dismissed without any order as to cost.

Ed.

Source : The Dhaka Law Reports (July 2006)





## DISTRIBUTION OF POPULATION BY ECONOMIC ACTIVITIES

(In million)

Sl. No.	Economic Category	1995 - 96			1999 - 2000			2002 - 03(♦)		
		Male	Female	Total	Male	Female	Total	Male	Female	Total
<b>01. National:</b>										
	Population aged 10 years and above	44.3	42.1	86.4	47.6	44.0	91.6	41.17	39.67	80.84
	Economic Participation:									
	Civilian Labour Force	34.7	21.3	56.0	37.5	22.8	60.3	35.98	10.35	46.33
	- Employed	33.8	20.8	54.6	36.2	21.9	58.1	34.48	9.84	44.32
	- Unemployed	0.9	0.5	1.4	1.4	0.8	2.2	1.5	0.502	2.002
	Not in Labour Force	-	-	-	-	-	-	5.19	29.33	34.52
	- Household work	0.1	11.9	12.0	0.2	12.8	13.0	0.53	24.44	24.97
	- Student	-	-	-	-	-	-	3.43	2.94	6.37
	- Others (disabled, income recipient)	9.5	8.9	18.4	9.9	8.5	18.4	1.24	1.94	3.18

Continued.....



## DISTRIBUTION OF POPULATION BY ECONOMIC ACTIVITIES

(In million)

Sl. No.	Economic Category	1995 - 96			1999 - 2000			2002 - 03(♦)		
		Male	Female	Total	Male	Female	Total	Male	Female	Total
<b>02.</b>	<b>Rural:</b>									
	Population aged 10 years and above	34.0	32.2	66.3	37.1	34.0	71.1	31.05	29.93	60.98
	Economic Participation:									
	Civilian Labour Force	27.3	18.5	45.8	29.6	19.5	49.1	27.36	7.68	35.04
	- Employed	26.7	18.2	44.9	28.7	18.8	47.5	26.26	7.34	33.60
	- Unemployed	0.6	0.4	1.0	0.9	0.6	1.6	1.10	0.34	1.44
	Not in Labour Force	-	-	-	-	-	-	3.69	22.25	25.94
	- Household work	-	7.6	7.6	0.2	8.4	8.6	0.43	18.80	19.23
	- Student	-	-	-	-	-	-	2.32	1.93	4.25
	- Others (disabled, income recipient)	6.7	6.2	12.9	7.3	6.1	13.4	0.94	1.56	2.46

Continued.....

## DISTRIBUTION OF POPULATION BY ECONOMIC ACTIVITIES

(In million)

Sl. No.	Economic Category	1995 - 96			1999 - 2000			2002 - 03(♦)		
		Male	Female	Total	Total	Male	Female	Total	Male	Female
<b>03.</b>	<b>Urban:</b>									
	Population aged 10 years and above	10.3	9.8	20.1	10.5	10.0	20.5	10.12	9.75	19.87
	Economic Participation:									
	Civilian Labour Force	7.4	2.8	10.2	7.8	3.4	11.2	8.62	2.67	11.29
	- Employed	7.0	2.7	9.8	7.4	3.2	10.6	8.22	2.50	10.72
	- Unemployed	0.3	0.1	0.4	0.4	0.2	0.6	0.39	0.17	0.56
	Not in Labour Force							1.50	7.08	8.58
	- Household work	-	4.3	4.3	0.1	4.2	4.3	0.09	5.65	5.74
	- Student	-	-	-	-	-	-	1.11	1.00	2.11
	- Others (disabled, income recipient)	2.9	2.7	5.6	2.6	2.4	5.0	0.29	0.44	0.73

Note: (♦) indicates population 15 years and above as per LFS 2002 - 03

Source: Labour Force Survey 1995 - 96, 1999 - 2000 and 2002 - 03, Bangladesh Bureau of Statistics.

