



BANGLADESH EMPLOYERS' FEDERATION



ANNUAL REPORT 2016

BANGLADESH EMPLOYERS' FEDERATION

Office-bearers as in December 2016

PRESIDENT

Mr. Salahuddin Kasem Khan

VICE-PRESIDEN

Mr. Golam Mainuddin

MEMBERS OF THE COMMITTEE

(In alphabetical order)

Ordinary Members:

01. Mr. Tahmid Ahmed
02. Ms. Shusmita Anis
03. Barrister Imtiaz Uddin Ahmad Asif
04. Mr. Abul Bashar
05. Mr. Selim Chowdhury
06. Mr. Kh. Asadul Islam
07. Mr. Mohammed Shariful Islam
08. Mr. Adnan N. Rahman
09. Ms. Sadaf Saaz Siddiqi

Group Members:

11. Mr. M. Shah Alam
12. Mr. M. Jamaluddin
13. Mr. Mahmud Hasan Khan (Babu)
14. Mr. Md. Golam Mostafa, MBA
15. Mr. Mohammed Mahbubur Rahman Patwari
16. Mr. A.H. Aslam Sunny

ADVISER TO THE COMMITTEE

Mr. Kamran T. Rahman

SECRETARY-GENERAL

Mr. Farooq Ahmed

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PROCEEDINGS OF THE 19TH AGM

PROCEEDINGS OF THE NINETEENTH ANNUAL GENERAL MEETING OF BANGLADESH EMPLOYERS' FEDERATION held in the Conference Hall on the 5th floor of the Chamber Building, 122-124, Motijheel C.A., Dhaka 1000 on Monday, the 31st July, 2017 at 1:30 p.m.

Mr. Salahuddin Kasem Khan, 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.	Abdul Monem Limited	Mr. Md. Mahmudur Rahman Executive Assistant to D.M.D.-1
02.	Abdul Monem Sugar Refinery Ltd.	Mr. Md. Mahmudur Rahman Executive Assistant to D.M.D.-1
03.	ACI Formulations Limited	Ms. Shusmita Anis Managing Director
04.	Advanced Chemical Industries Ltd.	Mr. M. Anis Ud Dowla Chairman
05.	A.K. Khan & Company Ltd.	Mr. Salahuddin Kasem Khan Managing Director
06.	Alliance Capital Asset Management Limited	Mr. Kh. Asadul Islam Managing Director & CEO
07.	Amann Bangladesh Limited	Mr. Md. Rokonzaman Managing Director
08.	American Life Insurance Company	Mr. Tahmid Ahmed, Director
09.	Bangladesh Jute Spinners Association	Mr. Mohammad Shahjahan Chairman
10.	Bangladeshiyo Cha Sangdad	Mr. M. Shah Alam Senior Vice Chairman
11.	Bangladesh Frozen Foods Exporters Association	Mr. S. Huimayun Kabir Director
12.	Bangladesh Ship Breakers and Recyclers Association	Mr. Kamor Uddin Ahmed General Member
13.	Bangladesh Textile Mills Association	Mr. M. Jamaluddin
14.	British American Tobacco Bangladesh Company Limited	Mr. Golam Mainuddin, Chairman
15.	Commercial Bank of Ceylon, PLC	Mr. Mostofa Anowar Sohel Senior AGM/Head of HR
16.	Dohatec New Media	Ms. Luna Shamsuddoha Chairman

17.	Duncan Products Limited	Mr. Imran Ahmed, CEO & Managing Director
18.	G4S Secure Solutions Bangladesh (P) Limited	Mr. Selim Chowdhury Managing Director
19.	Green Delta Insurance Co. Ltd.	Ms. Farzana Chowdhury Managing Director & CEO
20.	Kapna Tea Co. Ltd.	Mr. Kamran T. Rahman Managing Director
21.	Kedarpur Tea Company Limited	Mrs. Laila Rahman Kabir Managing Director
22.	Khadim Ceramics Limited	Mr. Sakif Ariff Tabani Managing Director
23.	Leathergoods And Footwear Manufacturers & Exporters Association of Bangladesh	Ms. Kazi Roushan Ara Executive Director
24.	Lungla (Sylhet) Tea Company Ltd.	Mr. Imran Ahmed CEO & Managing Director
25.	Micro Industries Development Assistance and Services (MIDAS)	Dr. A.S.M. Mashi-ur-Rahman Managing Director
26.	Mirpur Ceramic Limited	Mr. Sakif Ariff Tabani Vice Chairman
27.	Modern Industries (Bangladesh) Limited	Mr. Syed Tareque Md. Ali Managing Director
28.	Posh Garments Limited	Mr. Wasim Zakariah Director
29.	Pubali Jute Mills Limited	Mr. Kamran T. Rahman Chairman & Managing Director
30.	Rahimafrooz Batteries Limited	Mr. Munawar Misbah Moin Director
31.	Remi Farms Limited	Mr. Miran Ali Managing Director
32.	Sanofi Bangladesh Limited	Mr. Alam Ishraq Chowdhury Country HR Head
33.	Sathgao Tea Estate	Mr. Ardashir Kabir Managing Partner
34.	Sidko Appares Limited	Ms. Sadaf Saaz Siddiqi Director
35.	Square Fashions Limited	Mr. Fakhruul Hasan Senior Manager, HR
36.	Square Pharmaceuticals Limited	Mr. Fakhruul Hasan Senior Manager, HR
37.	Square Textiles Limited	Mr. Fakhruul Hasan Senior Manager, HR
38.	Square Toiletries Limited	Mr. Fakhruul Hasan Senior Manager, HR
39.	Technohaven Company Limited	Mr. Habibullah N. Karim Managing Director & CEO
40.	United Insurance Company Limited	Mr. Rafiqul Islam Deputy Managing Director
41.	Vision Technologies Limited	Mr. Fakhruul Hasan Senior Manager, HR



There being a quorum, the Chairman called the Nineteenth Annual General Meeting (AGM) to order.

The Chairman then stated that that the notice for the AGM along with other requisite enclosures like the annual report, audited accounts, etc., that were circulated to all the members be taken as read. There being no dissent, the notice was taken as read.

The Chairman mentioned that the annual report circulated with the notice for the AGM contained the report of yearly activities of the Federation during the year ended on the 31st December, 2016, but some of the important events and activities that took place during the period, January – July, 2017 were not covered should be briefly touched upon before formally taking up the agenda for the meeting.

The Chair then stated that the Federation had successfully organized a high level tripartite dialogue titled. “Dhaka Summit on Skills, Employability, and Decent Work” on December 11-13, 2016. Hon’ble Prime Minister inaugurated the summit, in presence of the Director-General of the ILO, Mr. Guy Ryder who presented the keynote on the “future of Work.” A number of high profile ministers,

foreign ambassadors, eminent business-persons, technical experts, researchers, and representatives of development partners like ILO, the World Bank, SDC, Canada, UK & the Netherlands, government agencies, employers and workers attended the 3-day event. The summit’s outcome was “Dhaka Skills Declaration 2016”, a joint statement outlining a road map for human capital development required for achieving the national development objectives and Sustainable Development Goals, and for securing a sustainable position for Bangladesh in the global supply chain. The Hon’ble Prime Minister officially launched the BBDN on 11 December, 2016 during the inaugural of the Dhaka Skills Summit in presence of the D.G., ILO.

As part of the follow up activities, BEF had undertaken a couple of initiatives since organizing the Dhaka Skills Summit. The first activity was organized on 17 December 2016 on inclusion of persons with disability in the mainstream workforce and activation of Bangladesh Business and Disability Network (BBDN). Since then, BEF had taken a number of steps in making the BBDN functional. An ad-hoc executive committee comprised of nine (9) members from employers, NGOs, and donor agencies had been

formed and entrusted with its operations. Additionally, fourteen (14) prominent companies had become founder members, two (2) general members, and five (5) resource members. One sensitization workshop was conducted under BBDN platform.

The second follow up activity was a seminar titled “Apprenticeship in Bangladesh: Challenges and Way Forward” held on 23 February, 2017 at BEF Conference Hall. The seminar was well attended by the participants from those companies who were implementing apprenticeship programs. The discussion came up with valuable suggestions on how to make apprenticeship program a widely accepted means for skills development. These steps were being taken for BEF to join GAN, the Global Apprenticeship Network, Geneva, the Chair stated.

The Federation continued its role as the coordinator of the Industry Skills Councils (ISCs), and the first quarterly meeting of the ISCs was held on 7 March, 2017 at BEF. The second quarterly meeting of ISCs was held on 21 May, 2017. BEF organizes quarterly coordination meetings for the ISCs on regular basis to strengthen the capacity of the ISCs. The purpose of the quarterly coordination meeting was to discuss various challenges faced by the ISCs and to facilitate their smooth functioning. Scarcity of operational expenses had been one of the great challenges and the fund crisis issue was discussed in detail in the recent meetings. The points were noted by the representative of the EC NSDC. Besides, Bangladesh Technical Education Board also joined the meeting and requested the ISCs for skills demands and needs.

The 56th and the 57th meetings of the Tripartite Consultative Council (TCC) were held on 18 April, 2017 and 14 May, 2017 respectively. The meetings discussed the steps to be taken to face the concerns raised by the Bangladesh Sustainability Compact partners which would be discussed during the 3rd review meeting, which was held in Dhaka on 18 May, 2017.

A seminar on “Promotion of Disability Inclusion in the Workplaces” was jointly organized by Bangladesh Employers’ Federation (BEF) and Rajshahi Chamber of Commerce and Industry (RCCI) on 23 April, 2017

at Rajshahi Chamber of Commerce and Industry, Rajshahi. The discussion was well attended by relevant stakeholders in Rajshahi. The President of Rajshahi Chamber of Commerce and Industry presided over the meeting. The primary objective was to create awareness among potential employers and also enterprises to absorb persons with disability (PWDs) in their respective enterprises. More such events would be organized in other cities.

Next, the Chair mentioned that Bangladesh Employers’ Federation and Centre for Policy Dialogue jointly organized a discussion on “Capacity Building on Management Professionals: Way Forward for Bangladesh” on 26 April, 2017 at the BEF Conference Hall. Professor Dr. Gowher Rizvi, International Relation Affairs Adviser to the Hon’ble Prime Minister was the Chief Guest while Dr. Muhammad Abdul Moyeen, PhD, Professor and Chairperson, Department of Organization Strategy and Leadership, Faculty of Business Studies, University of Dhaka was the Special Guest. A large number of business leaders including present and past presidents of BEF, entrepreneurs, representatives and HR Managers from various business organizations, industrialists and professionals were present in the discussion. After the welcome remarks, a presentation was made by Dr. Khondaker Golam Moazzem, Research Director, CPD. A launching of the report on “Dhaka Summit on Skills, Employability, and Decent Work 2016” followed that. Discussions and a Question Answer session took place after that. The event was concluded by a vote of thanks by the BEF Vice President. The valuable recommendation to form a public-private task force in order to formulate a national strategy to introduce management education with specific objectives and industry needs was noted by the BEF Committee.

The Chair then mentioned that UNDP had signed an MOU with BEF on the 29th July 2017 with a view to development of management and professional education mainly in Dhaka and Chittagong and other parts of the country gradually.

Next, the Chair said that the 106th Session of the International Labour Conference was held in Geneva



from 5-16 June, 2017. There were 7 regular items in the agenda of the conference this year. The 106th Session was very critical for us, because Bangladesh was placed under a Special Paragraph last year regarding alleged violation of Convention 87, and other allegations of unfair labor practices. Recognizing the importance of this year's ILC, Bangladesh Delegation was led by the Hon'ble Minister for the Ministry of Law, Justice and Parliamentary Affairs, Mr. Anisul Huq, M.P., and the Hon'ble State Minister of Ministry of Labor & Employment (MoLE), Mr. Mujibul Haque, M.P., was the deputy leader of the delegation. After a series of official and side-line meetings with concerned parties, including high-profile ILO officials and delegates, the Committee was convinced of the earnestness of Bangladesh to effectively address the issues in near future. Taking into account the discussion, the Committee called upon the Government of Bangladesh to:

- ensure that the Bangladesh Labour Act and the Bangladesh Labour Rules are brought into conformity with the provisions of the Convention regarding freedom of association, paying

particular attention to the priorities identified by the social partners;

- ensure that the draft EPZ Labour Act allows for freedom of association for workers' and employers' organizations and is brought into conformity with the provisions of the Convention regarding freedom of association, with consultation of the social partners;
- continue to investigate, without delay, all alleged acts of anti-union discrimination, including in the Ashulia area, ensure the reinstatement of those illegally dismissed, and impose fines or criminal sanctions (particularly in cases of violence against trade unionists) according to the law;
- ensure that applications for union registration are acted upon expeditiously and are not denied unless they fail to meet clear and objective criteria set forth in the law.

The Committee urged the Government to continue to effectively engage in ILO technical assistance to address the Committee's recommendations and to

report in detail on the measures taken to implement these recommendations to the next meeting of the Committee of Experts in November, 2017.

Then the Chair continued that for the last seven years, BEF's Former President and current Advisor, Mr. Kamran T. Rahman had been serving as a Member of the ILO Governing Body. He had retired from the position this year. Mr. Farooq Ahmed, Secretary-General of Bangladesh Employers' Federation had been elected as one of the Members in the Governing Body of International Labour Organization (ILO), for the period of 2017-2020. So, Bangladesh had retained the seat in the Governing Body of the ILO. The Chair, then on behalf of the BEF Committee, expressed full confidence that the Secretary-General would be able to carry on his new responsibilities with efficiency and diligence.

Then the Chair mentioned that the financial performance of BEF during the 2-year term of this outgoing Committee was extraordinary. When this Committee took over the charges of the Federation in 2015, the net income after all expenses stood at Tk. 1,184,034 for the preceding year 2014. After the first year of the Committee's term, the net income after all expenses stood at Tk. 3,303,984 at the end of 2015. Now that the current Committee was on the verge of retirement after completion of the second year of its term, the net income at the end of 2016 stood at Tk. 4,262,297. In short, there has been a significant improvement in the financial health of the Federation having a total fund of Taka 1.97 crores in FDR. This has been possible due to the effective engagement and guidance of the BEF Committee and efficient execution by the BEF Secretariat.

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

"That the Report of the proceedings of the Committee of the Federation for the period from the 1st January to 31st December 2016 be and is hereby passed and accepted."

Mr. Fakhru Hasan, Senior Manager, Human Resources

of Vision Technologies Limited seconded it, and was passed without dissent.

Agenda No. 2:

Then, at the request of the Chair, Mr. Golam Mainuddin, Vice-President, BEF moved Resolution No. 2:

"That the Income and Expenditure Accounts for the year ended on the 31st December 2016 and the Balance-Sheet as at that date, as audited and certified by the Federation's Auditors, be received and passed."

Mr. Syed Tareque Md. Ali, Managing Director, Modern Industries (Bangladesh) Limited seconded it, and was passed without dissent.

Agenda No. 3:

Then again, at the request of the Chair, Mr. Golam Mainuddin, Vice-President, BEF moved Resolution No. 3:

"That Messrs. A. Qasem & Co., Chartered Accountants, be and are hereby appointed as the Federation's Auditors for the year 2017 at the remuneration of TK.45,000/-"

Mr. Kh. Asadul Islam, Managing Director and CEO of Alliance Capital Asset Management Limited seconded the resolution and was passed unanimously.

Agenda No. 4:

Then the Chair took up Agenda No.4 related to filling up vacant seats and informed the meeting that there were only 7 (seven) valid candidates against 9 (nine) vacant seats representing the Ordinary members and 7 (seven) valid candidates against 7 (seven) vacant seats representing Group members. Hence, election was not required.

The Election Board declared the following persons (in alphabetical order)

ipso facto elected to the Federation's Committee for the term, 2017-2019 under

Rule 12 of the Bangladesh Employers' Federation (Election of the Members of



the Committee) Rules, 1998 (as of last amendment in 2012), which was last adopted by the BEF Committee at its meeting held on 23 February 2017, subject to approval at the AGM:

Ordinary Members:

- Mr. Tanvir Ahmed Director, Envoy Textiles Limited
- Mr. Miran Ali Managing Director, Remi Farms Limited
- Ms. Farzana Chowdhury Managing Director & CEO, Green Delta Insurance Co. Ltd.
- Mr. Ardashir Kabir Managing Partner, Sathgao Tea Estate
- Mr. Munawar Misbah Moin, Director, Rahimafrooz Batteries Limited
- Mr. Kamran T. Rahman Managing Director, The Kapna Tea Co. Ltd.
- Mr. Sakif Ariff Tabani Managing Director, Khadim Ceramics Limited

Group Members:

- Alhaj Kamal Uddin Ahmed, General Member, Bangladesh Ship Breakers and Recyclers Association
- Barrister Sumaiya Aziz Director, Bangladesh Textile Mills Association
- Mr. M. Wahidul Haque Committee Member, Bangladeshiyo Cha Sangsad
- Mr. Mohammad Hatem Former 1st Vice-President, Bangladesh Knitwear Manufacturers & Exporters Association
- Mr. S. Humayun Kabir, Director, Bangladesh Frozen Foods Exporters Association

- Mr. Mohammad Shahjahan Chairman, Bangladesh Jute Spinners Association
- Mr. Muhammad Shams-uz Zoha Chairman, Bangladesh Jute Mills Association

The following 13 (thirteen) [8(eight) from the Ordinary members and 5(five) from Group members] retired prior to the nineteenth AGM on completion of their terms:

Ordinary Members:

On completion of the 2-year term

- (1) Ms. Shusmita Anis
- (2) Barrister Imtiaz Uddin Ahmad Asif
- (3) Mr. Abul Bashar
- (4) Mr. Salahuddin Kasem Khan
- (5) Mr. Golam Mainuddin
- (6) Mr. Adnan N. Rahman
- (7) Ms. Sadaf Saaz Siddiqi

On completion of the co-opted period

Mr. Mohammed Shariful Islam

Group Members:

On completion of the 2-year term

- (1) Mr. M. Shah Alam
- (2) Mr. M. Jamaluddin
- (3) Mr. Md. Golam Mostafa, MBA
- (4) Mr. Mohammed Mahbubur Rahman
Patwari
- (5) Mr. A.H. Aslam Sunny

Then the Chairman announced the composition of the new Committee of the BEF (in alphabetical order):

Ordinary Members: (In alphabetical order)

- Mr. Tahmid Ahmed, Director, The Bengal Glass Works Limited
- Mr. Tanvir Ahmed, Director, Envoy Textiles Limited
- Mr. Miran Ali, Managing Director, Remi Farms Limited
- Ms. Farzana Chowdhury, Managing Director & CEO, Green Delta Insurance Co. Ltd.
- Mr. Selim Chowdhury, Managing Director, G4S Secure Solutions Bangladesh (P) Limited
- Mr. Kh. Asadul Islam Managing Director & CEO, Alliance Capital Asset Management Limited
- Mr. Ardashir Kabir Managing Partner, Sathgao Tea Estate
- Mr. Munawar Misbah Moin, Director, Rahimafrooz Batteries Limited
- Mr. Kamran T. Rahman, Managing Director, The Kapna Tea Company Ltd.
- Mr. Sakif Ariff Tabani, Managing Director, Khadim Ceramics Limited

Group Members: (In alphabetical order)

- Alhaj Kamal Uddin Ahmed, General Member, Bangladesh Ship Breakers and Recyclers Association
- Barrister Sumaiya Aziz, Director, Bangladesh Textile Mills Association
- Mr. M. Wahidul Haque, Committee Member, Bangladeshiyo Cha Sangsad
- Mr. Mohammad Hatem, Former 1st Vice-President, Bangladesh Knitwear Manufacturers & Exporters Association
- Mr. S. Humayun Kabir, Director, Bangladesh Frozen Foods Exporters Association

- Mr. Mahmud Hasan Khan (Babu), Vice President, Bangladesh Garment Manufacturers & Exporters Association
- Mr. Mohammad Shahjahan, Chairman, Bangladesh Jute Spinners Association
- Mr. Muhammad Shams-uz Zoha, Chairman, Bangladesh Jute Mills Association

At the meeting of the new Committee held today, the 31st July, 2017,

Mr. Kamran T. Rahman and Mr. Ardashir Kabir were elected the President and the Vice-President respectively, of the Federation for the year 2017-2019.

The Chair Then formally moved the following resolution –

“That election of the 7 (seven) Ordinary members, and 7 (seven) Group members, to the Federation’s Committee for the term, 2017-2019, as per the report of the Election Board, be confirmed.”

Mr. S. Humayn Kabir, Director, Bangladesh Frozen Foods Exporters Association seconded it and was passed without dissent.

Then the Chair, on behalf of all members of the Federation, sincerely thanked Mr. M. Anis Ud Dowla, Chairman of the Election Board and A.K.M. Rafiqul Islam, FCA, and Mr. Syed Tareque Md. Ali, Members of the Election Board for providing their valuable time in conducting this election.

At the same time, the Chair also expressed gratitude to Mrs. Rokia Afzal Rahman, Chairman of the Appeal Board and Mr. Najmul Huq, and Mr. Akhter Matin Chaudhury, FCA, Members of the Appeal Board for having agreed to serve on this Board.

Thus the formal agenda of the 19th Annual General Meeting was concluded.

The Chairperson concluded by expressing his thanks to all the members of the Committee for their active support while discharging his responsibilities during the last one year of his tenure. He proposed a vote of thanks for the outgoing members of the Committee

for their kind support in upholding employers’ interest in local fora and at the international level. The success had been possible because all members of the Committee extended due cooperation and worked as key team players. Without their support, solidarity, counsel and advice, it would have been difficult for the Federation to achieve what it did.

He then heartily congratulated the newly elected President and Vice-President.

He also welcomed the newly elected members, and hoped that they, as well as the rest of the Committee members would continue to contribute to the fruitful deliberations of the Committee in the coming days, with a special focus on Skills Development.

The Chair also thanked the members of the BEF Secretariat for their excellent work that they have maintained the quality of output of the Federation, particularly the recent publications of BEF.

Then at the request of the Chair, the outgoing Vice-President proposed a vote of thanks to the President.

Thereafter, the Chair requested the newly elected President Mr. Kamran T. Rahman to say a few words. Mr. Rahman, after expressing his gratitude to the Committee Members for choosing him as the President, said that he had the privilege of serving the Federation in different capacities, and also as the President in the past. He felt honored for the confidence expressed in him by the fellow members. He then mentioned that the employers in Bangladesh, particularly those involved in exports, were facing extraordinary challenges in recent times, and it was imperative that all the members of the Federation remained engaged in the activities of the Federation.

Then the Chair declared the 19th AGM officially over at 2 pm, and requested everyone to join for lunch.

Sd/-

Salahuddin Kasem Khan

CHAIR OF THE MEETING

Sd/-

Farooq Ahmed

SECRETARY-GENERAL

BANGLADESH EMPLOYERS' FEDERATION (BEF)

ANNUAL REPORT

(JANUARY – DECEMBER 2016)

During the period, from January to December, 2016, the Federation continued its efforts to uphold the interests of the employers at all levels. The Federation held several meetings with the Ministry of Labour and Employment on issues like industrial relations, wage, employment, and industrial relations in various industrial sectors, functional effectiveness of the Crises Management Core Committee, situation of the remittance inflow, skills development, and etc. The Federation regularly shared its views/opinions on growth, employment generation, social protection and social dialogue, productivity improvement, occupational safety and health, gender equality at workplace, social compliance, etc. with various national/international organizations including government. The Federation represented the employers in the Minimum Wage Board on a regular basis and made effective negotiations on fixation of minimum wages of concerned sectors which had been referred to the Board by the government.

On the international front, the Federation held meetings with the International Labour Organization (ILO), the International Organisation of Employers (IOE), the Confederation of Asia-Pacific Employers (CAPE) and the Overseas Human Resources and Industry Development Association (HIDA) of Japan. In these meetings, the Federation projected the need for capacity building and technical assistance for rendering better services to the members, and for effective strategy formulation for the employers' organizations in the developing economies for facing the challenges of human resource development, and workplace safety. The Federation also underscored the need for employment creation, social protection and

safety net for the more vulnerable groups of workers, and for mainstreaming the physically challenged persons and women in the job market.

At the national level, the Federation actively took part in various consultation meetings of the National Skills Development Council (NSDC), and continued to coordinate the activities of Industry Skills councils (ISCs) and ILO's Better Work Programme in the RMG sector of Bangladesh. The Federation continued taking part in various national level seminars, symposiums, workshops, etc., on labor related issues, particularly on skills development, labor standards, occupational safety, etc., and represented the interests of the employers.

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

1. MEETINGS WITH MINISTERS AND SENIOR GOVERNMENT OFFICIALS

During the period, the Federation held several meetings with the Hon'ble State Minister for the Ministry of Labour and Employment, and the Hon'ble Minister for the Ministry of Expatriates' Welfare and Overseas Employment, and with the Secretary, Ministry of Labour and Employment. The Federation highlighted different points and drew the Government's attention as and when required.

2. REVIEW OF THE LABOR SITUATION

The Federation Committee regularly reviewed and prepared reports on the labor situation prevailing in the country, and appraised the members. The Federation also took note of a number of incidents including frequent strikes and agitations of workers that took place during the year, mostly in the garments sector. The Federation also discussed the progress of the Minimum Wage Board to determine the minimum wage in selected sectors, which had been referred to the Board.

3. HIGH LEVEL MEETING OF SUSTAINABILITY COMPACT: OUTCOME:

A high level meeting including the second review meeting of the Sustainability Compact was organized by the Ministry of Foreign Affairs and Ministry of Commerce on 27- 28 January 2016, where BEF joined as one of the key stakeholders. The purpose of the second review meeting was to take a stock of development/improvement that had taken place so far after the tragic incident of Rana Plaza. The compact partners (USA, EU, ILO, Canada) were satisfied with the progress made so far. However, they reminded the Bangladeshi counterparts that improvement was a continuous process and the impetus should continue. The compact partners put emphasis on the following three issues:

- i. Ensuring smooth and transparent union registration process, including allowing trade union in EPZ;
- ii. Capacity Building of Directorate of Labour with additional staff and resources, including recruitment of inspectors; and
- iii. Possible further amendments to Bangladesh Labour Act in line with ILO's Core Conventions.

4. WORKSHOP ON “DISABILITY INCLUSION GUIDELINES AND STRATEGY”

A workshop on “Disability Inclusion Guidelines and

Strategy” was organized by BEF on 2 February 2016 at Hotel Amari, Dhaka. The purpose of the workshop was to initiate setting up of a disability network in the country. BEF was already a member of ILO's Global Disability Network. ILO had been keen to set up a local network with BEF in the lead role. The purpose of the disability network was to bring the persons with disability (PWD) into the mainstream job market and also to improve their skills as per market driven curricula. Meanwhile, a good number of organizations had shown interest to join the network. It was suggested that the use of technology needed to be underscored while imparting training to the PWDs and also to address disadvantaged group of people in the society.



5. SETTING UP BANGLADESH BUSINESS DISABILITY NETWORK

The 1st meeting of the Task Force for setting up Bangladesh Business Disability Network (BBDN) was held on 13 April, 2016. It was decided earlier to formally set up the Bangladesh Business Disability Network under the leadership of BEF. It was further decided to form two working groups, the first one would be responsible for drafting the Constitution for the proposed network, and the second one would be responsible for chalking out the governance and administrative structures. M/S A K Khan and Co.,

would act as the Coordinator among the 12 (twelve) member-firms of the network which constitutes the Task Force (TF). It was further decided that the network would officially be launched on 3 December, 2016, coinciding with the observance of the International Day of Persons with Disability. The Task Force would steer the initiative of setting up BBDN in the country under the supervision of an Advisory Committee which would be formed by BEF to advise, supervise and guide the Task Force while setting up the BBDN.

6. VISIT OF HIGH LEVEL ILO TRIPARTITE MISSION TO BANGLADESH

The Committee noted that a 5-member high level ILO Tripartite Mission visited Bangladesh from 17 to 20 April, 2016 and called on at Bangladesh Employers' Federation on 17 April, 2016 at 2:30 p.m., to interact with the members on various issues concerning working conditions, labor rights, safety, amendment of laws and related issues. Among other things, BEF conveyed the message that any further attempt to amend Bangladesh Labour Act, 2006 was not necessary at the moment, particularly after the Rules being in force since 2015.



7. INTER-MINISTERIAL MEETING ON THE PROJECT TITLED "IMPLEMENTATION OF THE NATIONAL EMPLOYMENT INJURY INSURANCE SCHEME OF BANGLADESH"

An inter-ministerial meeting on the project titled, "Implementation of the National Employment Injury Insurance Scheme of Bangladesh" was held on 18 May, 2016 at the Economic Relations Division (ERD) of the Ministry of Finance. The project would offer the opportunity to study a new concept on maintaining an

infallible system of taking care of workplace injury/death cases. As per current system, there remained certain grey areas and the amount of compensation was meager as per present day structure. Therefore, taking a lesson from Rana Plaza accident, the development partners came up with a proposal to support Bangladesh in introducing a new initiative on employment injury insurance scheme which would address all the loopholes. The government on principle agreed with the proposal but all details would be worked out through extensive consultation with the stakeholders particularly with the employers. Therefore, this project would only study the concept and suggest a way forward on the initiative including all the steps that would be necessary to introduce a new concept. BEF would remain actively engaged.

8. 105TH SESSION OF THE INTERNATIONAL LABOUR CONFERENCE

The 105th Session of the International Labour Conference (ILC) was held in Geneva, Switzerland from 29 May, 2016 to 11 June, 2016. As in previous years, employers' delegation was led by BEF President, and other members of the delegation were substitute delegates.

There were 7 items in the agenda of the conference in 2016. Out of 7 items, 2 items were very sensitive and important for Bangladesh. One item was the observations made by the Committee of Experts in the Application of Standards. There were allegations regarding violation of Convention 87. The other important agenda item was the discussion on the decent work in global supply chain. There were four issues of concerns under Convention for Bangladesh as under:

- a. Amendment of certain clauses of Bangladesh Labour Act, 2006;
- b. Law concerning EPZ;
- c. Unfair labor practice; and
- d. Trade Union registration process.

The government made representation by putting up appropriate logic and reasons. The employers and workers also had given their views on the issues.

Various other governments and some global unions also had given their views. After a detailed procedure, the Committee decided to include a special paragraph in the name of Bangladesh notifying the government to take immediate steps to address the concerns.

On the global supply chain issue, a detailed discussion was held during the conference. All out efforts were taken by the employers to make the outcome/conclusion of the discussion as simple as possible. It was finally concluded that a meeting of Expert Group would be held at an appropriate time to identify the challenges of the decent work in global supply chain and recommend appropriate steps to be taken in that context.

In addition, a dinner was hosted by BEF on 1 June, 2016 at Vieux-Bois Restaurant, Geneva which was well attended by senior ILO officials and important delegates of other countries. Total 45 guests attended the dinner including the Director-General of ILO, State Minister for Labour and Employment, Mr. Mujibul Haque, M.P., H.E. Mr. Shameem Ahsan, the Bangladesh Ambassador in Geneva and many others.

9. QUARTERLY COORDINATION MEETING OF ISC'S



Three quarterly coordination meetings of Industry Skills Councils (ISCs) were held on the 17th January, 17th April, and 27th July in 2016. BEF had been playing

a coordinating role in strengthening the capacities of ISCs. As such, BEF had been organizing quarterly meetings inviting members of all ISCs to discuss their challenges and way forward. The following major issues were discussed in the meeting:

- Financial constraints of ISCs;
- Possibility of allocating donor fund/government support as seed money;
- Formulation of business plan for ISCs; and
- Registration of ISCs and current status.

10. DHAKA SUMMIT ON SKILLS, EMPLOYABILITY & DECENT WORK 2016

Initiative: Originating from the ILO's centenary "Future of Work Initiative", and inspired by the national development goal, Vision 2021, the tripartite constituents of the ILO in Bangladesh, government, employers, and workers initiated a high level national dialogue titled, "Dhaka Summit on Skills, Employability, and Decent Work 2016", which was held in Dhaka, Bangladesh on 11-13 December, 2016.

Organizers: The initiative was organized jointly by the Ministry of Labour and Employment, Bangladesh Employers' Organization (BEF), and National Coordination Council for Workers Education (NCCWE), with 'a2i' Programme under Prime Minister's Office, as the co-organizer. It was supported by the ILO, World Bank, Swiss Agency for Development and Cooperation, the government of the Netherlands, Canada, the UK, and the EU, BGMEA, BKMEA, and other employers. Centre for Policy Dialogue cooperated as the knowledge partner.

Focus Areas: Bearing in mind the four broad thematic areas for 'Future of Work Initiative', i.e., work and society, decent jobs, organization of work and production, and governance of work, the discussions at the Dhaka Skills Summit centered on the following four focus areas: Skills, Employability, Decent Work, and Social Dialogue. Six papers/presentations on these four thematic areas were prepared by eminent researchers and experts from home and abroad and presented during the Summit.



Program:

Inaugural Session: Hon'ble Prime Minister and the Chair of the National Skills Development Council (NSDC), Sheikh Hasina, MP inaugurated the Summit on December 11, 2016 at Osmani Memorial Hall, Dhaka. The Director-General of the ILO, Mr. Guy Ryder was present as one of the Special Guests. Hon'ble Ministers for the Ministry of Education, and the Ministry of Expatriates' Welfare and Overseas Employment, and the Hon'ble Minister of State for the Ministry of Labour and Employment also graced the occasion. The Secretary-General of International Organisation of Employers, ambassadors, representatives of employers and workers, including President of Bangladesh Employers' Federation, and Chairman, NCCWE also spoke at the event.

Technical Sessions: Four technical sessions were held at the Grand Ballroom of Hotel Pan Pacific Sonargaon, Dhaka on December 12-13, 2016. The sessions were chaired by distinguished persons from the government. Experts from Bangladesh and abroad prepared and presented the keynote papers. Panelists from government, business, and development backgrounds critically reviewed the keynote presentation in each session, followed by lively question and answer sessions.

Closing Session: The closing ceremony was held on December 13, 2016 at the Grand Ballroom of Pan Pacific Sonargaon, with Hon'ble Minister for Finance, Mr. Abul Maal Abdul Muhith, MP as the Chief Guest, and Hon'ble Ministers for the Ministry of Commerce and Ministry of Industries as Special Guests. At the end, on behalf of the tripartite organizers, the CEO of NSDC Secretariat read out the "Dhaka Skills Declaration" as the outcome of the 3-day event.

Key Issues and Recommendations: The key issues and recommendations made during the 3-day event are captured in "**Dhaka Skills Declaration**". The most salient ones are listed as follows:



1. "Employment led growth model" adopted by Bangladesh needs to be implemented effectively in order to achieve the national objectives for socio-economic development.
2. Need based skills and education is key to national prosperity and growth, and for economic and social empowerment for all, particularly for women and youth.
3. Enhanced opportunities for employment will pave way for decent work, but appropriate interventions from the government, support from employers, and development partners would be needed.
4. Apprenticeship and entrepreneurship are two effective means for creating employment opportunities.
5. Bangladesh can ensure and move ahead her place in the global supply chain of goods and services by focusing on competitiveness based on productivity of the workforce.
6. Safe work place and decent jobs are two priority areas where an effective social dialogue among stakeholders is key to success.
7. Bangladesh needs an operational institutional and conducive regulatory regime and incentive system for effective development of her human capital.

11. NOMINATION OF BEF SECRETARY-GENERAL AS A SUBSTITUTE MEMBER IN THE ILO GOVERNING BODY

Mr. Farooq Ahmed, Secretary-General of Bangladesh Employers' Federation had been nominated as one of the Substitute Members in the Governing Body of International Labour Organization (ILO), for the year 2016-2017.

I. MEMBERSHIP:



New Member:

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

Ordinary Members:

1. Expo Freight Limited
2. Dressmen Limited
3. Golden Harvest Agro Industries Limited
4. International Beverages Private Limited
5. Oxico International Limited
6. Momtex Expo Limited

New Member

Ordinary Member "Industrial Promotion and Development Company of Bangladesh Limited" to "IPDC Finance Limited" during the period.

Group Members:

No new group members joined the Federation during the period.

II. MANAGING COMMITTEE

At the commencement of the year, i.e. on the 1st January, 2016, the managing Committee of the Federation comprised of the following:

PRESIDENT

Mr. Salahuddin Kasem Khan
Managing Director,
A.K. Khan & Company Limited

VICE-PRESIDENT

Mr. Golam Mainuddin
Chairman
British American Tobacco Bangladesh Company Limited

Ordinary Members: (In alphabetical order)

01. Mr. Syed Tareque Md. Ali
Managing Director,
Modern Industries (Bangladesh) Limited
02. Ms. Shusmita Anis
Managing Director
ACI Formulations Limited
03. Barrister Imtiaz Uddin Ahmad Asif
Managing Director & Chief Executive
Alltex Industries Limited
04. Mr. Abul Bashar
Dy. Managing Director
Prime Composite Mills Limited
05. Mr. M. Azizul Huq
Managing Director
GlaxoSmithKline Bangladesh Ltd.
06. Mr. Asif Ibrahim
Managing Director,
Newage Garments Limited
07. Mr. Md. Nurul Islam
Regional Senior Vice President,
Head of Bangladesh, Nepal & Myanmar, American Life
Insurance Co.
08. Mr. Adnan N. Rahman
Director
Pubali Jute Mills Limited
09. Ms. Luna Shamsuddoha
Chairman,
Dohatec New Media
10. Ms. Sadaf Saaz Siddiqi
Director
Sidko Apparels Limited

Group Members: (In alphabetical order)

11. Mr. M. Shah Alam
Sr. Vice-Chairman,
Bangladeshiyo Cha Sangsad

12. Mr. M. Jamaluddin
Director
Bangladesh Textile Mills Association
13. Mr. M. Humayun Kabir, FCA
Committee Member
Bangladesh Jute Spinners Association
14. Mr. Md. Atiqul Karim Khan
Director,
Bangladesh Garment Manufacturers and
Exporters Association
15. Mr. Md. Golam Mostafa, MBA
Sr. Vice President
Bangladesh Frozen Foods Exporters Association
16. Mr. Mohammed Mahbubur Rahman Patwari
Executive Committee Member
Bangladesh Jute Mills Association
17. Mr. A.H. Aslam Sunny
1st Vice President
Bangladesh Knitwear Manufacturers &
Exporters Association

ADVISER TO THE COMMITTEE

Mr. Kamran T. Rahman

SECRETARY-GENERAL

Mr. Farooq Ahmed

The following members were to retire on the eve of the 18th A.G.M.:

From Ordinary Members

- (1) Mr. Syed Tareque Md. Ali
Managing Director,
Modern Industries (Bangladesh) Ltd.
- (2) Mr. Selim Chowdhury
Managing Director,
G4S Secure Solutions Bangladesh (P) Ltd.