## EMPLOYMENT IN MAJOR OCCUPATION

(In thousand)

Occupation	1990 - 91	1995 - 96	1999 - 2000	2002 - 03 (♦)	
				Number	Percentage %
Professional and Technical	1460	1823	1631	1723	3.9
Administrative and Managerial	187	183	189	96	0.2
Clerical	1100	1199	1251	1521	3.4
Sales workers	4018	6169	6487	6547	14.8
Service workers	1676	1905	2873	1979	4.5
Agriculture, forestry and fisheries	34354	34858	36750	22764	51.4
Production, Transport, Labourers and Others	7364	8457	9186	9693	21.9
<b>Total</b>	<b>50159</b>	<b>54597</b>	<b>58066</b>	<b>44322</b>	<b>100</b>

**Note:** (♦) indicates employed persons 15 years and above

**Source:** Statistical Yearbook 2000, Bangladesh Bureau of Statistics and Labour Force Survey 2002 - 03.



## EMPLOYED PERSON 15 YEARS & OVER BY GENDER AND BROAD ECONOMIC SECTORS

(In million)

Broad Economic Sector	Both Sexes		Male		Female	
	Number	Percentage	Number	Percentage	Number	Percentage
Total	44.32	100	34.48	100	9.84	100
Agriculture	22.93	51.7	17.16	49.8	5.77	58.6
Non-agriculture	21.39	48.3	17.32	50.2	4.07	41.4
Services	15.33	34.6	13.07	37.9	2.26	23
Industry	6.06	13.7	4.25	12.3	1.81	18.4

Source: Labour Force Survey 2002 - 03



## EMPLOYMENT BY OCCUPATION AND SECTOR OF EMPLOYMENT (2002 - 03)

(In thousand)

Occupation (Persons aged 15 years and above)	Total	Informal Sector			Individual, Private Formal Sector			Private Formal Sector			Government Sector		
		M	F	T	M	F	T	M	F	T	M	F	T
Total	44322	27222	7855	35078	3730	957	4688	1910	770	2680	1615	262	1877
Professional and Technical	1723	359	81	440	117	26	143	493	165	658	350	131	482
Administrative and Managerial	96	18	0	18	13	0	13	29	2	32	32	1	33
Clerical workers	1521	238	8	246	136	11	146	316	74	390	646	93	739
Sales workers	6547	4682	244	4927	1351	32	1383	186	9	195	41	1	42
Service workers	1979	471	851	1322	138	67	205	88	20	108	330	13	343
Agriculture, forestry and fisheries	22764	15994	5602	21595	725	92	817	235	74	309	38	5	43
Production, Transport, Labourers and Others	9693	5460	1069	6529	1250	730	1980	562	426	988	179	17	196

Source: Labour Force Survey 2002 - 03



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

Period	Jute		Cotton		Paper		Steel	
	Production Workers	All Employees						
1999-00	74.43	71.59	72.06	72.15	70.83	77.22	56.26	36.22
2000-01	71.13	68.31	71.78	71.86	68.79	75.29	38.10	37.96
2001-02	52.58	69.88	71.79	71.87	67.17	52.53	-	-
2002-03	68.19	66.46	71.66	71.77	37.75	42.82	-	-
2003- 04	69.07	66.56	71.69	71.81	29.47	34.19	-	-
2004-05	65.46	62.58	71.76	71.78	26.72	30.38	-	-
2005-06(P)	65.87	63.12	71.90	71.97	29.86	31.42	-	-

**2006**

January	65.91	63.18	71.88	71.95	28.18	31.79	-	-
February	65.92	63.19	71.76	71.80	28.01	31.33	-	-
March	65.92	63.19	-	71.75	27.94	31.30	-	-
April	65.94	63.23	71.99	72.02	27.88	31.26	-	-
May	65.94	63.23	72.35	72.33	27.86	31.64	-	-
June	66.28	63.53	72.39	72.40	27.77	30.77	-	-