(3) Mr. Asif Ibrahim
 Managing Director,
 Newage Garments Ltd.

(4) Mr. Md. Nurul Islam
 Regional Senior Vice President,
 Head of Bangladesh, Nepal & Myanmar,
 American Life Insurance Co.

(5) Ms. Luna Shamsuddoha
 Chairman,
 Dohatec New Media

From Group members

(1) Mr. M. Humayun Kabir, FCA
 Committee Member,
 Bangladesh Jute Spinners Association

(2) Mr. Md. Atiqul Karim Khan
 Director,
 Bangladesh Garment Manufacturers and
 Exporters Association

The Committee noted that of the 5 retiring Ordinary members, 4 members, i.e., Mr. Syed Tareque Md. Ali, Mr. Asif Ibrahim, Mr. Md. Nurul Islam and Ms. Luna Shamsuddoha would retire on completion of their two-year term, 2014-2016 and would not be eligible to seek re-election for the next two annual terms, i.e., 2016-2017 and 2017-2018. Their respective representative organizations also would not be eligible to nominate anyone else to seek election for the next two annual terms. Mr. Selim Chowdhury, being a co-opted member, would retire at the 18th AGM and he as well as his representative organization would remain eligible to contest the next election.

The Committee also noted that of the 2 retiring Group members, one member, i.e., Mr. M. Humayun Kabir, FCA would retire on completion of his two-year term, 2014-2016 and would not be eligible to seek re-election for the next two annual terms. His representative organization, would, however, remain eligible to nominate anyone else to contest in the next election. Mr. Md. Atiqul Karim Khan, being a

co-opted member, would retire at the 18th AGM and he as well as his representative organization would remain eligible to contest in the next election.

Besides the above 7(seven) vacancies, one seat from the Group members remained vacant in 2015-2016, for which election would be required.

In all, election would be needed for 8 (eight) vacancies (five vacancies from Ordinary members and three vacancies from Group members).

The Management Committee of the Federation as in August 2016 (after the 18th AGM held on 27 July, 2016) was as follows:

PRESIDENT

Mr. Salahuddin Kasem Khan

VICE-PRESIDENT

Mr. Golam Mainuddin

COMMITTEE MEMBERS

Ordinary Members (In alphabetical order)

01. Mr. Tahmid Ahmed
 Director,

The Bengal Glass Works Limited

02. Ms. Shusmita Anis
 Managing Director,

ACI Formulations Limited

03. Barrister Imtiaz Uddin Ahmad Asif
 Managing Director & Chief Executive,

Alltex Industries Limited

04. Mr. Abul Bashar
 Deputy Managing Director,

Prime Composite Mills Limited

05. Mr. Selim Chowdhury
 Managing Director,

G4S Secure Solutions Bangladesh (P) Limited

06. Mr. Kh. Asadul Islam
Managing Director & CEO,

Alliance Capital Asset Management Ltd.

07. Mr. Adnan N. Rahman
Director,

Pubali Jute Mills Limited

08. Ms. Sadaf Saaz Siddiqi
Director,

Sidko Apparels Limited

Group Members: (In alphabetical order)

09. Mr. M. Shah Alam
Sr. Vice-Chairman

Bangladeshiyo Cha Sangsad

10. Mr. M. Jamaluddin
Director

Bangladesh Textile Mills Association

11. Mr. Mahmud Hasan Khan (Babu)
Vice President

Bangladesh Garment Manufacturers &
Exporters Association

12. Mr. Md. Golam Mostafa, MBA
Sr. Vice President

Bangladesh Frozen Foods Exporters Association

13. Mr. Mohammed Mahbubur Rahman Patwari
Executive Committee Member

Bangladesh Jute Mills Association

14. Mr. A.H. Aslam Sunny

1st Vice President

Bangladesh Knitwear Manufacturers & Exporters
Association

Mr. Mohammed Shariful Islam, Chief Human Resource
Officer of GrameenPhone Limited was co-opted as an
Ordinary member in September, 2016.

III. SUB-COMMITTEES

As constituted by the Managing Committee, the following 13 (thirteen) Sub-Committees functioned during the term, August 2016 – July, 2017:

1. FINANCE & MEMBERSHIP SUB-COMMITTEE

01. Mr. Golam Mainuddin (Chairman)	British American Tobacco Bangladesh Company Limited
02. Mr. Tahmid Ahmed	The Bengal Glass Works Limited
03. Mr. Abul Bashar	Prime Composite Mills Limited
04. Mr. Najmul Huq	Sadat Jute Industries Ltd.
05. Mrs. Sabrina Islam	Osman Textiles Limited
06. Mr. Ardashir Kabir	Bangladeshiyo Cha Sangsad
07. Mr. Mohammed Mahbubur Rahman Patwari	Bangladesh Jute Mills Association
08. Mr. Adnan N. Rahman	Pubali Jute Mills Limited
09. Ms. Luna Shamsuddoha	Dohatec New Media

2. LABOUR RELATIONS SUB-COMMITTEE

01. Mr. Mohammed Mahbubur Rahman Patwari (Chairman)	Bangladesh Jute Mills Association
02. Mr. M. Anis Ud Dowla	Advanced Chemical Industries Limited
03. Mr. Asif Ibrahim	Newage Garments Limited
04. Mr. M. Jamaluddin	Bangladesh Textile Mills Association
05. Mr. Ardashir Kabir	Bangladeshiyo Cha Sangsad
06. Mr. Obaidur Rahman Khan	Bangladesh Lamps Limited
07. Mr. Golam Mainuddin	British American Tobacco Bangladesh Co. Ltd.
08. Mr. Syed Nasim Manzur	Apex Footwear Limited
09. Ms. Rokia A. Rahman	R. R. Cold Storage Ltd.
10. Mr. Kamran T. Rahman	Pubali Jute Mills Limited
11. Mr. A.H. Aslam Sunny	Bangladesh Knitwear Manufacturers & Exporters Association

3. LABOUR LAW SUB-COMMITTEE

01. Barrister Imtiaz Uddin Ahmad Asif (Chairman)	Alltex Industries Limited
02. Mr. M. Shah Alam	Bangladeshiyo Cha Sangsad
03. Mr. M. Anis Ud Dowla	Advanced Chemical Industries Limited
04. Mr. Najmul Huq	Sadat Jute Industries Ltd.
05. Mr. Md. Nurul Islam	American Life Insurance Company
06. Mr. M. Jamaluddin	Bangladesh Textile Mills Association
07. Ms. Nihad Kabir	Kedarpur Tea Company Ltd.
08. Mr. Golam Mainuddin	British American Tobacco Bangladesh Co. Ltd.
09. Mr. Md. Golam Mostafa, MBA	Bangladesh Frozen Foods Exporters Association
10. Mr. Kamran T. Rahman	Pubali Jute Mills Limited
11. Mr. A.H. Aslam Sunny	Bangladesh Knitwear Manufacturers & Exporters Association
12. Mr. Muhammad Shams-uz Zoha	Bangladesh Jute Spinners Association

4. LABOUR COURTS SUB-COMMITTEE

01. Mr. M. Jamaluddin (Chairman)	Bangladesh Textile Mills Association
02. Mr. M. Shah Alam	Bangladeshiyo Cha Sangsad
03. Ms. Shusmita Anis	ACI Formulations Limited
04. Barrister Imtiaz Uddin Ahmad Asif	Alltex Industries Limited
05. Mr. Selim Chowdhury	G4S Secure Solutions Bangladesh (P) Ltd.
06. Mr. Golam Mainuddin	British American Tobacco Bangladesh Co. Ltd
07. Mr. A.S.M. Mainuddin Monem	Abdul Monem Sugar Refinery Ltd.

Mr. Md. Golam Mostafa, MBA	Bangladesh Frozen Foods Exporters Association
Mr. Mohammed Mahbubur Rahman Patwari	Bangladesh Jute Mills Association
Mr. A.H. Aslam Sunny	Bangladesh Knitwear Manufacturers & Exporters Association
Mr. Muhammad Shams-uz Zoha	

5. SELECTION SUB-COMMITTEE

01. Mr. Tahmid Ahmed (Chairman)	The Bengal Glass Works Limited
02. Mr. M. Shah Alam	Bangladeshiyo Cha Sangsad
03. Mr. Syed Tareque Md. Ali	Modern Industries (Bangladesh) Ltd.
04. Mr. Md. Nurul Islam	American Life Insurance Company
05. Mr. Ardashir Kabir	Bangladeshiyo Cha Sangsad
06. Mr. Adnan N. Rahman	Pubali Jute Mills Limited
07. Mr. Abul Bashar	Prime Composite Mills Limited
08. Mrs. Sadaf Saaz Siddiqi	Sidko Apparels Ltd

6. SEMINAR SUB-COMMITTEE

01. Mr. Adnan N. Rahman (Chairperson)	Pubali Jute Mills Ltd.
02. Mr. Tahmid Ahmed	The Bengal Glass Works Limited
03. Mr. Mahmud Hasan Khan (Babu)	Bangladesh Garment Manufacturers and Exporters Association
04. Mrs. Simeen Hossain	Transcom Limited
05. Mr. Najmul Huq	Sadat Jute Industries Ltd.
06. Mr. Ardashir Kabir	Bangladeshiyo Cha Sangsad
07. Mr. Habibullah N. Karim	Technohaven Company Ltd.
08. Mr. A. S. M. Mainuddin Monem	Abdul Monem Sugar Refinery Limited
09. Ms. Luna Shamsuddoha	Dohatec New Media
10. Ms. Sadaf Saaz Siddiqi	Sidko Apparels Limited

7. WAGES CONSULTATIVE SUB-COMMITTEE (DHAKA REGION)

01. Mr. Md. Golam Mostafa, MBA (Chairman)	Bangladesh Frozen Foods Exporters Association
02. Mr. Md. Monsoor Ahmed	Bangladesh Knitwear Manufacturers & Exporters Association
03. Mr. Akhter Matin Chaudhury, FCA	Nuvista Pharma Limited
04. Mr. Mir Nasir Hossain	Mir Ceramic Limited

05. Mr. Md. Nurul Islam	American Life Insurance Company
06. Ms. Nihad Kabir	Kedarpur Tea Company Limited
07. Mr. Golam Mainuddin	British American Tobacco Bangladesh Company Limited
08. Mr. A. S. M. Mainuddin Monem	Abdul Monem Sugar Refinery Limited
09. Mr. A. M. Hamim Rahmatullah	Singer Bangladesh Limited

8. MINIMUM WAGES RELATED SUB-COMMITTEE

01. Mr. A.H. Aslam Sunny (Chairman)	Bangladesh Knitwear Manufacturers & Exporters Association
02. Mr. A. Matin Chowdhury	Malek Spinning Mills Limited
03. Mrs. Sabrina Islam	Osman Textiles Limited
04. Mr. M. Jamaluddin	Bangladesh Textile Mills Association
05. Mr. Ardashir Kabir	Bangladeshiyo Cha Sangsad
06. Mr. M. Humayun Kabir, FCA	Bangladesh Jute Spinners Association
07. Ms. Rokia A. Rahman	R.R. Cold Storage Ltd.
08. Mr. Kaihan N. Rahman	Pubali Jute Mills Limited

9. PUBLIC RELATIONS SUB-COMMITTEE

01. Mr. Selim Chowdhury (Chairman)	G4S Secure Solutions Bangladesh (P) Ltd.
02. Mr. Tahmid Ahmed	The Bengal Glass Works Limited
03. Barrister Imtiaz Uddin Ahmad Asif	Alltex industries Limited
04. Mr. Akhter Matin Chaudhury, FCA	Nuvista Pharma Limited
05. Mr. M. Azizul Huq	GlaxoSmithKline Bangladesh Ltd.
06. Mrs. Sabrina Islam	Osman Textiles Limited
07. Mr. Ardashir Kabir	Bangladeshiyo Cha Sangsad
08. Ms. Ayesha Kabir	Women Entrepreneurs' Association, Bangladesh
09. Mr. Syed Nasim Manzur	Apex Footwear Ltd.

10. SAFETY AND WORKING CONDITIONS SUB-COMMITTEE

01. Mrs. Sadaf Saaz Siddiqi (Chairperson)	Sidko Apparels Limited
02. Mr. Najmul Huq	Sadat Jute Industries Ltd.
03. Mr. M. Jamaluddin	Bangladesh Textile Mills Association
04. Mr. M. Humayun Kabir, FCA	Bangladesh Jute Spinners Association
05. Mrs. Laila Rahman Kabir	Kedarpur Tea Company Limited
06. Mr. Habibullah N. Karim	Technohaven Company Limited
07. Mr. Golam Mainudidn	British American Tobacco Bangladesh Company Limited

08. Mrs. Rokeya Quader	Desh Garments Limited
09. Mr. Feroz Rahim	Rahimafrooz Batteries Limited
10. Mr. Kaihan N. Rahman	Pubali Jute Mills Limited
11. Mr. A.H. Aslam Sunny	Bangladesh Knitwear Manufacturers & Exporters Association

11. TRAINING AND HUMAN RESOURCE DEVELOPMENT SUB-COMMITTEE

01. Mr. Abul Bashar (Chairman)	Prime Composite Mills Limited
02. Mr. Anjan Chowdhury	Square Toiletries Limited
03. Mr. A. Matin Chowdhury	Malek Spinning Mills Limited
04. Mrs. Sabrina Islam	Osman Textiles Limited
05. Mr. Ardashir Kabir	Bangladeshiyo Cha Sangsad
06. Mr. Salahuddin Kasem Khan	A.K. Khan & Co. Ltd.
07. Mrs. Rokeya Quader	Desh Garments Limited
08. Mr. Kaihan N. Rahman	Pubali Jute Mills Limited
09. Mr. Sakif Ariff Tabani	Khadim Ceramics Limited
10. Mr. Muhammad Shams-uz Zoha	Bangladesh Jute Spinners Association

12. WOMEN IN DEVELOPMENT SUB-COMMITTEE

Ms. Shusmita Anis (Chairperson)	ACI Formulations Limited
Mr. Tahmid Ahmed	The Bengal Glass Works Limited
Ms. Farzana Chowdhury	Green Delta Insurance Co. Ltd.
Mrs. Simeen Hossain	Transcom Limited
Mrs. Sabrina Islam	Osman Textiles Limited
Ms. Ayesha Kabir	Women Entrepreneurs' Association, Bangladesh
Ms. Nihad Kabir	Kedarpur Tea Company Ltd.
Ms. Rokeya Quader	Desh Garments Limited
Mrs. Zeenat Rahim	Rahimafrooz Batteries Limited
Mr. M. Shah Alam	Bangladeshiyo Cha Sangsad

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

01. Mr. M. Shah Alam (Chairman)	Bangladeshiyo Cha Sangsad
02. Mr. Tahmid Ahmed	The Bengal Glass Works Limited
03. Mr. Syed Tareque Md. Ali	Modern Industries (Bangladesh) Limited
04. Mr. A. Matin Chowdhury	Malek Spinning Mills Limited

05. Mr. Ardashir Kabir	Bangladeshiyo Cha Sangsad
06. Mrs. Rokeya Quader	Desh Garments Limited
07. Mr. Adnan N. Rahman	Pubali Jute Mills Limited
08. Ms. Luna Shamsuddoha	Dohatec New Media
09. Ms. Sadaf Saaz Siddiqi	Sidko Apparels Limited

IV. SECRETARIAT

Mr. Farooq Ahmed continued as the Secretary-General and the CEO of the Federation during the Year 2016.

V. BANGLADESH EMPLOYERS' FEDERATION'S REPRESENTATIONS AT VARIOUS BODIES:

1. Executive Committee of International Organisation of Employers, Geneva	Mr. Salahuddin Kasem Khan, President, BEF Substitute: Mr. Farooq Ahmed, Secretary-General, BEF
2. Governing Body of Bangladesh Institute of Management	Mr. Golam Mainuddin Vice-President, BEF
3. Bangladesh Technical Education Board	Mr. Kazi Saifuddin Ahmed, Labour Adviser, BEF
4. Bangladesh Minimum Wages Board	Mr. Kazi Saifuddin Ahmed, Labour Adviser, BEF
5. Tripartite Consultative Council (TCC) on Labour Matters of the Ministry of Labour and Employment	(1) Mr. Salahuddin Kasem Khan, President, BEF (2) Mr. Golam Mainuddin, Vice-President, BEF (3) Mr. Farooq Ahmed, Secretary-General, BEF (4) The Chairman, Bangladeshiyo Cha Sangsad (5) The Chairman, Bangladesh Jute Spinners Association (6) The Chairman, Bangladesh Jute Mills Association. (8) The President, Bangladesh Knitwear Manufacturers and Exporters Association.

<p>5. Tripartite Consultative Council (TCC) on Labour Matters of the Ministry of Labour and Employment</p>	<p>(9) The President, Bangladesh Aushad Shilpa Samity.</p> <p>(10) The President, Bangladesh Textile Mills Association.</p> <p>(11) Mrs. Sadaf Saaz Siddiqi, Director, Sidko Apparels Limited.</p> <p>(12) Mr. M. Anis Ud Dowla, Chairman, Advanced Chemical Industries Ltd.</p> <p>(13) Mr. M. Jamaluddin, Director, Bangladesh Textile Mills Association</p> <p>(14) Mr. Md. Golam Mostafa, MBA Sr. Vice-President, Bangladesh Frozen Foods Exporters Association.</p> <p>(15) Mr. Md. Nurul Islam, Regional Senior Vice President, Head of Bangladesh, Nepal & Myanmar, American Life Insurance Co.</p> <p>(16) Mr. Kamran T. Rahman, Managing Director, Pubali Jute Mills Ltd.</p> <p>(17) Mr. M. Shah Alam, Senior Vice-Chairman, Bangladeshiyo Cha Sangsad.</p> <p>(18) Mr. Mahmud Hasan Khan (Babu), Vice-President, Bangladesh Garment Manufacturers & Exporters Association.</p> <p>(19) Mr. Asif Ibrahim, Managing Director, Newage Garments Limited.</p> <p>(20) Mr. Kazi Saifuddin Ahmed, Labour Adviser, BEF.</p>
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Sd/-

(Salahuddin Kasem Khan)

PRESIDENT

Sd/-

(Farooq Ahmed)

SECRETARY-GENERAL

DHAKA SUMMIT ON SKILLS, EMPLOYABILITY, AND DECENT WORK 2016, December 11-13, 2016, Dhaka, Bangladesh

Initiative:

Originating from the ILO's centenary 'Future of Work Initiative', and inspired by the national development goal, Vision 2021, the tripartite constituents of the ILO in Bangladesh, government, employers, and workers initiated a high level national dialogue titled, "***Dhaka Summit on Skills, Employability, and Decent Work 2016***", which was held in Dhaka, Bangladesh on 11-13 December 2016.

Organizers:

The initiative was organized jointly by the Ministry of Labour and Employment, Bangladesh Employers' Organization (BEF), and National Coordination Council for Workers Education (NCCWE), with 'a2i' Programmer under Prime Minister's Office, as the co-organizer. It was supported by the ILO, World Bank, Swiss Agency for Development and Cooperation, the government of the Netherlands, Canada, the UK, and the EU, BGMEA, BKMEA, and other employers. Centre for Policy Dialogue cooperated as the knowledge partner.

Focus Areas:

Bearing in mind the four broad thematic areas for 'Future of Work Initiative', i.e., ***work and society, decent jobs, organization of work and production, and governance of work***, the discussions at the Dhaka Skills Summit centered on the following four focus areas: ***Skills, Employability, Decent Work, and Social Dialogue***. Six papers/presentations on these four thematic areas were prepared by eminent researchers and experts from home and abroad and presented during the Summit.

Program:

Inaugural Session: Hon'ble Prime Minister and the Chair of the National Skills Development Council (NSDC), Sheikh Hasina, MP inaugurated the Summit on December 11, 2016 at Osmani Memorial Hall, Dhaka. Director General of the ILO, Mr. Guy Ryder was present as one of the Special Guests. Hon'ble Ministers for the Ministry of Education, and the Ministry of Expatriates' Welfare and Overseas Employment, and the Hon'ble Minister of State for the Ministry of Labour and Employment also graced the occasion. The Secretary-General of International Organisation of Employers, ambassadors, representatives of employers and workers, including President of Bangladesh Employers' Federation, and Chairman, NCCWE also spoke at the event.

Technical Sessions: Four technical sessions were held at the Grand Ballroom of Hotel Pan Pacific Sonargaon, Dhaka on December 12-13, 2016. The sessions were chaired by distinguished persons from the government. Experts from Bangladesh and abroad prepared and presented the keynote papers. Panelists from government, business, and development backgrounds critically reviewed the keynote presentation in each session, followed by lively question and answer sessions.

Closing Session: The closing ceremony was held on December 13, 2016 at the Grand Ballroom of Pan Pacific Soanargaon, with Hon'ble Minister for Finance, Mr. Abul Maal Abdul Muhith, MP as the Chief Guest, and Hon'ble Ministers for the Ministry of Commerce and Ministry of Industries as Special Guests. At the end, on behalf of the tripartite organizers, the CEO of NSDC Secretariat read out the "Dhaka Skills Declaration" as the outcome of the 3-day event.

Key Issues and Recommendations:

The key issues and recommendations made during the 3-day event are captured in “Dhaka Skills Declaration”. The most salient ones are listed as follows:

1. “Employment led growth model” adopted by Bangladesh needs to be implemented effectively in order to achieve the national objectives for socio-economic development.
2. Need based skills and education is key to national prosperity and growth, and for economic and social empowerment for all, particularly for women and youth.
3. Enhanced opportunities for employment will pave way for decent work, but appropriate interventions from the government, but support from employers, and development partners would be needed.
4. Apprenticeship and entrepreneurship are two effective means for creating employment opportunities.
5. Bangladesh can ensure and move ahead her place in the global supply chain of goods and services by focusing on competitiveness based on productivity of the workforce.
6. Safe work place and decent jobs are two priority areas where an effective social dialogue among stakeholders is key to success.
7. Bangladesh needs an operational institutional and conducive regulatory regime and incentive system for effective development of her human capital.

SNAPSHOTS FROM DHAKA SUMMIT ON SKILLS, EMPLOYABILITY, AND DECENT WORK 2016











TRAINING & CAPACITY BUILDING INITIATIVES IN 2016



A. Participation in HIDA / ITC- ILO / other International Organization's Training Programs:

The Federation nominated a number of participants to different training programs conducted by The Overseas Human Resources and Industry Development Association (HIDA), Japan / ITC – ILO / and other International Organizations:

Sl. No.	Name of Participant	Designation & Name of the Firm	Training Programme	Place & Duration
1.	Mr. Farooq Ahmed Advocate Jafrul Hasan Sharif	Secretary-General Bangladesh Employers' Federation Chairman and Managing Partner Attorneys (Legal & Management Consultants)	HIDA workshop of Joint Study titled "Current Labour Situation and Issues of each Countries" and "Bilateral Consultation Meeting"	19 – 22 January 2016 Kuala Lumpur, Malaysia
2.	Mr. Mohammad Abdul Barek	Manager, Human Resources Envoy Textiles Limited	HIDA Program "The Role of Executives for Better Industrial Relations In Global Era [ERGE]"	25 January – 5 February 2016 Tokyo, Japan
3.	Mr. Syed Ahmad Nazirullah	Deputy Secretary, Administration BGMEA	HIDA Trainers' Training Course on Management Training Program (MTP) - [ERMI]	25 May - 10 June 2016. Tokyo, Japan
4.	Mr. Md. Shahid Ahmed Shadu Khan	In-Charge Group Health, Safety & Environment BSRM Group of Companies	HIDA Program on "Occupational Safety and Health Management and Work Environment Improvement [ERWM]"	27 June - 8 July, 2016 Tokyo, Japan
5.	Mr. Santosh Kumar Dutta Mr. Joha Jamilur Rahman Mr. Md. Aminul Hoque Mr. Md. Ashraf Jahan	Joint Secretary, BEF Training Coordinator, BEF Senior Officer, BEF Senior Information Officer, BEF	ITC-ILO workshop on "Essentials of Occupational Safety and Health (EOSH)" Experience sharing and launch of the second edition (A 959277)	18 - 20 July, 2016, Bangkok, Thailand
6.	Mr. Absal Shaquib Quoreshi	Secretary Bangladesh Employers' Federation	ITC-ILO workshop on "Skills development and the role of EOs".	12 – 15 September 2016 Turin, Italy
7.	Mr. Razibur Rahim	HR Executive-Factory Welfare Nestle Bangladesh Limited	HIDA Program on "Industrial Relations (IR) and Human Resource Management (HRM)-[ERPM]"	26 September – 7 October 2016 Tokyo, Japan.
8.	Mr. Syed Faisal Md. Ali	Coordinator Modern Industries (Bangladesh) Ltd.	HIDA's Executive Management Program on Industrial Relations (IR) and Human Resource Management (HRM)-[EREM]	03 - 14 October, 2016 Tokyo, Japan.
9.	Mr. Md. Nazrul Islam Chowdhury	Senior Officer, BEF	ITC – ILO "Academy on the Green Economy – linked to E979313"	03 – 14 October, 2016, Turin, Italy
10.	Mr. Tahseen Salman Choudhury	Research and Publication Officer BEF	ITC – ILO Certificate course programme "Macroeconomics for Social Negotiators"	ITC – ILO Certificate course programme "Macroeconomics for Social Negotiators"
11.	Mr. M A Arshad Bhuiyan	Deputy General Manager – (Human Resource) Beximco Pharmaceuticals Limited	HIDA's program – The Refresher Seminar for Former Participants [ERLX].	08 -17 November 2016 Tokyo, Japan

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

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

- (i) Consultation on "Child Labour in Bangladesh: A Legal Analysis" organized by National Human Rights Commission at BRAC Center Inn on 13 June 2016
- (ii) Multi-Stakeholders Meeting: Improving Labour Law Compliance and Building Sound Labour practices in the Export Oriented Shrimp Sector in Bangladesh organized by the ILO Country Office for Bangladesh at Hotel Lakeshore (House 46, Road No. 41, Gulshan-2, Dhaka) on 21 June 2016
- (iii) Two-day residential workshop on "Participation Committee and its functional aspects at the enterprise level" organized by the ILO Country Office for Bangladesh at the BRAC Centre for Development Management (BRAC CDM), Rajendrapur, Gazipur on 27-29 June 2016
- (iv) Validation Workshop on the "Evaluation of the Shrimp Project" organized by the ILO Country Office for Bangladesh at the ILO RMG Project Office (House 16, Road No. 99, Gulshan-2, Dhaka) on 28 June 2016
- (v) Workshop on "Induction of Alliance Safety Committee program with Multi-stakeholders" organized by Alliance for Bangladesh Worker Safety at BTI Celebration Point, (Plot 3&5, Road 113/A, Gulshan-2) on 29 September 2016
- (vi) National Consultation on "Role of Stakeholders for implementation of Domestic Workers protection and Welfare Policy 2015" organized by the ILO Country Office for Bangladesh held at Pan Pacific Sonargaon Hotel on 22 November 2016
- (vii) Seminar on "The State of Fire Safety in Bangladesh" organized by the ILO Country Office for Bangladesh held at Pan Pacific Sonargaon Hotel on 28 November 2016
- (viii) Launching of the "Promoting Social Dialogue and Harmonious Industrial Relations in the Bangladesh Ready-Made Garment Industry Project" at Pan Pacific Sonargaon Hotel on 11 December 2016

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

During the year 2016, representatives of the Federation participated in the following international seminars/workshops/conferences:

- (i) Mr. Farooq Ahmed, Secretary-General, Bangladesh Employers' Federation attended the "ILO/Japan Regional Skills Programme – Regional Workshop on Skills for Green Jobs" held in Bangkok, Thailand during 16 - 18 March 2016
- (ii) Mr. Farooq Ahmed, Secretary-General, Bangladesh Employers' Federation attended the Thematic meeting of Ninth Global Forum on Migration & Development (GFMD) on Connectivity and Migration held in Bangkok, Thailand on 29 March 2016
- (iii) Mr. Farooq Ahmed, Secretary-General, Bangladesh Employers' Federation, attended the First Asia Regional Forum on Business and Human Rights held in Doha, Qatar during 19 – 20 April 2016.
- (iv) Mr. Farooq Ahmed, Secretary-General, Bangladesh Employers' Federation attended the "ILO Inter-Regional Knowledge Sharing Forum on Migration" held in Antananarivo, Madagascar during 5 - 7 May 2016

(v) Mr. Md.Nazrul Islam Chowdhury, Senior Officer, Bangladesh Employers' Federation attended the ILO Study Tour/Exposure Visit in Nepal for Knowledge Sharing on Good Practice of the Construction Sector of Way out of Informality Project Nepal held in Nepal during 22 – 28 May 2016

(vi) Mr. Farooq Ahmed, Secretary-General, Bangladesh Employers' Federation attended the ILO Tripartite Technical Meeting on the Access of Refugees and other Forcibly Displaced Persons to the Labour Market held in Geneva during 5 – 7 July 2016.

(vii) Mr. Farooq Ahmed, Secretary-General, Bangladesh Employers' Federation attended the “GFMD Business Mechanism Thematic Meeting NY” held in New York during 17 – 18 July 2016.

(viii) Mr. Syed Tareque Md.Ali, Member of the Committee, Bangladesh Employers' Federation attended the “2-day Alliance SDG 8.7 South Asia Consultation” held in Thimpu, Bhutan during 19 - 20 July, 2016.

(ix) Mr. Farooq Ahmed, Secretary-General, Bangladesh Employers' Federation attended the ILO “Tripartite Meeting of Experts on Fair Recruitment” held in Geneva during 5 - 7 September 2016.

(x) Mr. Farooq Ahmed, Secretary-General, Bangladesh Employers' Federation attended the “ILO Tripartite Meeting of Experts on Violence against Women and Men in the World of Work” held in Geneva during 3 – 6 October 2016.

(xi) Mr. Joha Jamilur Rahman, Training Coordinator, Bangladesh Employers' Federation attended the “ILO-KOREA TVET Forum : Jobs, Skills, and Strategies for the Future : Perspective from Asia” held in Seoul, Republic of Korea during 5-7 October, 2016.

(xii) Mr. Inamul Haq Khan, Director, BGMEA, and Managing Director, Ananta Garments Ltd., Mr. A. N. M. Saifuddin, Director, BGMEA, and Managing Director, M. S. Wearing Apparels Ltd., Mr. M.I Siddique Selim Mahbub, Director, BKMEA, and Executive Director, Bay Creation Ltd., Mr. Farooq Ahmed, Secretary-General, Bangladesh Employers' Federation joined the ILO Study tour to South Africa: “Promoting Social Dialogue and Harmonious Industrial Relations in Bangladesh Ready Made Garment Industry Project” held in South Africa during 16 -22 October 2016.

(xiii) Mr. Farooq Ahmed, Secretary-General, Bangladesh Employers' Federation Joined the Working Level Delegation to Accompany the Third Round of the Tripartite Exchange Programme to Germany” during 6- 12 November 2016.

(xiv) Mr. Tahmid Ahmed, Member of the Committee, Bangladesh Employers' Federation joined the ILO Study Tour on Employment Injury Compensation Scheme to South Korea held in Seoul, during 29 November – 3 December 2016

(xv) Mr. Salahuddin Kasem Khan, President, Bangladesh Employers' Federation, Mr. Golam Mainuddin, Vice President, Bangladesh Employers' Federation, Mr. Kamran T. Rahman, Adviser to the Committee, Bangladesh Employers' Federation, and Member of ILO Governing Body, Ms. Sadaf Saaz Siddiqi, Member of the Committee, Bangladesh Employers' Federation, Mr. Farooq Ahmed, Secretary-General, Bangladesh Employers' Federation attended the “ILO's 16th Asia and Pacific Regional Meeting (APRM)”, and “CAPE” Meeting held in Bali, Indonesia during 5 – 9 December 2016

C. Bangladesh Employers' Federation (BEF) - Joint programs with International Labour Organizations (ILO) and others

Following joint activities were undertaken with the ILO and HIDA and others, during the year 2016:

1. HIDA / BEF “Management Training Program (MTP)” (1st - 2nd March 2016 Dhaka)

The Overseas Human Resources and Industry Development Association (HIDA) of Japan in cooperation with the Bangladesh Employers' Federation (BEF) organized a two-day long training program titled "Management Training Program (MTP)" in Dhaka. Resource persons from HIDA Japan conducted and facilitated the training sessions. The training program was held in the Conference Hall at the Chamber Building (4th floor), 122-124 Motijheel C. A., Dhaka from 1- 2 March 2016

Mr. Golam Mainuddin, Vice President, Bangladesh Employers' Federation (BEF) delivered the inaugural address welcoming all to attend the program. Mr. Mitsutake Numahata, Counsellor, Embassy of Japan in Bangladesh, Mr. Naoharu Shudo, Official, The Overseas Human Resources and Industry Development Association [HIDA], Dr. A K M Moazzem Hussain, Honorary Adviser to HIDA Activities in Bangladesh and Adviser of BAAS, CAAS & NAAS, Mr. Farooq Ahmed, Secretary-General, BEF also spoke in the opening session.

Reputed resource person from HIDA, Japan Mr. Kazuto Yamaguchi conducted and facilitated scheduled sessions of the seminar-workshop on MTP and made the seminar-workshop extremely beneficial to the participants. All the participants enjoyed and actively participated in the deliberations of the seminar.

The objectives of this program were to provide opportunities to the participants to (i) learn basic idea of MTP, meaning of MTP, what is MTP, why MTP is useful for company/organization; (ii) learn practices of management at Japanese companies by using Japanese case; and (iii) learn characteristics of MTP, what is teaching method of meeting, what is management, basic attitude of manager, understand human behavior, human desire and attitude, unity of individual cognition, delegation of authority, reformation of management, leadership of adaptation to environment.

In total 40 participants from the member organizations enrolled for the training workshop on MTP. Among them 37 were male and 3 female participants.

2. ITC-ILO-BEF Master Trainers Meeting (21 September 2016)

BEF in collaboration with the International Training Centre of the ILO (ITC-ILO), Turin, Italy organized "Master Trainers Meeting on Essentials of Occupational Safety and Health (EOSH)" on 21 September 2016 at the BEF Conference Hall, Dhaka.

Mr. Farooq Ahmed, Secretary-General, BEF delivered the inaugural address. Mr. Tuomo Poutiainen, Chief Technical Adviser, RMG Project Programme, ILO Dhaka, Mr. Paolo Salvai, Activity Manager and Resource Person, ITC-ILO, Mr. Mohammad Kheir Hasan, Resource Person, ITC-ILO also spoke on the occasion.

The Master Trainers, who were trained by the International Training Centre of the ILO (ITC-ILO) subsequently, conducted and facilitated training events in 585 RMG factories and 8038 midlevel managers, chief in floors were trained. In a new phase it was planned that all these trained midlevel managers, chief in floors would implement short training sessions for around 800,000 workers.

In this context, a mission from ITC-ILO visited Bangladesh during 21-25 September 2016 and conducted and facilitated "Coordination Meeting of the Master Trainers on EOSH". The objectives of the "Follow-up Coordination Meeting of all the Master Trainers on EOSH" were to (i) have discussion and interactions with the master trainers about training activities directly implemented by master trainers; (ii) present the newly developed material; and (iii) explain the strategy to reach out to 800,000 workers in this new phase of the project.

3. Signing and Launching Ceremony of the 3rd Phase of the Project Activities on the Essentials of Occupational Safety and Health (EOSH) and Stakeholders Consultation on Bangladesh Decent Work Country Programme (2016-2020) (09 October 2016)

BEF and ILO Country Office for Bangladesh jointly organized the Signing and Launching Ceremony of the 3rd Phase of the Project Activities on the Essentials of Occupational Safety and Health (EOSH) and Stakeholders Consultation on Bangladesh Decent Work Country Programme (2016-2020). The program was organized in the Conference Hall at the Chamber Building, 122-124 Motijheel C. A., Dhaka on 09 October 2016.

Mr. Md. Mujibul Haque, M.P., the Minister of State, Ministry of Labour and Employment, Government of Bangladesh delivered the inaugural address as the Chief Guest. Mr. Golam Mainuddin, Vice President, Bangladesh Employers' Federation, Mr. Srinivas B. Reddy, Country Director, ILO Country Office for Bangladesh, H. E. Mr. Benoit-Pierre Laramée, High Commissioner, High Commission of Canada in Bangladesh, Mr. Md. Siddiqur Rahman, President, Bangladesh Garment Manufacturers & Exporters Association (BGMEA), Mr. Monsoor Ahmed, Vice- President, Bangladesh Knitwear Manufacturers & Exporters Association (BKMEA), spoke on the occasion.

As per planned activities of the Project Activities on the Essentials of Occupational Safety and Health (EOSH), Bangladesh Employers' Federation in cooperation with the ITC-ILO Turin, Italy and ILO Country Office for Bangladesh successfully completed five ITC-ILO "Train the Trainers workshop for Master Trainers on the Essentials of Occupational Safety and Health (EOSH)" in Dhaka and Chittagong as the 1st phase of the project activities and a pool of 114 Master Trainers were trained there.

Under the 2nd phase of the Project activities on EOSH, BEF successfully coordinated and facilitated implementation of all the activities related to 402 batches of trainings for mid level managers and chief-in-floors. Bangladesh Garment Manufacturers & Exporters Association (BGMEA) and Bangladesh Knitwear Manufacturers & Exporters Association (BKMEA) successfully conducted 402 batches of training covering 585 factories and trained 8038 midlevel managers.