*(Continue.....)*



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

Period	Cement		Fertilizer		Petroleum		Paints & Varnishes	
	Production Workers	All Employees						
1999-00	135.02	119.79	107.01	107.77	103.26	118.69	145.98	138.66
2000-01	142.44	126.14	105.44	106.33	93.73	116.58	157.75	150.22
2001-02	145.87	128.71	100.56	105.24	92.91	115.76	166.84	152.09
2002-03	143.00	127.06	99.90	104.30	95.00	114.90	168.00	155.62
2003 - 04	143.96	127.82	95.45	100.28	99.46	116.44	167.91	155.35
2004-05	145.05	128.64	92.22	96.25	109.26	118.55	167.37	156.27
2005-06(P)	146.56	130.23	89.69	94.57	110.35	121.13	193.58	155.80

**2006**

January	146.42	130.15	89.37	93.31	109.53	120.48	193.04	154.87
February	147.25	131.06	89.23	94.67	111.72	122.75	194.11	155.80
March	147.25	131.06	88.89	94.02	111.72	122.75	194.11	155.80
April	146.97	130.75	89.20	93.95	110.62	121.77	195.18	156.97
May	146.97	130.75	89.96	93.82	110.62	121.77	195.18	156.97
June	147.25	131.13	88.92	93.82	111.72	122.75	194.11	156.50

Source: Monthly Statistical Bulletin, Bangladesh Bureau of Statistics.



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

Period	Jute		Cotton		Paper		Steel	
	Production Workers	All Employees						
1999-00	89.24	92.78	136.09	135.93	90.56	83.07	468.74	469.52
2000-01	93.88	97.76	142.79	142.63	86.72	79.24	494.36	496.18
2001-02	94.66	98.32	142.48	142.32	69.85	64.69	-	-
2002-03	89.79	92.13	152.48	152.25	93.54	69.93	-	-
2003-04	80.99	84.04	201.92	201.59	114.49	98.68	-	-
2004-05	82.55	86.35	251.28	246.96	113.10	99.47	-	-
2005-06(P)	76.02	79.34	287.38	287.10	107.68	95.48	-	-

**2006 (P)**

January	75.05	78.30	284.44	284.16	106.84	94.71	-	-
February	75.76	79.03	285.29	285.13	110.03	98.46	-	-
March	77.73	81.08	278.69	287.49	106.26	94.85	-	-
April	75.46	78.69	287.60	287.48	115.53	103.03	-	-
May	78.55	81.92	289.21	289.29	117.30	103.28	-	-
June	81.00	84.51	335.41	335.37	107.67	97.19	-	-

*(Continued.....)*



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

Period	Cement		Fertilizer		Petroleum		Paints & Varnishes	
	Production Workers	All Employees						
1999-00	295.80	333.42	110.37	110.52	127.56	111.02	337.33	356.38
2000-01	341.32	385.42	123.49	122.45	137.41	110.48	413.55	434.28
2001-02	335.10	379.67	106.96	104.23	144.25	115.78	380.65	417.57
2002-03	353.00	379.13	143.00	105.76	136.00	112.00	411.00	444.00
2003 - 04	362.82	408.64	144.11	137.17	132.72	113.92	473.17	511.39
2004-05	413.94	466.74	142.62	136.64	106.99	98.63	617.39	661.24
2005-06(P)	435.50	490.11	134.38	127.45	115.78	105.48	577.40	717.41

**2006 (P)**

January	411.17	462.57	133.99	128.33	110.92	100.84	554.98	691.77
February	430.59	483.79	132.22	124.62	113.22	103.05	552.52	688.38
March	452.22	508.08	155.94	147.42	110.45	100.52	554.93	691.39
April	453.56	509.82	121.28	115.15	122.49	111.31	566.27	704.12
May	464.53	522.15	127.09	120.50	125.70	114.19	699.30	869.53
June	467.64	525.12	134.48	127.45	118.54	107.89	643.81	798.53

Source: Monthly Statistical Bulletin, Bangladesh Bureau of Statistics.