In 3rd phase of the Project activities on EOSH, the project had a very ambitious target: providing basic training on OSH (selected topics) to at least 700,000/800,000 workers in these 585 companies in the RMG sectors. All the 8038 midlevel managers, supervisors, and chief in floors who were trained in the 2nd phase were the main actors to conduct training sessions with the workers. The following areas were highlighted as key issues during the training sessions for workers in the selected RMG factories: Fire safety, Electrical safety, Trips, slip and fall and good housekeeping, Dangerous substances, Ergonomics, Personal Protective Equipment, First Aid, etc.

Another activity of the 3rd phase of the project activities was Orientation on Safety Committee. In order to reach the goal, the orientation training session targeted to cover 585 companies and at least 02 representatives from each company would be oriented on Safety Committees.

Besides, another activity was planned for Establishing and functioning 110 Safety Committee at the company level. BGMEA and BKMEA were entrusted to prepare list of companies (BGMEA 70 factories and BKMEA 40 factories) for piloting Safety Committee formation. BGMEA and BKMEA initiated process to establish Safety Committee at the company level, provided capacity support to Safety Committee to function and implement activities according to plan.

At the end of the opening session of the program, Mr. Syed Ahmed, Inspector General, Department of Inspection for Factories and Establishments launched the OSH Kit.

4. Stakeholders Consultation on Bangladesh Decent Work Country Programme (2016-2020)

Mr. Mikail Shipar, Secretary, Ministry of Labour and Employment, Government of Bangladesh, Chaired the session on Stakeholders Consultation on Bangladesh Decent Work Country Programme (2016-2020).

Mr. Mikail Shipar welcomed all for attending the consultation and moderated the session. He laid out the structure of the event which would be sharing of opinions, ideas, knowledge on the detailed presentation on the country programme.

Dr. Rushidan Islam Rahman, Research Director, Bangladesh Institute of Development Studies (BIDS) made a detailed presentation on the proposed Decent Work Country Programme (2016-2021). In her presentation she mentioned economic growth in Bangladesh; social progress and political situation; poverty and inequality; employment and unemployment; education and skill; productivity; real wage; migration practices; gender inequality; reduction of child labour and elimination of hazardous child labour; rights of indigenous and tribal people; labour standards and working conditions; social protection; progress in social dialogue; remaining challenges of the DWCP of Bangladesh 2006-2009, 2012-2015; and other related issues. During the open discussion session, participants expressed their comments and suggestions.

5. Inception Workshop - 3rd phase of the Project activities on Essentials of Occupational Safety and Health (EOSH) (30 - 31 October 2016)

A two-days long inception workshop to discuss the strategy, training modalities, course contents, future programs, and other related issues for successful completion of the 3rd phase of the Project activities on EOSH was held at the Conference Hall, Chamber Building, 122-124, Motijheel C. A., Dhaka from 30-31 October 2016.

Mr. Farooq Ahmed, Secretary-General, BEF and Mr. Tuomo Poutiainen, Chief Technical Adviser, ILO RMG Project Office, spoke in the opening session of the event. Project officials from Bangladesh Employers' Federation (BEF), Bangladesh Garment Manufacturers & Exporters Association (BGMEA) and Bangladesh Knitwear Manufacturers & Exporters Association (BKMEA) were the participants of the program. Resource persons from the ILO Country Office for Bangladesh conducted and facilitated different sessions of the program.

As per planned activities, BEF in cooperation with the ITC-ILO Turin, Italy and ILO Country Office for Bangladesh, BGMEA and BKMEA successfully completed the 1st and 2nd phase of the project activities on the Essentials of Occupational Safety and Health (EOSH):

3rd phase of the Project activities on EOSH had a very ambitious target: providing basic training on OSH (selected topics) to at least 700,000/800,000 workers in the 585 companies in the RMG sectors. All the 8038 midlevel managers, supervisors, chief in floors who were trained in the 2nd phase were the main actors to conduct training session with the workers.

During the two-days long inception workshop, resource persons from the ILO Country Office for Bangladesh made presentation on (i) ILO vision, mission and principles, decent work and RMG project; (ii) Gender and role of women in the Garments Sector; (iii) Role of workers in promoting OSH; (iv) Importance of Procurement and its procedures according to ILO; (v) The Role of Finance to implement project and ILO guidelines and ILO procedures; (vi) Presentation of objectives and strategy for phase III – Reaching out to 800,000 workers in 585 RMG factories, roadmap for delivery, role of the master trainers, role of BGMEA, BKMEA and BEF; (vii) Data Management and Information system of 16,000 batches, awareness session with 800,000 workers, 585 factory

Orientation session on Safety committees, integrating safety committees in the project strategy and 110 pilot initiatives on Safety Committee; (viii) The role of OSH UNIT and sharing OSH Kit; and (ix) Discussion on implementation of plan and timeframe.

6. JOB FAIR Organized by Bangladesh Employers' Federation (BEF) in cooperation with: Japan International Labour Foundation (JILAF) – SGRA Project in Bangladesh (22 November 2016)

BEF in cooperation with Japan International Labour Foundation (JILAF) under the JILAF SGRA project organized a job fair on 22 November 2016. The program was organized at the Conference Hall of MAWTS, 1/C-1/A, Pallabi, Mirpur-12, Dhaka, Bangladesh.

At the opening ceremony of the job fair, Mr. Golam Mainudin, Vice President, BEF welcomed all to the occasion and delivered the Inaugural Address while Mr. Farooq Ahmed, Secretary-General, BEF, briefed the session on the background and objectives of the event and moderated and facilitated the event. Mr. Ryo Saito, Deputy Secretary General, JILAF spoke in the opening ceremony of the program and briefed the attendees about the activities of JILAF. Mr. Toffazzol Hossain, President, ITUC-BC, and Mr. Adv. Delwar Hossain Khan, General Secretary, ITUC-BC also spoke on the occasion. Mr. Teruhiko Sakiguchi, Mr. Kunihiro Shimazaki, and Mr. Satoru Ogasawara from JILF were also present in the opening ceremony.

Guests from development partners, government officials, and representatives from JILAF, representative from ILO, representative from BEF, representative from ITUC-BC, workers and employers' representatives and other distinguished guests attended the inaugural session of the job fair.

JILAF is implementing the Supporting Grass Roots Activities (SGRA) project in Bangladesh with the intention of spreading the social safety net for the poor and vulnerable groups. BEF is closely associated with the policy formulation process of the JILAF SGRA Project and played its due role in this regard. To implement the project activities, working relation between the Government, ITUC-BC, and employers' organization on informal sector issues had been strengthened.

The objectives of the job fair were to provide the trained workers, who were trained under JILAF SGRA project in Bangladesh with opportunities to meet the prospective employers. It was expected that a number of trained workers with practical knowledge in various trades such as, construction, agro-food processing, metal work, engineering, machine operator, electric works and so forth would attend the job fair.

Employers' representatives from 16 companies and industry groups joined the job fair and met the job seekers. All the participating companies were provided with well decorated booths/stalls. The number of booths/stalls was 16.

At the job fair, 153 participants registered their names and met the prospective employers' representatives and dropped their CVs for future communication. Among them, there were 112 male and 41 female candidates. Besides, there were about 200 otherwise trained workers who also met the prospective employers' representatives and dropped CVs. Workers trained at MAWTS institute on various trades also attended the program.

BEF successfully organized the job fair as planned. It was organized for potential trained workers on different trade courses who were interested to join and work at suitable industries. 16 renowned companies and industry groups joined the fair. To achieve the objectives, BEF arranged all the necessary logistics and support services as well. This was an opportunity for both potential trained workers and employers to meet each other. All the

employers' representatives played significant role in collecting CVs and conducting short interviews with the job seekers. JILAF, ITUC-BC and MAWTS provided their support services for successful completion of the event, while participants and job seekers expressed their positive feedback on the event.

It is reported that the participating companies short listed the received CVs as per the company needs. Some of the companies already interviewed the suitable candidates and some companies started recruitment process.

D. BEF's Own Training Activities

During 2016, BEF's Training Unit conducted the following training activities:

1. Bangladesh Employers' Federation (BEF) organized a "Training on Bangladesh Labour Law 2006 and Bangladesh Labour Rules 2015" from 30-31 January, 2016 at the Conference Hall of the Chamber Building, 122-124, Motijheel C/A., Dhaka- 1000. The objectives of the program were to update knowledge of Bangladesh Labour Law 2006 and Bangladesh Labour Rules 2015 among the executives responsible for managing human resources/workforce, develop the skill on identification of applicable Labour Law 2006 for industrial relations related to compliance issues, develop awareness on the essential regulatory issues in dealing with workforce in the industrial scenario, develop the skill to handle disciplinary cases and employee grievances and develop skill to initiate steps to avoid mistakes in light of regulatory requirements. A total of 27 (Males – 22 and Females – 05) participants attended the training. The program was evaluated through structured questionnaire. Mr. Adv. Jafrul Hasan Sharif, Member of drafting committee of Bangladesh Labour Rules 2015 and Chairman of Attorneys of a legal and management consulting firm, was the Resource Person of the training program. The contents of the training included introduction to Bangladesh labor Law 2006 and Bangladesh labor Rule 2015, classification of workers, employers, misconduct, punishment and disciplinary proceedings, employer and employee control under section 28 (ka), appointment of juvenile worker, health, safety and welfare, function and eligibility of welfare officer, formation and function of Safety committee and so on.

2. A "Training on Disciplinary Action, Grievance Handling and Departmental Enquiry" was organized from 6-7 March, 2016 at the Conference Hall of the Chamber Building, 122-124, Motijheel C/A., Dhaka- 1000. The objectives of the program were to update information of disciplinary action and departmental enquiry, develop the skills on identification of applicable Labour Law for disciplinary action, identify the best practices of Grievance handling, develop awareness on the essential regulatory issues in dealing with workforce in the industrial scenario and develop the skill to handle disciplinary cases and employee grievances. A total of 43 (Males- 39 and Females – 04) participants participated in the training. Mr. Barrister Omar Bin Harun Khan, Advocate, Supreme Court of Bangladesh, was the Resource Person of the training program. The program was evaluated through structured questionnaire. The training contents included traditional enquiry/modern enquiry, misconduct, punishment and disciplinary proceedings, grievance handling, different forms and reporting formats and procedures, how to make a good draft of show cause notice/charge Sheet, amendment of charge sheet, additional charge sheet and etc.

3. Bangladesh Employers' Federation (BEF) and Bangladesh Skills for Employment and Productivity (BSEP) Project organized a "Training to HR Managers for Promoting Disability Inclusion in the Workplace" in two batches, 1st batch from 6-7 March and 2nd batch from 8-9 March, 2016 at the Conference Hall of the Chamber Building, 122-124, Motijheel C/A., Dhaka- 1000. The purpose of the Training was to enhance knowledge and skills of HR managers/senior managers of business organizations to ensure inclusion of employees with disabilities in their workplaces. A total of 43 (Males- 38 and Females- 05) participants attended the training in two batches. The training was evaluated by using a certain format. Mr. Albert Mollah was the trainer of the training program. The training highlighted the social and economic benefits of disability inclusive industries

for promoting inclusive growth and productivity, the concept of disability from a right based perspective, steps towards disability inclusion at the workplace, initiative of Bangladesh Business and Disability Network (BBDN) towards a disability inclusive workplace and so on.

4. “Training on workplace safety and compliance” was organized from 28-29 March, 2016 at the Conference Hall of the Chamber Building, 122-124, Motijheel C/A., Dhaka- 1000. The overall objective of this training program was to raise awareness, improve knowledge and skills of the participants regarding OSH (Occupational Safety and Health) at the workplace and measures to be taken to ensure safe & healthy environment and compliance at workplace. A total of 34 (Males- 32 and Females- 02) participants attended the training. The program was evaluated through structured questionnaire. Among others, Engr. M. Hafizur Rahman, PEng, CEO, Summit oil and Shipping Company Ltd., and Mr. Shah Alam Talukder, PEng Electric consultant, were the Resource Persons of the training program. Mr. Joha Jamilur Rahman, Training coordinator, BEF acted as the course coordinator. The contents of the training included introduction to occupational safety and health, legislative framework of OSH, introduction to workplace hazards, safety and ergonomics, work related stress, risk assessment and hazard control, trends in managing OSH and so on.

5. Bangladesh Employers' Federation (BEF) organized a “Training on Bangladesh Labour Law 2006 and Bangladesh Labour Rules 2015” from 27-28 April, 2016 at the Conference Hall of the Chamber Building, 122-124, Motijheel C/A., Dhaka- 1000. The objectives of the program were to update knowledge of Bangladesh Labour Law 2006 and Bangladesh Labour Rules 2015 among the executives responsible for managing human resources/workforce, develop the skill on identification of applicable Labour Law 2006 for industrial relations related to compliance issues, develop awareness on the essential regulatory issues in dealing with workforce in the industrial scenario, develop the skill to handle disciplinary cases and employee grievances and develop skill to initiate steps to avoid mistakes in light of regulatory requirements. A total of 27 (Males – 22 and Females – 05) participants attended the training. The program was evaluated through structured questionnaire. Mr. Barrister Omar Bin Harun Khan, Advocate, Supreme Court of Bangladesh, was the Resource Person of the training program. The contents of the training included introduction to Bangladesh labor Law 2006 and Bangladesh labor Rule 2015, classification of workers, employers, misconduct, punishment and disciplinary proceedings, employer and employee control under section 28 (ka), appointment of juvenile worker, health, safety and welfare, function and eligibility of welfare officer, and so on.

6. A “Training on Increasing Productivity at Work” from 30-31 May, 2016 was organized. The overall objectives of this training program were to promote productivity and quality, sharing knowledge and experience among the participants. A total of 44 (Males- 40 and Females- 04) participants from 08 enterprises attended the training. The program was evaluated through structured questionnaire. A pool of resource persons from National Productivity organization (NPO), Ministry of Industry conducted the training session. The contents of the training included basic concept of productivity, value added productivity measurement and analysis, suggestion scheme (SS), productivity improvement through 5S, productivity improvement through Kaizen, total quality management (TQM), quality control circle (QCC), problem identifying and solving through brain storming and so on.

7. Bangladesh Employers' Federation (BEF) organized “Training on Performing HR – Application of Best Practices” **from 26-27 July, 2016. The objective of the program was to learn about requirements** of HR practices clearly with facts and figures on practical view point as per prevailing demand of organization, especially in the private sector. A total of 29 (Males- 20 and Females – 9) participants attended the program. The program was evaluated through structured questionnaire. Mr. NEA Shibly, a Certified Human Resources Professional (CHRP) from Canada and an MBA (from IBA, DU) with significant and varied experience in cross-

cultural and multi-national environment was the Resource Person of the program. The training course contents included performing HR – value addition to organization, measuring HR ROI and HR performance ratios, structuring salary & benefits, KPI based performance management, rewards mechanism, talent retention, and etc.

8. A “Training on Disciplinary Action, Grievance Handling and Departmental Enquiry” from August 30-31, 2016. The objectives of the program were to update information of disciplinary action and departmental enquiry, develop the skills on identification of applicable Labour Law for disciplinary action, identify the best practices of Grievance handling, develop awareness on the essential regulatory issues in dealing with workforce in the industrial scenario, develop the skill to handle disciplinary cases and employee grievances and so on. A total of 38 (Males- 28 and Females – 10) participants took part in the training. Mr. Barrister Omar Bin Harun Khan, Advocate, Supreme Court of Bangladesh was the Resource Person of the training program. The program was evaluated through structured questionnaire. The contents of the program included traditional enquiry/modern enquiry, misconduct, punishment and disciplinary proceedings, grievance handling, different forms and reporting formats and procedures, preliminary enquiry, steps before enquiry, etc.

9. Bangladesh Employers’ Federation (BEF) partnered with qualified and competent organizations/enterprises in consultation and advice by BSEP project and concern Industry Skills Councils (ISCs). BEF supported partner organizations to develop their capacity to conduct the apprenticeship training program, to organize off the job training and coordinate with BMET to register all apprentices in the BMET record book and to get apprenticeship certificates from BMET. The objective of the program was to promote industry engagement in skills development, productivity enhancement and Implement and strengthen formal apprenticeships in the Agro Food, Furniture and Tourism & Hospitality sectors. The program ran during the period of August 2016 to January 2017. 2000 (Males-1438 and Females-562) participants from 22 (Agro food-09, Furniture-06, Hotel-07) organizations participated there. The program focused on things like the value of apprentices in an organization, registration of the apprentices in the BMET apprentices’ database, placement of the successful apprentices in the formal employment with decent wages, and many more. The program also discussed about the challenges faced and recommendations made about the implementation of formal apprenticeship program for three priority sectors.

10. Start and Improve Your Business (SIYB): Bangladesh Employers’ Federation (BEF) organized a “TOT on Start and Improve Your Business (SIYB)” From October 30 to November 9, 2016 at the Conference Hall of the Chamber Building, 122-124, Motijheel C/A., Dhaka- 1000. The overall objectives of this program were to gain a clear understanding of the SIYB (Start and Improve Your Business) program, and to contribute to private sector development in economic growth and employment creation. Specific objectives of the program were to strengthen the capacity of local business development services organizations to provide cost-effective quality business start-up and management training courses for MSME, to enable these MSME to start and grow their own enterprises and to create employment for others in the process as a result of SIYB training. A total of 24 (Males- 16 and Females – 8) participants attended the program. The program was evaluated through structured questionnaire. A pool of SIYB master trainers, Mr. Mohan Thilakasiri, Chief Executive Officer, Mr. Chopra Edirisinghe and Mr. Sisira Fernando from SIYB Association of Srilanka acted as Resource Persons and conducted the whole program. The contents of the program included introduction to the SIYB program, introduction to GYBI training module, the SIYB Game Module 1, self-study of the GYBI training materials, entrepreneurial competencies, generating business ideas and so on.

11. Gender Equality and Diversity in Employment: Bangladesh Employers’ Federation (BEF) organized a workshop on “Gender Equality and Diversity in Employment” from 9-10 November, 2016. The objective of the

program was to create general awareness about gender equality and diversity in employment, highlighting the facts, benefits, necessities of and opportunities for that. The workshop had been designed for the senior/middle level managers who had a desire to learn and understand the concept of the gender equality and diversity in employment initiative. A total of 29 people (19 males and 10 females) participated in the workshop. Miss Salma Akhter, Professor, Department of Sociology, University of Dhaka, was the Resource Person of the program. The contents of the workshop included gender equality in workplace, areas of gender gaps, changes and improvement required to achieve gender equality in industries, and many more. The workshop ended with an assurance from the participants to make some contributions in their organizations based on the knowledge they gathered from the program.

12. Sustaining Competitive and Responsible Enterprises (SCORE) program: Bangladesh Employers' Federation (BEF) organized a "Short Programme Strategy and Action for Business success" November 27 to December 3, 2016. The overall objectives of this training program were to promote productivity and quality, sharing knowledge and experience among the participants. A total of 12 (Males- 11 and Females-1) participants attended the program. Lead trainer Mr. Francis De Silva, Global master trainer SCORE (Sustaining Competitive and Responsible Enterprises), Geneva (Tourism), Bangladesh, South Africa and Kenya, was the Resource Person of the program. A total of 04 selected enterprises implemented SCORE program. BEF played the coordination role in SCORE implementation. The contents of the program included introduction to SCORE program, SCORE training materials, how to conduct a baseline survey, module content review and assigning TOE session for trainers, enterprise visit, reviewing baseline visit and business assessment, evaluating the trainers and so on.

13. Workshop on GYB (Grow Your Business) roll out program: Bangladesh Employers' Federation (BEF) organized a "Workshop on GYB Roll out program" on December 15, 2016. The overall objective of the program was to gain a clear understanding of the GYB roll out program. Specific objectives of the program were to know about the process documentation of the GYB training program and to conduct training to the potential entrepreneurs as a result of GYB roll out training. A total of 35 (Males- 25 and Females- 10) participants attended the workshop. The topics of the discussion included confirmation of GYB training schedule, process of GYB training implementation (session plan), preparation of technical and financial proposals with MOU signed, distribution 1st installment to participants to run the GYB training, distribution of GYB manual (Bengali version), accounts procedure (bill/voucher), and etc.

14. Making Workplace Disability Inclusive - Developing Employers' Network:

Bangladesh Employers' Federation (BEF) organized a daylong workshop on "Making Workplace Disability Inclusive: Developing Employers' Network" on 17 December, 2016. The objective of the program was to raise business awareness about the positive relationship between the inclusion of people with disabilities in the workplace and business success. The purpose of BBDN is to increase the opportunities for the persons with disability in the mainstream workforce through knowledge sharing, collaborative action, improving technical skills of member organizations, and corporate social activities, as well as to assist companies in adapting products and services to the needs of disabled persons. Representatives from 75 companies participated in the workshop. The contents of the course included employing the persons with disability in the workplace, identifying the areas of employment gaps, indentifying the changes and improvement required to achieve employability of the PWDs, showcasing success stories and many more. The workshop ended with an assurance from the participants to make some contributions in their organizations based on the knowledge they gathered from the program.

E. Monthly Meeting / Workshop for The Officers of the Member - Firms



Bangladesh Employers' Federation organizes meeting/workshop every month for the officers of the member-firms dealing with labour laws, administrative matters, human resources, service conditions and various other subjects under the Bangladesh Labour Act, 2006. It is generally held on Tuesday of the last week of every month at the BEF auditorium or in the Library room of the Federation. The officers directly benefit from attending the workshop. Neither the participating officers nor the member-firms are to pay fees for the workshop.

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

During 2016, the Federation organized 11 workshops in the previous year where more than 273 officers of the member-firms attended and took part in discussion.

F. Affiliation with World Bodies

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



Snapshots from Training Activities 2016





Snapshots from Training Activities 2016





Snapshots from Training Activities 2016



REPRESENTATIVES ON THE LABOUR COURTS
শ্রম আদালত :

আদালতের নাম	মালিক প্রতিনিধি
১ম শ্রম আদালত, ঢাকা	১। জনাব মোঃ তোফাজ্জল হোসেন উপ-মহাব্যবস্থাপক (আইন) বাংলাদেশ পাটকল কর্পোরেশন আদমজ কোর্ট ১১৫-১২০, মতিঝিল বা/এ, ঢাকা-১০০০।
	২। জনাব মোঃ ফজলুল হক উপ-মুখ্য পরিকল্পনা ব্যবস্থাপক বিআইডব্লিউটিসি ৫, দিলকুশা বা/এ, ঢাকা-১০০০।
	৩। জনাব মোঃ রফিকুল ইসলাম জয়েন্ট সেক্রেটারী (লেবার) বাংলাদেশ গার্মেন্টস ম্যানুফ্যাকচারার্স এণ্ড এক্সপোর্টার্স এসোসিয়েশন (বিজিএমইএ) বিজিএমইএ কমপ্লেক্স (৪র্থ তলা) ২৩/১, পান্থপথ লিংক রোড, কাওরানবাজার ঢাকা-১২১৫।
	৪। জনাব মোঃ মনিরুল ইসলাম হেড অফ হিউম্যান রিসোর্সেস এণ্ড লিগ্যাল ম্যাটার্স সোস্যাল মার্কেটিং কোম্পানী এসএমসি টাওয়ার, ৩৩ বনানী সি.এ., ঢাকা-১২১৩।
	৫। জনাব এ, কে, এম, ফিরোজ আলম ডাইরেক্টর, হিউম্যান রিসোর্সেস গ্লোক্সিমিথক্লাইন বাংলাদেশ লিমিটেড হাউজ # ২এ, রোড # ১৩৮, গুলশান-১ ঢাকা-১২১২।
	৬। জনাব মোহাম্মদ সিরাজুল ইসলাম জেনারেল ম্যানেজার, এডমিন এণ্ড কমপ্লায়েন্স এইচ, আর, টেক্সটাইল মিলস লিঃ ৪ কর্নোপাড়া, সাভার, ঢাকা।

২য় শ্রম আদালত, ঢাকা	১। জনাব মোঃ আব্দুল মান্নান ব্যবস্থাপক (বোর্ড ও কোঃ) সিসি বিজেএমসি ১১৫-১২০, মতিঝিল বা/এ, ঢাকা-১০০০।
	২। জনাব নূর মোহাম্মদ আইন কর্মকর্তা ও উপ-মুখ্য ক্রয় ব্যবস্থাপক বিআইডব্লিউটিসি ৫, দিলকুশা বা/এ, ঢাকা-১০০০।
	৩। জনাব মোঃ শহীদুল হক জেনারেল ম্যানেজার (এডমিন এণ্ড কমপ্লায়েন্স) মেডলার এ্যাপারেলস লিঃ প্লট নং-৪, দারুস সালাম রোড, সেক্টর-১ মিরপুর, ঢাকা-১২১৬।
	৪। জনাব জে, এইচ শাহেদী এসিসটেন্ট-ভাইস প্রেসিডেন্ট এইচ আর এণ্ড এডমিন জি-৪ সিকিউরিটি সার্ভিসেস বাংলাদেশ (প্রাঃ) লিঃ হাউজ # কে ১, সারওয়াদ্দী এভিনিউ, বারিধারা ঢাকা-১২১২।
	৫। জনাব আব্দুস সালাম ডেপুটি জেনারেল ম্যানেজার ওপেক্স এণ্ড সিনহা টেক্সটাইল গ্রুপ ৮২, মহাখালী সি.এ., ঢাকা-১২১২।
	৬। জনাব কমল সরকার সিনিয়র ম্যানেজার এইচ, আর কমপ্লায়েন্স এণ্ড এডমিন তানাজ ফ্যাশন লিমিটেড ২১৬, শামীম কমপ্লেক্স, সতীশ রোড, গাজিপুরা টংগী, গাজীপুর।

৩য় শ্রম আদালত, ঢাকা	১। জনাব এম, এ, ওহাব ম্যানেজার (এডমিন) পূবালী জুট মিলস্ লিঃ ৬৬, দিলকুশা বা/এ, ঢাকা-১০০০।
	২। জনাব মোস্তফা আব্দুদায়েন ম্যানেজার (এডমিন) প্রাইম কম্পোজিট মিলস্ লিঃ সেনা কল্যাণ ভবন (৯ম তলা) ১৯৫, মতিঝিল বা/এ, ঢাকা-১০০০।
	৩। জনাব নারায়ন চন্দ্র লোধ ইন্স্টেট অফিসার কুমুদিনী ওয়েলফেয়ার ট্রাস্ট অব বেঙ্গল (বিডি) লিঃ ৭২, সিরাজ-উদ-দৌলা রোড নারায়নগঞ্জ-১৪০০।
	৪। জনাব মোঃ মাহফুজুর রহমান সিনিয়র ম্যানেজার কমপ্লায়ান্স ডি,বি, এল গ্রুপ বিজিএমইএ কমপ্লেক্স (১৩ তলা), ২৩/১, পান্থপথ লিংক রোড কাওরান বাজার, ঢাকা-১২১৫।
	৫। জনাব শারফুদ্দীন আহমেদ শরীফ ম্যানেজিং ডাইরেক্টর ফেয়ারমেন লিমিটেড ৯/ডি, শ্যামলী, হাউজ # ডি-২/৪, রোড # ১ শ্যামলী, ঢাকা।
	৬। জনাব মোঃ বিল্লাল হোসেন হেড অফ এইচ আর এণ্ড কমপ্লায়ান্স ফেসি ফ্যাশন সুইটারস লিঃ (হান্নান গ্রুপ) ১১৫৩-৫৪, শহীদ সিদ্দিক রোড বোর্ড বাজার, গাজীপুর।

১ম শ্রম আদালত, চট্টগ্রাম	১। জনাব গাজী মোহাম্মদ ফসিউল আলম উপ-মহাব্যবস্থাপক (উৎপাদন ও লিয়াজো কর্মকর্তা) বিজেএমসি সান্তার চেম্বার ৯৯, আখ্ৰাবাদ বা/এ, চট্টগ্রাম।
	২। জনাব এ, এম,এম, সাজ্জাদ ম্যানেজার, এডমিন এণ্ড লেবার রিলেশন বার্জার পেইন্টস বাংলাদেশ লিঃ ৪৩/৩, চট্টেশ্বরী রোড, চট্টগ্রাম।
	৩। জনাব গোলাম মোস্তফা জেনারেল ম্যানেজার (টি ইস্টেটস) এম, এম, ইস্পাহানী লিঃ ইস্পাহানী বিল্ডিং শেখ মুজিব রোড, আখ্ৰাবাদ বা/এ চট্টগ্রাম।
	৪। জনাব মোহাম্মদ মহসিন চৌধুরী সিনিয়র ডেপুটি সেক্রেটারী বাংলাদেশ পোশাক প্রস্তুতকারক ও রপ্তানীকারক সমিতি (বিজিএমইএ) জীবন বীমা ভবন (৩য় তলা) ৫৬, আখ্ৰাবাদ আ/এ, চট্টগ্রাম।
	৫। জনাব খন্দকার সাইদুর রহমান এসিসটেন্ট জেনারেল ম্যানেজার (এইচআরডি) অজিম গ্রুপ ১২-১৩ পি, কালুরঘাট বা/এ, চট্টগ্রাম।
	৬। জনাব এ, জেড, এম, তাবারক উল্লাহ উপদেষ্টা (ইন্ডাস্ট্রিয়াল রিলেশন) বিজিএমইএ আঞ্চলিক অফিস জীবন বীমা ভবন (৩য় তলা) ৫৬, আখ্ৰাবাদ আ/এ, চট্টগ্রাম।

২য় শ্রম আদালত, চট্টগ্রাম	১। জনাব মোঃ এনায়েত উল্লাহ উপ-ব্যবস্থাপক (প্রশাসন) হাফিজ জুট মিলস বার আওলিয়া, ঢাকা ট্রাংক রোড, চট্টগ্রাম।
	২। জনাব এ এন এম সাইফুদ্দীন চেয়ারম্যান ষ্টাডিং কমিটি (লেবার ও ফায়ার) বিজিএমইএ জীবন বীমা ভবন (৩য় তলা) ৫৬, আখাবাদ আ/এ, চট্টগ্রাম।
	৩। জনাব মোঃ শাহেদুর রহমান ম্যানেজার (ডেভেলপমেন্ট ও কো-অর্ডিনেশন) ব্রাক টি ইন্সটিট ডিভিশন প্রগ্রেসিভ টাওয়ার ১৮৩৭, শেখ মুজিব রোড, চট্টগ্রাম।
	৪। জনাব মোহাম্মদ মহিউদ্দীন চেয়ারম্যান, বোর্ড অফ ডাইরেক্টরস এণ্ড চীফ এক্সিকিউটিভ অফিসার বি,এল,পি, ওয়ারম ফ্যাশন লিঃ রহমান টাওয়ার ১, রেইল গেট, মুবাদপুর, চট্টগ্রাম।
	৫। জনাব এস, এম, শাহনেওয়াজ জেনারেল ম্যানেজার (এইচ আর এণ্ড এডমিন) ক্লিফটন গ্রুপ ৪নং জুবিলি রোড, জীবন ভবন, চট্টগ্রাম।
	৬। জনাব কাজী জামিল আহমাদ জেনারেল ম্যানেজার (কমপ্লায়ান্স) ভলিয়েন্ট গার্মেন্টস লিঃ ৫৭২ ষ্ট্যান্ড রোড, চট্টগ্রাম।

শ্রম আদালত, রাজশাহী	<p>১। জনাব মোঃ সোহরাব আলী সহ-সমন্বয় কর্মকর্তা (প্রশাসন) রাজশাহী জুট মিলস কাঁটাখালী, রাজশাহী।</p>
	<p>২। জনাব মোঃ আবু বাককার আলী প্রেসিডেন্ট রাজশাহী চেম্বার অব কমার্স এণ্ড ইণ্ডাস্ট্রি চেম্বার ভবন, স্টেশন রোড রাজশাহী।</p>
	<p>৩। জনাব মোঃ হারুনুর রশীদ ডাইরেक्टर রাজশাহী চেম্বার অব কমার্স এণ্ড ইণ্ডাস্ট্রি চেম্বার ভবন, স্টেশন রোড রাজশাহী।</p>
	<p>৪। জনাব কবিরুর রহমান খান ডাইরেक्टर রাজশাহী চেম্বার অব কমার্স এণ্ড ইণ্ডাস্ট্রি চেম্বার ভবন, স্টেশন রোড রাজশাহী।</p>

শ্রম আদালত, খুলনা	১। জনাব এস, এম এ হালিম ডেপুটি ম্যানেজার (এডমিন) নওয়াপাড়া জুট মিলস্ লিঃ নওয়াপাড়া, যশোর।
	২। জনাব আব্দুল হারিম তালুকদার সমন্বয় কর্মকর্তা (শ্রম ও কল্যাণ) কার্পেটিং জুট মিলস রাজঘাট, যশোর।
	৩। জনাব মোঃ শাফীউল্লা খান জেনারেল ম্যানেজার লকপুর ফিশ প্রসেসিং কোঃ লিঃ চর রূপসা, বাগমরা, রূপসা, খুলনা।
	৪। জনাব এস এম শাহিনুল আলম অফিসার ক্যাশ সোনালী ব্যাংক লিঃ খুলনা কর্পোরেট ব্রাঞ্চ, খুলনা।
	৫। জনাব লুৎফর রহমান তালুকদার ম্যানেজার (এডমিন) বাংলাদেশ ক্যাবল শিল্প লিঃ শিরমণি, খুলনা।
	৬। জনাব শাহ আলম সিকদার এ্যাসিস্টেন্ট ম্যানেজার (এডমিন) খুলনা নিউজপ্রিন্ট মিলস্ লিঃ খালিশপুর, খুলনা।

IMPOTANT COURT CASES ON LABOUR MATTERS STATISTICS:

Writ Petition No. 2331 of 2009

Nazmun Ara Sultana J

Md Imman Ali J

Md Anwarul Haque J

Hasan Foez Siddique J

Bangladesh Agricultural Development Corporation, and othersAppellants

(in all the cases)

vs

Md Abdur Rashid and others..... Respondents

Judgment

February 2nd 2014,

Hasan Foez Siddique J: Civil Appeal Nos. 45 to 48 of 2012 have been heard together. Since all the appeals raised common points of law, they are being disposed of by this single judgment.

2. The common question in these appeals is as to whether employees who opted for voluntary retirement pursuant to or in response of a special scheme floated by the Bangladesh Agricultural Development Corporation (BADC) would be precluded from re-instatement in their services after acceptance of their prayers for voluntary retirement and payment of retirement benefits.

3. In Civil Appeal No. 45 of 2012, the respondent Nos. 1-5 filed Writ Petition No. 8872 of 2008 being aggrieved by the notification dated 26-10-2002 issued by the Secretary, Ministry of Agriculture amending Clauses 4 and 5 of the Notification No. Krirhi-5/Ma-2/98 (Part-8)/727 dated 17-11-1999 issued by the Government with regard to reorganization of BADC and office order communicated under Memo No.স্বচ্ছ/সক-1/2002/2003/361 dated 20-10-2002 purportedly terminating 135 employee including writ petitioners. The High Court Division made the said rule absolute holding that identical matter had

been disposed of by a judgment and order dated 27-5-2008 by this Division in Civil Appeal Nos. 158-184 of 2006 and Civil Appeal No.136 of 2007. Accordingly, the writ respondents were directed to re-instate the writ petitioners to their respective posts with all wages subject to refund of the termination benefits by the writ petitioners, if those were withdrawn by them. BADC filed Review Petition No. 49 of 2010 in the High Court Division mainly on the ground that the writ petitioners were not terminated rather they had voluntary retired from their service. The High Court Division rejected the said review petition summarily holding that the service of the petitioners were terminated in the garb of voluntary retirement. Against the said order of rejection of review petition. BADC filing leave petition, obtained leave.

4. In Civil Appeal No. 46 of 2012, the writ petitioners Md Ataur Rahman and 7 others filed Writ Petition No. 7724 of 2008 being aggrieved by the above mentioned notifications and the orders of termination from their service. The High Court Division made the said Rule absolute taking similar views. BADC filed Review Petition No.48 of 2010 on similar grounds. The High Court Division rejected the said review petition summarily holding that the order of termination had been passed in the garb of voluntary retirement. Against the said order, BADC, filing Civil Petition for

leave to Appeal, got leave. While pressing this appeal No. 46 of 2012 Mr Mahbubey Alam, learned Senior Counsel, submits that out of the 8 writ petitioners, Md Aatur Rahman, Md Abdul Hakim, Mozibor Rahman and Md Anowarul Hoque had retired from their service voluntarily and the rest were terminated. Though the rest of the writ petitioners namely, Md Mostafizur Rahman, Md Alauddin, Md Amir Hossain and Nobiul Islam have been impleaded as respondent Nos. 5-8 in this appeal but he would not press the appeal against respondent Nos. 5-8. Accordingly, the appeal be dismissed in respect of the respondents No. 5, Md Mostafizur Rahman No. 6. Md Alauddin, No. 7. Md Amir Hossain and No. 8. Nobiul Islam.

5. In Civil Appeal No. 47 of 2012, respondent Md Rafiqul Alam was writ petitioner No. 5 in Writ Petition No. 7682 of 2007. They said Md Rafiqul Alam and 5 others filed the aforesaid writ petition challenging the above mentioned notices and the orders of termination. Similarly, Rule was also made absolute by the High Court Division observing that since identical matter had been disposed of by this Division, the writ petitioner, were entitled to get relief in the light of the said judgment. BADC filed Review Petition No. 52 of 2010 impleading Md Rafiqul Alam, stating that he had voluntarily retired from his service. So, the matter decided by the Appellate Division was not identical so far as it relates to Md Rafiqul Alam. The High Court Division summarily rejected the said review petition by an order dated 27-9-2010. Then, BADC preferred this appeal getting leave.