**AVERAGE DAILY WAGE RATES OF CONSTRUCTION LABOUR IN PRINCIPAL TOWNS**  
(Value in Taka)

Types of Labour	Town	2002 - 03	2003 - 04	2004 - 05	2005-06	2005 - 06		
						May	June	July
Mason (Skilled)	Chittagong	210.00	187.00	194.60	210.00	212.00	214.00	216.00
	Dhaka	200.00	200.00	204.25	210.83	225.00	226.00	228.00
	Khulna	148.33	155.00	160.00	175.00	181.00	182.00	183.00
	Narayanganj	200.00	200.00	200.00	209.16	210.00	220.00	225.00
	Rajshahi	133.67	150.00	154.67	170.00	177.00	178.00	225.00
	Rangpur	150.00	150.00	184.00	175.00	175.00	175.00	175.00
	Sylhet	180.00	150.00	150.00	185.00	200.00	200.00	-
Helper to Mason	Chittagong	98.33	100.00	104.50	106.00	106.00	106.00	108.00
	Dhaka	95.00	200.00	119.25	112.25	120.00	120.00	120.00
	Khulna	80.00	85.00	91.75	90.00	90.00	90.00	100.00
	Narayanganj	106.67	200.00	100.00	112.10	215.00	115.00	115.00
	Rajshahi	81.67	85.00	89.25	90.00	90.00	90.00	90.00
	Rangpur	70.00	72.00	93.75	85.00	85.00	85.00	90.00
	Sylhet	119.45	100.00	100.00	127.27	120.00	120.00	-

(Continued.....)



## AVERAGE DAILY WAGE RATES OF CONSTRUCTION LABOUR IN PRINCIPAL TOWNS

(Value in Taka)

Types of Labour	Town	2002 - 03	2003 - 04	2004 - 05	2005-06	2005 - 06		
						May	June	July
Carpenter (Skilled)	Chittagong	208.33	210.00	205.42	226.00	240.00	240.00	280.00
	Dhaka	197.00	198.08	200.00	200.00	200.00	200.00	250.00
	Khulna	150.00	150.00	150.00	150.00	150.00	150.00	150.00
	Narayanganj	200.00	200.00	200.00	200.00	200.00	200.00	250.00
	Rajshahi	120.00	120.00	120.00	128.00	130.00	130.00	130.00
	Rangpur	120.00	120.00	160.00	152.00	150.00	150.00	150.00
	Sylhet	153.33	158.33	180.00	185.45	200.00	200.00	-
Plumber (Sanitary fitter)	Chittagong	210.00	210.00	210.00	250.00	250.00	250.00	250.00
	Dhaka	200.00	230.00	230.00	200.00	200.00	250.00	250.00
	Khulna	150.00	140.00	151.25	151.00	150.00	145.00	150.00
	Narayanganj	200.00	200.00	200.00	200.00	150.00	250.00	250.00
	Rajshahi	200.00	200.00	200.00	200.00	200.00	200.00	200.00
	Rangpur	135.00	135.00	186.25	177.00	175.00	175.00	175.00
	Sylhet	150.00	180.00	180.00	185.45	200.00	200.00	-

(Continued.....)



## AVERAGE DAILY WAGE RATES OF CONSTRUCTION LABOUR IN PRINCIPAL TOWNS

(Value in Taka)