6. In Civil Appeal No. 48 of 2012, the respondents were 20 in number. They filed Writ Petition No. 2331 of 2009 being aggrieved by the above mentioned notifications and the orders of termination. The High Court Division made the said Rule absolute in the light of the decision and directed to reinstate the writ petitioners in their service. Against the said judgment and order, BADC preferred this appeal getting leave. Mr Mahbubey Alam, learned Senior Counsel, submits that he would not press the appeal in respect of other respondents except respondent No. 9, Md Safiul Alam Khondoker, who had retired from service voluntarily. Accordingly, the appeal be dismissed against the

other respondents except the respondent No. 9, Md Safiul Alam Khondoker.

7. Mr Mahbubey Alam, learned Senior Counsel appears on behalf of the appellants for all the appeals. On the other hand, Mr Abdul Wadud Bhuiyan, Senior Counsel appears for respondent Nos. 1-5 in Civil Appeal No. 45 of 2012 and Mr Probir Neogi appears for the respondent in Civil Appeal No. 47 of 2012.

8. No one appears on behalf of the respondents in other appeals.

9. Mr Mahbubey Alam, submits that the respondents, against whom he is pressing the appeals, had voluntarily retired from their services and had withdrawn their financial benefits. They were not terminated from their service. After acceptance of their prayers for voluntary retirement and payment of the financial benefits, the respondents could not claim that they had been terminated from the service. The High Court Division has committed error of law in holding that the service of these respondents had been terminated in the garb of voluntary retirement.

10. Mr Abdul Wadud Bhuiyan, learned Senior Counsel appearing for the respondent Nos. 1-5 in Civil Appeal No. 45 of 2012, submits that the prayers for voluntary retirement of respondents were stayed by BADC and allowed them to continue for a considerable period thereby those prayers had been rejected by implication. By the impugned orders all the respondents had been terminated in the garb of voluntary retirement. The High Court Division rightly held so.

11. Mr Probir Neogi, appearing on behalf of the respondent in Civil Appeal No. 47 of 2012, submits that the respondent Md Rafiqul Alam initially though submitted an application for voluntary retirement but the same was not accepted and by the impugned order he had been terminated. He further submits that Rafiqul Islam did not receive any financial benefit out of same scheme of voluntary retirement like other respondents who had retired from services voluntarily. He submits that the High Court Division rightly declared the order of termination void and meanwhile BADC had reinstated him and he has been serving in BADC.

12. It appears from the materials on record that in Civil Appeal No. 45 of 2012 the respondents are 5 in number. They are 1. Md Abdur Rashid, 2. Md Fazlur Rahman, 3. Solaiman Ali, 4. Md Abdur Rashid Mondal, 5. Md Jahangir Alam. Md Abdur Rashid prayed for voluntary retirement with effect from 30-9-1994. BADC, accepting the said prayer by a letter communicated under memo No. স্মেচ্ছা/সক-1/2002/2003/369 dated 20-10-2002, paid his retirement benefits who received 80% of the payable benefits on 23-11-2002. Respondent No. 2, Md Fazlur Rahman prayed for voluntary retirement from service with effect from 30-9-1994 which was accepted by BADC on 20-10-2002. This respondent received his entire retirement benefits of Taka 2,85,728 on 26-11-2002 under special scheme of voluntary retirement and 19-5-2003. Respondent No. 3, Solaiman Ali prayed for such voluntary retirement with effect from 30-9-1994 which was accepted on 20-10-2002. The payable financial benefits of retirement was 4,48,425. He had received Taka 3,65,120 on 23-11-2002 and Taka 16,610 on 31-7-2004. The respondent No. 4, Md Abdur Rashid Mondal prayed for voluntary retirement from his service with effect from 30-9-1994. The payable amount against his retirement benefits was Taka 2,62,729. He received Taka 76,737 on 12-5-2003 and Taka 23,311 on 20-12-2004. Respondent No. 5, Md Jahangir Alam prayed for a voluntary retirement from service with effect from 30-9-1994 and payable amount against his retirement benefits was Taka 3,61,145. He received Taka 3,51,145 on 30-11-2002 and Taka 10,615 on 31-7-2004. Similarly, respondent No. 1, Md Ataur Rahman, No. 2. Md Abdul Hakim, No. 3. Mozibor Rahman, No. 4. Md Anowarul Hoque in Civil Appeal No.46 of 2012 filed their respective applications for voluntary retirement from services with effect from 30-9-1994. BADC assessed the payable amount of financial benefits against their services and almost all of them withdrew considerable amount out of the amounts payable under such a special scheme of voluntary retirement.

13. Mr Probir Neogi, learned counsel for the respondent Md Rafiqul Alam, in Civil Appeal No. 47 of 2012 submits that meanwhile this respondent of this appeal has been re-instated and he has been serving

in BADC. After such reinstatement of respondent Md Rafiqul Alam, we are of the view that the appeal against him is tenable.

14. In Civil Appeal No. 48 of 2012, Mr Mahbubey Alam, submits that the respondent No. 9, Md Saiful Alam Khondoker had retired from his service voluntarily. From the materials on record it appears that the respondent No. 9 Md Saiful Alam Khondoker prayed for voluntary retirement from service with effect from 30-9-1994. The same was accepted on 20-10-2002. Though it appears that, on 30-10-2002, he was terminated from service but Mr Alam submits that the same was a clerical mistake. After acceptance of the prayer for voluntary retirement from service, the question of termination thereafter does not arise. It further appears from the materials produced by the appellant that he had also received a considerable amount out of the amount payable as retirement benefits.

15. BADC was said to be overstaffed. For the purpose of effective management, manpower planning was contemplated by the Ministry of Agriculture. In order to downsize the strength of staffs of BADC the Ministry of Agriculture issued a circular communicated under Memo No. কৃষি-৫/ম-2/(Ask-1)/375 dated 13-12-1992, the Voluntary Retirement Scheme in which some privileges had been specially offered to the employees of BADC who intended to retire from their services voluntarily. As per terms of the scheme, the employees who sought for voluntary retirement, were entitled to accept ex gratia payment as specified therein, In said circular there was a clause wherein it was specifically mentioned, “এই ব্যবস্থা সম্পূর্ণ ঐচ্ছিক তবে, একবার অবসর গ্রহণের ইচ্ছা প্রকাশ করলে তা পরে প্রত্যাহার করা যাবে না।” In their respective applications for voluntary retirement from service, the respondents mentioned that in view of the aforesaid circular they decided to retire from service, voluntarily. Knowing fully well about the consequence of the aforesaid clause of the circular they offered their prayers. That is, admitted position is that the respondents, while working in the BADC had applied for voluntary retirement, pursuant to the scheme framed by the Ministry of Agriculture to relieve the surplus staff, which had been accepted by the impugned orders. Since the respondents had

been relieved from the duty after acceptance of their offers of voluntary retirement and special payment of retirement benefits, the rural relationship of the BADC and respondents came to an end.

16. In the case of AIR India vs Nergesh Mirza, Supreme Court of India held that Government servant is not entitled to demand as of right, permission to withdraw the letter of voluntary retirement, it could only be given as a matter of grace. In the case of State of Haryana vs SK Singhal reported in (1999)4 SCC 293 Supreme Court of India observed that the cases of voluntary retirement can broadly be decided into the following categories:

- (i) Where voluntary retirement is automatic and comes into force on the expiry of notice period,
- (ii) When it comes into force; unless an order is passed' within the notice period with holding permission; and
- (iii) When voluntary retirement does not come to force unless permission to this effect is specifically granted by the controlling authority.

17. In the cases, in hand, the respondents, while working in the appellant BADC, had applied for voluntary retirement, and, thereafter, they withdrew all or considerable amounts of retirement benefits from BADC. Since the respondents had applied for voluntary retirements, such applications should be effective in view of the provision of the circular as quoted above or by the relevant law.

18. Mr Bhuiyan submits that since the BADC allowed the respondents to continue in service for considerable period thereby BADC had rejected prayers for voluntary retirement of the respondents by implication. It is not possible to accept contention because as a general principle, one who knowingly accepts the benefits of the offer is estopped to deny the validity and binding effect of offer and acceptance of the same. Moreover, clause 2 of the circular provides, 'তবে একবার অবসর গ্রহণের ইচ্ছা প্রকাশ করলে তা পরে প্রত্যাহার করা যাবে না।' Implication may arise in consideration that statute is of something not expressly declared. He the circular quoted above provides that option once exercised shall be final.

Section 9 of the Public Servant (Retirement) Act also provides so. Since the respondents accepted the ex-gratia payment, in our considered opinion, they could not have resiled therefrom.

19. In the case of Nand Keshwar Prasad vs Indian Farmers Fertilizers Co-operative Ltd. Supreme Court of India held that unless controlled by condition of service or the statutory provisions, the retirement mentioned in the letter of resignation must take effect from the date mentioned therein. The option having once been exercised the respondents could not go back on the same because the principle is that, one person may not approbate and reprobate expresses two proposition.

20. In view of the specific provision in the circular that, 'তবে, একবার অবসর গ্রহণের ইচ্ছা প্রকাশ করলে তা পরে প্রত্যাহার করা যাবে না।' which indicates as absolute terms and since that there is no provision quoted clause to withdraw prayers, we are of the view that prayers of voluntary retirements came in effect after acceptance of the prayers. The moment prayers are accepted the retirement become effective.

21. "Termination" and "voluntary retirement from the service" have different connotations and cannot be equated for the reasons that the termination can be termed as "naked hire and fire" rule and paralled of which was to be found only in the Henry VIII clause". On the other hand, voluntary retirement scheme is a method used to reduce surplus staff. Participation in the voluntary retirement plan is voluntary. It has to result in an overall reduction in the existing strength of employees. Accordingly, we are not inclined to accept the observation of the High Court Division that the respondents had been terminated in the grab of voluntary retirement. Moreover, the respondents have filed writ petitioners after about 8 years of the acceptance of their prayers and after receiving retirement benefits.

22. The instant process was a policy decision involving complex economic factors. The court would be slow from interfering with the economic decisions as it has been recognized that the economic expediencies

lack adjudicative decision and unless the economic decision, based on economic expediencies, is demonstrated to be so violative of constitutional or legal limits. It is the administrators and legislators who are entitled to frame policies and take such administrative decisions as they think necessary in the public interest. The court should not ordinarily interfere with policy decisions, unless clearly illegal. We do not find any violation of constitutional provision or legal limits in the instant scheme.

23. In view of the discussion made above Civil Appeal No. 45 of 2012 is allowed; Civil Appeal No. 46 of 2012 is allowed so far as it relates to respondent Nos. 1-4 namely (1) Md Ataur Rahman, (2) Md Abdul Hakim, (3) Mozibur Rahman and (4) Md Anwarul Haque and dismissed against the rests. Civil Appeal No. 47 of 2012 is dismissed. Civil Appeal No. 48 of 2012 is allowed so far as it relates to respondent No. 9 Md Saiful Alam Khondker and dismissed against the rests. Ed.

Source: The Dhaka Law Reports (September, 2015)

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Writ Petition No. 3468 of 2012.

Tariq-Ul-Hakim J

Abu Taer Md Saifur Rahman J

Shahnaz Parveen and others..... Petitioners

Bangladesh, represented by the Secretary, Ministry of Health and Family Welfare Dhaka and others..... Respondents

Judgment

July 8th, 2013

Tariq-ul-Hakim J: Rule Nisi has been issued calling upon the respondents to show cause as to why the impugned Memo dated 24-3-2008 (Anneure D) issued by the respondent No. 4 denying time scale and selection grade to persons in the revenue post who were transferred from the development project without counting their service period in the development project should not be declared to be without lawful authority, ultravires of at Rule 6 of the উন্নয়ন প্রকল্প হইতে রাজস্ব বাজেটে স্থানান্তরিত পদেও পদধারীদের নিয়মিত করণ ও জ্যেষ্ঠতা নির্ধারিত wewagvjy, 2005 and of no legal effect and why the respondents should not be directed to give time service, selection grade, seniority and related service benefits to the petitioners and count their service period in the development project and/or pass such other or further order or orders as to this Court may seem fit and proper.

2. At the time of hearing at the outset the learned Advocate for the petitioners submits that he does not wish to press the Rule regarding the seniority of the petitioners.

3. This Rule has been issued at the instance of as many as 61 petitioners who are serving in a development project relating to Tuberculosis and Leprosy Control, Micro Bacterial Diseases Control, Department of Health of the Government of Bangladesh. Their posts were subsequently transferred to the revenue budget by order of the Ministry of Health and Family Welfare vide its Memo No. Proba-l/Rajaswa-3/2006/484 dated 11-

6-2006. Thereafter their posts were regularized temporarily by office order of the Director General, Directorate of Health Services, Department of Health, Mohakhali, Dhaka vide Memo No. Sha: Adhi:/Prosha-4/TB Leprosy Rajeswa 72002/4714 dated 27-1-2008 on condition that their continuation of services will be reserved from their joining date in the development project and their seniority will be counted as per Rule 4 of the SRO No. 182-Ain 2005/ ShaMa/Bidhi-1/S- 9/200 dated 20-6-2005 issued by the Ministry of Establishment উন্নয়ন প্রকল্প হইতে রাজস্ব বাজেটে স্থানান্তরিত পদেও পদধারীদের নিয়মিত করণ ও জ্যেষ্ঠতা নির্ধারিত বিধিমালা, 2005) (hereinafter referred to as the 2005 Rules). Thereafter their jobs were made permanent from 1-6-2009 by an order vide Memo No. Shapakorn/ Proba - I/stayee / Rajeswa - 01/2009/205/1(24) dated 7-10-2009 issued by the Deputy Secretary, Ministry of Health and Family Welfare.

4. Thereafter the petitioners prayed for -fixing their salary at a higher scale (with time scale) taking into account of their continuity of services in the development project as per Rule 6 of the 2005 Rules. The Deputy Chief Accounts Officer, Ministry of Health and Family Welfare however informed the petitioners' higher authority that in view of Memo No. AoMo/Abi(Basta-4)/Bibidh-20(U. Scale)/07/47 dated 24-3-2008 issued by the Ministry of Finance there is no scope of giving time scale and selection grade to the revenue post holders transferred in the development project for the period they were in the development project (Annexure D). Thereafter the petitioners came to know that the Ministry of Expatriates Welfare and Overseas Employees pursuant to a judgment and order of the High Court Division in Writ Petition No. 6591 of 2004 and opinion of the Ministry of law, Justice and Parliamentary Affairs, Government of Bangladesh Officers and employees (whose jobs were in the development project) were given time

scale, selection grade, seniority and other service benefits by counting their service period from their joining date in the development project. Thereafter the petitioners made several representations to the higher authority for reconsidering their prayer for giving salary, time scale and other service benefits from the period of their joining in the development project but they received no satisfactory response.

5. Being aggrieved, the petitioners have come to this Court and obtained the present Rule.

7. The Rule is being contested by the respondent No. I by filing Affidavit-in-Opposition where it has been stated that the policy of the Government to grant seniority and other service benefits to its employees is from the date of joining the revenue set up and not prior to that. Since the petitioners were allowed to get seniority and service benefits from the date of their joining the revenue set up, it is absurd to grant the same prior to that.

8. Mr ARM Fazlul Hoque, the learned Advocate for, the petitioners has drawn our attention to the 2005 Rules where it has been categorically stated in Rule 6 that a regularized employee's salary, leave, pension and other related benefits shall be determined by taking into account

his period of service in the development project and, as such, the impugned Memo dated 24-3-2008 is ultra vires of Rule 6 of the 2005 Rules and is liable to be declared illegal and issued without lawful authority and of no legal effect. The learned Advocate submits that since the officers and employees of the Ministry of Expatriate Welfare and Overseas Employees who came from the development project were given time scale, seniority and other service benefits by counting

their service period in the development project, the petitioners should also be given service benefits and time scale etc. by taking into account their service period in the development project as they are in the same footing. The learned Advocate further submits that the Ministry of Law Justice and Parliamentary Affairs, have given their opinion in the case of officers and employees of the Ministry of Expatriate Welfare and Overseas Employee regularized from the development project to the revenue set up. That Rule 6 of the 2005 Rule entitle such officers to get salary, time scale, seniority and other benefits by counting their service period in the development project and, as such, he submits that the petitioners are entitled to get time scale and other service benefits and the impugned order is liable to be declared illegal, arbitrary and without lawful authority. The learned Advocate has drawn our attention to an unreported judgment in Writ Petition No. 1186 of 2004 where the High Court Division has held that the petitioners' transfer from the development project to the revenue set up are entitled to time scale, seniority and other service benefits by counting their period of service in the development project by virtue of Rule 6 of the 2005 Rules.

9, As against this, Mr Kazi Zinat Hoque, the learned Deputy Attorney- General submits that the seniority, time scale and service benefits etc. of the petitioners should come from the date of their transfer to the revenue set up. To allow them seniority and other service benefits from the date of their joining in the development project will create chaos in the revenue set up. The learned Deputy Attorney-General has drawn our attention to the language of Rule 5 of the 2005 Rules which clearly states that the seniority of the employee will take from the date of his regularization in the revenue set up and not prior to that. To do other wise she submits that persons who are senior to the petitioners by virtue of joining their services earlier will become junior to the petitioners even though the petitioners joined the revenue set up much later. This would create chaotic situation in the revenue station which cannot be the intention of the Rules.

10, We have considered the submissions of the learned Advocates,

11, It appears that the petitioners were working in a development project from 1993 and were transferred to the revenue set up in 2009. The only point for adjudication in the instant Rule is that hether the petitioners would get seniority from the dale of their joining in the evelopment project although their services were transferred to the revenue et up in 2009 or whether their seniority is to be determined from the date of then-transfer to the said revenue set up in 2009.

12. The second point is whether the etitioners are entitled to the service benefits salary, time scale etc. from thedate of their joining in the revenue budget or from the date of joining in the evelopment project.

13.