Types of Labour	Town	2002 - 03	2003 - 04	2004 - 05	2005-06	2005 - 06		
						June	July	Aug
Painter	Chittagong	210.42	210.42	207.50	209.00	215.00	250.00	250.00
	Dhaka	200.00	200.00	200.00	200.00	200.00	200.00	200.00
	Khulna	140.00	140.00	142.19	149.00	150.00	150.00	150.00
	Narayangaj	200.00	200.00	200.00	200.00	200.00	200.00	200.00
	Rajshahi	98.75	100.00	120.00	127.00	130.00	150.00	150.00
	Rangpur	135.00	135.00	181.25	176.00	200.00	175.00	175.00
	Sylhet	147.50	180.00	180.00	185.45	130.00	130.00	-
Electrician	Chittagong	210.00	210.00	225.00	250.00	250.00	250.00	250.00
	Dhaka	200.00	243.00	250.00	200.00	200.00	250.00	250.00
	Khulna	150.00	150.00	144.13	149.00	140.00	150.00	150.00
	Narayangaj	200.00	213.33	250.00	200.00	175.00	250.00	250.00
	Rajshahi	121.25	125.00	120.00	127.00	135.00	200.00	200.00
	Rangpur	140.00	146.00	187.92	181.00	180.00	180.00	180.00
	Sylhet	177.50	180.00	180.00	185.45	200.00	-	-
Brick Breaking 1" size khua per 100 cft	Chittagong	620.00	600.00	745.84	875.00	900.00	700.00	700.00
	Dhaka	670.83	700.00	800.00	983.33	1000.00	800.00	800.00
	Khulna	600.00	600.00	600.00	622.00	616.00	616.00	616.00
	Narayanganj	-	630.00	833.00	953.33	1000.00	800.00	800.00
	Rajshahi	500.00	603.00	500.00	490.00	400.00	600.00	600.00
	Rangpur	590.00	603.00	600.00	670.00	680.00	680.00	680.00
	Sylhet	600.00	466.66	800.00	120.00	1200.00	-	-

(Continued.....)



Types of Labour	Town	2002 - 03	2003 - 04	2004 - 05	2005-06	2005 - 06		
						June	July	Aug
Situ Mosaic per sft. (fitting charge)	Dhaka	16.50	17.00	16.50	18.83	20.00	20.00	20.00
Glazed Tile per sft (fitting charge)	Dhaka	17.50	18.00	15.00	18.00	18.00	18.00	18.00
Floor Tile Per sft (fitting charge)	Dhaka	18.50	19.00	15.00	18.00	18.00	18.00	18.00

Source: Monthly Statistical Bulletin, Bangladesh Bureau of Statistics.

**AVERAGE WAGE RATES FOR INDUSTRIAL WORKERS IN BANGLADESH**  
(Nominal wages in Taka)

Industry	Types of Labour	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07		
							June	July	Aug
<b>Medium &amp; Large Scale Industry</b>									
(i) Cotton Textile	Skilled	107.77	129.67	129.67	129.67	129.67	129.67	129.67	129.67
	Unskilled	85.50	109.94	109.94	109.94	109.94	109.94	109.94	109.94
(ii) Jute Textile	Skilled	107.77	129.67	129.67	129.67	129.67	129.67	129.67	129.67
	Unskilled	85.50	109.94	109.94	109.94	109.94	109.94	109.94	109.94
(iii) Match	Skilled	107.77	129.67	129.67	129.67	129.67	129.67	129.67	129.67
	Unskilled	85.50	109.94	109.94	109.94	109.94	109.94	109.94	109.94
(iv) Engineering (fitter)	Skilled	181.25	187.25	211.74	245.17	262.38	270.00	275.00	275.00
	Unskilled	118.75	131.94	141.23	142.71	146.00	147.50	147.50	147.50
(v) Edible Oils	Skilled	112.50	132.55	121.25	123.56	126.50	147.00	143.00	143.25
	Unskilled	96.50	98.63	102.25	104.48	107.67	113.50	115.00	115.00
(vi) Small & Cottage Industry (weaver)	Skilled	108.00	115.00	127.56	139.44	152.61	160.25	160.25	160.25
	Unskilled	-	-	-	-	-	-	-	-
(vii) Construction	Skilled	167.75	173.00	171.56	177.63	191.49	200.13	213.00	214.00
	Unskilled	90.25	88.75	94.65	99.50	99.56	101.00	104.25	104.50

Source: Monthly Statistical Bulletin, Bangladesh Bureau of Statistics.

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

Period	General	Nominal Indices					Indices Deflated by Country CPI		
		Agri	Fishery	Manufacturing	Construction	Country CPI	General	Manufacturing	Construction
2001-02	2637.00	2262.00	2411.00	3035.00	2444.00	2024	130	150	121
2002-03	2926.00	2443.00	2563.00	3501.00	2624.00	2068	141	169	127
2003-04	3111.00	2582.00	2775.00	3764.00	2669.00	2129	146	177	125
2004-05	3293.00	2719.00	2957.00	4015.00	2758.00	2216	149	181	124
2005-06	3906.00	2925.00	3133.00	4293.00	2889.00	2351	149	183	123

**2006**

January	3512	2931	3138	4298	2893	2353	149	183	123
February	3528	2945	3151	4321	2901	2352	150	184	123
March	3547	2959	3163	4353	2911	2364	150	184	123
April	3573	2987	3189	4380	2927	2386	150	184	123
May	3598	3008	3205	4420	2937	2412	149	183	122
June	3615	3021	3218	4445	2948	2431	149	183	121

Source: Monthly Bulletin, Bangladesh Bureau of Statistics



## CONSUMER PRICE INDEX: NATIONAL (Base: 1995 - 96 = 100)

Period	General	Food, Beverage & Tobacco	Non-food	Clothing & Foot wear	Gross rent, fuel & lighting	Furniture, House hold Equip	Medical care & health expense	Transport	Recreation Education	Misc goods & services
2001-02	130.26	132.43	127.89	124.62	124.95	126.07	136.22	144.36	131.03	123.47
2002-03	135.97	137.01	135.13	130.55	131.20	132.32	145.25	159.52	136.94	129.40
2003-04	143.90	146.50	141.03	135.25	136.19	137.95	154.36	170.79	141.31	133.82
2004-05	153.23	158.08	147.14	142.15	141.43	143.18	162.67	179.94	150.24	137.78
2005-06	164.21	170.34	156.56	148.35	152.02	151.21	169.62	191.66	165.42	143.25

### 2006

January	162.97	167.98	156.96	148.70	152.82	151.02	169.12	191.85	165.85	143.03
February	163.00	168.04	157.26	148.84	152.85	151.54	169.42	192.60	166.88	144.01
March	165.00	170.20	158.24	149.04	153.90	152.83	171.06	193.89	168.01	145.12
April	166.91	173.55	158.67	149.24	154.29	153.69	171.79	194.28	168.58	145.33
May	168.19	175.50	159.00	149.56	154.56	154.50	172.69	194.57	168.72	145.52
June	169.32	176.82	159.86	149.77	155.82	155.25	173.25	195.50	169.59	145.71

Source: Monthly Bulletin, Bangladesh Bureau of Statistics



**CONSUMER PRICE INDEX: INDUSTRIAL WORKERS,  
NARAYANGANJ  
(Base: 1969 - 70 = 100)**

Period	General	Food	Apparel & textile	Housing & household operations	Miscellaneous
Weight	100.00	69.77	10.38	9.35	10.50
2000-01	2048.00	2088.00	1762.00	2650.00	1535.00
2001-02	2077.00	2114.00	1786.00	2689.00	1568.00
2002-03	2119.00	2159.00	1807.00	2758.00	1593.00
2003-04	2182.00	2235.00	1820.00	2810.00	1632.00
2004-05	2285.00	2359.00	1840.00	2889.00	1690.00
2005-06	2438.00	2542.00	1879.00	3069.00	1736.00

**2006**

January	2439	2542	1881	3082	1734
February	2436	2537	1882	3084	1737
March	2449	2554	1884	3091	1742
April	2470	2581	1887	3104	1746
May	2502	2618	1899	3141	1757
June	2517	2636	1901	3150	1766

Source: Monthly Bulletin, Bangladesh Bureau of Statistics