14. Rule 5 of the 2005 Rules states

“৫। জ্যেষ্ঠতা নির্ধারণ-

(১) এই বিধিমালা অধীন নিয়তিমকৃত কোন কর্মকর্তা বা কর্মচারীর জ্যেষ্ঠতা নির্ধারণের ক্ষেত্রে তাহার চাকুরী নিয়মিতকরণের তারিখ হইতে গণনা করা হইবে।

কোন উন্নয়ন প্রকল্পে একই তারিখে নিয়োগপ্রাপ্ত একাধিক কর্মকর্তা বা কর্মচারীর জ্যেষ্ঠতা নিশ্চয় নির্ধারিত হইবে যথাঃ-

(ক) উন্নয়ন প্রকল্পে নিয়োগের সময় সর্গশিষ্ট কতৃপক্ষ কর্তৃক প্রস্তুতকৃত মেধা তালিকা বা প্রদত্ত নম্বরের গ্রেডিং, যদি থাকে, এর ভিত্তিতে;

(খ) দফা (ক) এ উলিখিত তালিকা বা প্রদত্ত নম্বরের গ্রেডিং না থাকিলে সেই ক্ষেত্রে ন্যূনতম শিক্ষাগত যোগ্যতা অর্জনের বৎসরের ভিত্তিতে এবং উক্ত বৎসর এক বৎসর হইলে সেই ক্ষেত্রে বয়সের ভিত্তিতে।

(৩) কোন উন্নয়নপ্রকল্পে পূর্বে নিয়োগপ্রাপ্ত কোন কর্মকর্তা বা কর্মচারী প্রয়োজনীয় কাগজপত্রের অভাবে, পদাধিকারীর ত্রুটির কারণে নয়, একই পদে পরে নিয়োগপ্রাপ্ত কর্মকর্তা বা কর্মচারীর পূর্বে বা একই সঙ্গে নিয়মিত না হইয়া পরবর্তী সময়ে নিয়মিত হইবে সেইক্ষেত্রে পরে নিয়মিত হওয়া সত্ত্বেও পূর্বে নিয়মিতকৃতকর্মকর্তা বা কর্মচারীর উপর তাহার জ্যেষ্ঠতা নির্ধারিত হইবে।

(৪) একাধিক উন্নয়ন প্রকল্প হইতে একই পদে দুই বা ততোধিক কর্মকর্তা বা কর্মচারীকে নিয়মিত করা হইলে সেই ক্ষেত্রে উন্নয়ন প্রকল্পে যোগদানের তারিখের ভিত্তিতে জ্যেষ্ঠতা নির্ধারিত হইবে।

(৫) একাধিক উন্নয়ন প্রকল্প হইতে একই পদে দুই বা ততোধিক কর্মকর্তা বা কর্মচারীকে নিয়মিত করা হইলে এবং তাহাদের যোগদানের তারিখ একই সেইক্ষেত্রে বয়ঃ জ্যেষ্ঠতা নির্ধারিত হইবে।

(৬) নিয়মিতভাবে নিয়োগপ্রাপ্ত কর্মকর্তা বা কর্মচারীর নিয়োগের তারিখ এবং নিয়মিতকৃত কর্মকর্তা বা কর্মচারীর নিয়মিতকরণের তারিখ একই হইলে সেইক্ষেত্রে নিয়মিতভাবে নিয়োগপ্রাপ্ত কর্মকর্তা বা কর্মচারীগণ নিয়মিতকৃত কর্মকর্তা বা কর্মচারীগণের উপর জ্যেষ্ঠতা পাইবেন।*

14. Rule 5(1) states quite clearly that seniority of an employee will be from the date of his service is regularized by the authority, hi the instant case it appears that the petitioners' service was regularized on 1-6-2009 as apparent from the Memo No. Shapakom/Proba- 1 /stayee/Rajeswa 01/2009/205/1 (24) dated 7-10-2009 issued by the Deputy Secretary, Ministry of Health and Family Welfare (Annexure C). In such view of the matter, petitioners' seniority will be determined from the said date.

*৬। উন্নয়নপ্রকল্পের চাকুরীকাল গণনা- নিয়মিতকৃতকোন কর্মকর্তাবা কর্মচারীর উন্নয়ন প্রকল্পে চাকুরীকাল তাহার বেতন, ছুটি, পেনশন ও অনুষঙ্গিক সুবিধাদি নির্ধারণের ক্ষেত্রে গণনা করা হইবে।

17. The language of the Rule 6 is very clear. An employee's service period is to he determined by taking into account his period of employment in the development project. His salary, leave, pension and other related benefits are to he determined by taking into account his service period in the development project.

18. In the instant case it appears that the petitioners joined the development project in 1993.

19. In an unreported judgment in Civil Petition for Leave to Appeal No. 308 of 2013 the Appellate Division of the Supreme Court has held as follows:

"In respect of counting the period of service, rule 6 provides that the penod in service in the development projects will be counted for determining regularized

employees and officers in respect of their salary, leave, pension and other benefits. The expression 'আনুষঙ্গিক সুবিধাদি' used in this Rule includes all benefits available to an officer or employee and there is no scope to construe this expression in a restrictive manner. This expression includes salary, leave, pension and other incidental or associated benefits. These Rules have been framed for the benefit of the officers and employees who have been absorbed in the revenue set up from the development projects. Therefore, while interpreting the words used in the Rules beneficial construction should be given. Nevertheless, according to the

interpretation of statutes, even where the usual meaning of the words falls short of the object of the legislature, a mere extended meaning may be attributed to them, if they are fairly susceptible of it."

20. From the aforesaid, it appears that the Appellate Division has clearly affirmed that Rule 6 of 2005 Rules clearly entitled an employee transferred from the development project to the revenue set up to enjoy salary, leave, pension and other service benefits from the date of his entry/joining the development project.

In such view of the matter, we find merit in this Rule. Accordingly the Rule is made absolute in part. The impugned Memo dated 24-3-2008 (Annexure D) issued by the respondent No.4 debarring time scale, selection grade is declared to have been issued illegal and ultra vires of Rule 6 of the Rules, 2005 and the respondents are directed to allow time scale, selection grade and related service benefits to the petitioners counting their service period in the development project.

There will be no order as to costs,
Ed.

Source: The Dhaka Law Reports (April, 2015)

Civil Petition for Leave to Appeal No. 212 of 2010

Md. Muzammel Hossain CJ

Surendra Kumar Sinha J

Md Abdul Wahhab Miah J

Hasan Foez Siddique J

AHM Shamsuddin Choudhury J

Elahi Box Sardar (Md).....Petitioner

vs

Government of Bangladesh represented by Ministry of Communication and others..... Respondents

Judgment

May 25th, 2014

Md Abdul Wahhab Miah J: In this petition for leave to appeal, the petitioner has called in question the decision dated the 12th day of November, 2009 given by the Administrative Appellate Tribunal, Dhaka in Administrative Appellate Tribunal Appeal No. 201 of 2005 allowing the same.

2. The petitioner herein filed an application before the Administrative Tribunal, Bogra under section 4(2) of the Administrative Tribunal Act, 1980 (the Act, 1980) for an order to the effect that opposite party Nos. 2 and 3 (respondent Nos. 3 and 4 herein, hereinafter referred to as the opposite parties) were not entitled to the money claimed in the Memo dated 29-6-1991 vide No. ৩৩০৩/আই/সেয়দ/পরি-১/৯০-৯১/১৯৯৯ and also to dispose of the audit objection in his favour in the light of the order passed by the Tribunal in Case No. 65 of 1995. The application was registered as Administrative Tribunal Case No. 88 of 2003.

3. The case of the petitioner as made out in the application, in short, was that he joined as a Special Class Apprentice (Mechanical) under Railway Mechanical Department on 11-10-1984. As per the departmental rules and terms and conditions of his service, the petitioner participated in the final examination after completion of two years training period and was enlisted in the merit list, but the opposite parties (before the Administrative Tribunal) in violation of the terms and conditions of service, pursuant to Office Memorandum No. E-2/2/46/83 PT-1-572 dated 8-10-1985 of the Ministry of

Communication without absorbing him directly as SSAE (Mechanical) absorbed him as SAE Special Class at the scale of Taka 635-1315. Against the said order, the petitioner filed Administrative Tribunal Case No. 65 of 1995 in the same Administrative Tribunal. The Administrative Tribunal allowed the said case and directed the opposite parties to absorb him at the scale of Taka 625-1315 in SSAE (Mechanical) post. Later on, CME, West Rajshahi set-aside the previous order and allowed the petitioner, the scale of Taka 625-1315 absorbing him in the direct post of SSAE with effect from 31-5-1986 and accordingly, issued a letter. While the petitioner had been working as such, opposite party No. 3, Audit and Accounts Officer, Railpath Audit Adhidaptar (Divisional Office), Syedpur gave a letter to the Manager/Diesel Bangladesh Railpath, Parbotipur on 29-6-1991 vide Memo No. ৩৩০৩/আই/সেয়দ/পরি-১/৯০-৯১/১৯৯৯ claiming that a sum of Taka 38,901,94 (Taka Thirty Eight Lakhs Nine Hundred One and Ninety Four) only was paid in excess to the petitioner as salary and other allowances without absorbing him in the post of SSAE, but creating a Special Class of SAE. In the said Memo, the Manager/Diesel, Bangladesh Railpath, Parbotipur was asked to dispose of the matter according to law and also to realize the amount froth the person concerned. On the basis of the said demand, the Executive Manager, Diesel, Railpath, Parbotipur wrote a letter on 23-9-1996 for settling the matter in the terms of the decision given in Administrative Tribunal Case No. 65 of 1995, but opposite party No. 3 without disposing of the matter in terms of the decision given in the said case, again made a demand vide letter dated 14-3-1998. Then the Executive Manager, Diesel, Railpath,

Parbotipur by letters dated 13-2-2002 and 13-7-2003 requested the authority to settle the matter and gave copies of the letters to opposite party No. 3. But inspite of the letter dated 13-7-2003, opposite party Nos. 2 and 3 did not settle the matter. Then, on 14-8-2003, the petitioner filed an application to opposite party Nos. 2 and 3, but they did not settle the matter. In the above circumstances, the petitioner finding no other way served two separate legal notices upon opposite party Nos. 2 and 3 through his lawyer with the request to settle the audit objection, but they did not settle the audit objection instead opposite party No. 3 by Memo dated 20-9-2003 vide No. 118/9/Syed Pari-I/90-91/1999, requested the petitioner's lawyer to withdraw his legal notice. Subsequently, opposite party No. 2 by Memo dated 20-10-2013 adopted the reply of opposite party No. 3 given to the legal notice of the petitioner. In the above context, the petitioner filed the application before the Administrative Tribunal.

4. Opposite party No. 2, the Deputy Director, Railway Audit Adhidaptor of the Office of the Director General (Regional Office), Rajshahi, contested the Administrative Tribunal case by filing written statement denying all the material allegations made in the application and contending, inter alia, that the petitioner being an employee of Bangladesh Railway, it had the authority to take measure on the basis of audit objection. Since the petitioner did not file the departmental appeal against the audit objection which was raised on 29-6-1991 and the Administrative Tribunal case within 6(six) months from the date of raising the audit objection, the case was barred by limitation. As per section 5 of the Services (Re-organisation and Conditions) Act, 1975, the pay scale of the employees of Railway department has been fixed by the Ministry of Finance with the final approval of higher authority like other Ministry/department and authorities; under sections 5(1)(2) of the said Act, no authority is empowered to change the pay scale against any post. As per the provision of Rules 9(a) (7) of the Rules of Business, 1975, only the Finance Division of the Ministry of Finance is empowered to

change the pay scale which has also been reflected in serial No. 14 of the list given in the Delegation of Financial Power, 1983. Since, at the relevant time, there was no provision to give direct appointment in the post of senior Sub-Assistant Engineer and there was no approval of the Ministry of Finance, the offer letter issued on the basis of the recruitment notice No. 2/1984 by the Railway Recruitment Bureau, was illegal and beyond jurisdiction. In Case No. 65 of 1995 (before the same Administrative Tribunal), the Audit Adhidaptor was not made a party, so they were deprived of placing their case; had the Audit Adhidaptor been made a party, they could have placed their case and in that case, the decision in that case (65 of 1995) would have been otherwise.

There being no merit in the case, the same was liable to be rejected.

5. The Administrative Tribunal on hearing the parties and considering the documents filed before it by the order dated 19-5-2005 allowed the application against opposite party No. 2 on contest and ex-parte against others declaring Memo No. 3303/আই/সৈয়দ/পরি-১/৯০-৯১/১৯৯৯ dated 29-6-1991 as illegal and void. Against the order of the Administrative Tribunal, the respondents herein filed Administrative Appellate Tribunal Appeal No. 201 of 2005 before the Administrative Appellate Tribunal, Dhaka, in short, the Appellate Tribunal. The Appellate Tribunal by the impugned decision allowed the appeal and set aside the order of the Administrative Tribunal.

6. From the impugned decision, it appears that the Appellate Tribunal allowed the appeal mainly on the ground that the application filed before the Administrative Tribunal was barred by limitation, although the authority passed the impugned order on 29-6-1991, the petitioner long after 3(three) months therefrom filed an application to the authority on 14-1-2003 which was treated as departmental appeal. The Appellate Tribunal held that as per the provision of rule 18 of the Government Servants (Discipline and Appeal) Rules, 1985 (the Rules, 1985), limitation for filing departmental appeal is 3(three) months, but the

Member of the Administrative Tribunal “committed mistake in realizing the provision of law in (sic) the limitation issue.” The Appellate Tribunal further held that it was the audit department that raised objection against the pay drawn by the petitioner, but it was not made a party, even the Secretary, Ministry of Finance was not made a party in the case; therefore, the case was bad for defect of party as well.

7. Mr Khurshid Alam Khan, learned Advocate, appearing for the petitioner, has tried to assail the decision of the Appellate Tribunal by submitting that the petitioner being an employee of Bangladesh Railway the Rules, 1985 was not applicable to him. According to Mr Khan, it is the Railway Karmachari (Dakhhata and Shringkhala) Bidhimala, 1961 (the Bidhimala, 1961) which is applicable, but the Appellate Tribunal did not at all consider the provision of the said Bidhimala and thus fell into an error in giving the impugned decision holding that as the petitioner filed the departmental appeal long after 3(three) months, so the appeal and the Administrative Tribunal case was barred under the law and as such, the impugned decision calls for interference by this Court.

8. Mr Sarder Rashed Zahangir, learned Deputy Attorney-General, appearing for the respondents, on the other hand, has supported the impugned decision.

9. From the impugned decision, it appears that the Appellate Tribunal relied upon the provision of rule 18 of the Rules, 1985 which has provided a limitation of 3(three) months for filing a departmental appeal, but in the instant case, though the authority passed the impugned order on 14-6-1991, the application, which was treated as an appeal, was filed on 14-8-2003, i.e. long after 3(three) months. From the impugned decision, it does not appear that the point as taken before this Court was urged before the Administrative Appellate Tribunal. However, from the decision of the Administrative Tribunal, it appears that the Railway Authority took an objection as to the maintainability of the case to the effect that as no

appeal was filed within 6(six) months from the date of audit objection, the case was barred by limitation. But the Administrative Tribunal did not consider the said specific objection of the opposite parties and found the case maintainable on the finding that since the audit objection raised by the Accounts Officer of the Railpath Audit Adhidaptor (Divisional office), Syedpur as to the withdrawal of Taka 38,901,94 by the petitioner as excess salary, was not disposed of inspite of the letter dated 13-2-2002 written by the Manager/ Diesel, Bangladesh Railpath/Parbotipur, the letter dated 8-7-2003 written by the Deputy Finance Adviser and Chief Accounts Officer Keloco, Bangladesh Railpath/Parbotipur to the Audit and Accounts Officer, Railpath Audit, Adhidaptor, Syedpur and the letter dated 13-7-2003 written by the Manager/Diesel, Bangladesh Railpath/ Parbotipur to the said Audit and Accounts Officer, Railpath, Audit Adhidaptor, then he applied to the Audit and Accounts Officer, Railpath Audit, Adhidaptor, Syedpur, Nilphamari on 15-7-2003 and 13-8-2003 and gave the legal notice on 8-7-2003, yet the audit objection was not disposed of and lastly he filed the case on 15-12-2003. On merit, the Tribunal relied upon the order passed by it earlier in Case No. 65 of 1995 and the Memo dated 23-9-1996 issued by the concerned Railway authority pursuant to the order passed in the said case.

10. The Appellate Tribunal found the departmental appeal and the Administrative Tribunal case barred by limitation relying on rule 18 (in the decision it has wrongly been written as section) of the Rules, 1985. But it failed to consider sub-rule (4) of rule-1 of the Rules, 1985 which has clearly provided that the provisions of the Rules, 1985 shall apply to all Government Servants, except

(a) persons to whom the Railway Establishment Code (the Code) applies.

11. The petitioner, being an employee of the Railway, the Code is very much applicable in his case, so the Appellate Tribunal was apparently wrong in holding that the departmental appeal and the Administrative Tribunal case were barred by limitation relying upon rule 18 of the Rules, 1985.

12. In the context, we are to see the provisions of the Code. The Code has two volumes, being volumes 1 and 2 and in none of the volumes, we have found any provision for filing an appeal or revision to the higher authority against the audit objection as raised in the instant case. Mr. Khurshid Alam Khan could not also show any provision in the Code which provides for appeal or revision against any audit objection. Mr Sarder Zahangir, learned Deputy Attorney-General, who appeared for the respondents, could not also point out any provision from the Code (both the volumes) which provides for an appeal or revision against the audit objection of the instant nature. Admittedly, no departmental proceeding was initiated against the petitioner for taking excess amount against his salary and other allowances or for recovering the excess money so received by him as objected to by the Audit and Accounts Officer of the Railpath, Audit Directorate and in the Bidhimala, 1961, there is provision for appeal only against punishment under bidhi 1717, 1723, 1731 and 1732 of the Code. And again these bid- his relate to (a) appeal against any of the penalties specified in rule 1702, withholding of appeal by an authority not lower than the authority from whose order the same is preferred, the provisions of appeal by class I or II employees of the Railway from an order passed by the authority (i) imposing any of the penalties specified in rule 1728 (ii) discharging an employee otherwise than as a penalty imposed under Rule 1728, (iii) reducing or withholding (a) the maximum pension, including an additional pension, admissible to him under the rules governing pension, if he is a pensionable railway servant (b) the provident fund, bonus and gratuity admissible to him under the State Railway Provident Fund and Gratuity Rules, if he is a non-pensionable railway servant and appeal by a class-I employee appointed by the President to the President from an order by a subordinate authority respectively. So we failed to understand where from the Appellate Tribunal could come to the finding that the application filed by the petitioner to the authority on 14-8- 2003 which was treated as departmental appeal, was filed long after 3(three) months from 26-6-1991 (the date of audit

objection). Therefore, the same was barred under rule 18 of the Rules, 1985 (though the Rules, 1985 is not applicable in case of the Railway employees to whom the Code applies). We also failed to understand as to how and from where opposite party No. 2, the Deputy Director, Railway Audit Adhidaptor of the Director General (Regional Office), Rajshahi could take the objection in the written statement filed before it as the departmental appeal and the case was not filed within 6(six) months from the date of audit objection, the appeal and the case were barred by limitation. And similarly, how the Administrative Tribunal could accept the case in question, because proviso to sub-section (2) of section 4 of the Act, 1980 has clearly provided that no application in respect of an order, decision or action which can be set aside, varied or modified by a higher administrative authority under any law for the time being in force relating to the terms and conditions of the service of the Republic or of any statutoy public authority or the discipline of that service can be made to the Administrative Tribunal until such higher authority has taken a decision on the matter and the second proviso to the sub-section has provided further that, where no decision on an appeal or application for review in respect of an order, decision or action referred to in the preceding proviso has been taken by the higher administrative authority within a period of two months from the date on which the appeal or application was preferred or made, it shall, on the expiry of such period, be deemed, for the purpose of making an application to the Administrative Tribunals under this section, that such higher authority has disallowed the appeal or the application. As already stated hereinbefore, the provision of appeal or revision has neither been provided for in the Bidhimala, 1961 nor in the Code against the audit objection. In bidhi 15 of the Bidhimala, 1961, appeal has been provided for only against punishment. Admittedly no punishment was awarded against the petitioner pursuant to any departmental proceeding. And, by no means, the audit objection raised by the Audit and Accounts Officer of the Railpath Audit, Adhidaptor, can be treated as punishment. Moreso, as per the own statement of



the petitioner, his application for settling the audit objection remained undisposed till the filing of the application before the Administrative Tribunal. So, we find no cause of action on the part of the petitioner to file the application before the Administrative Tribunal within the meaning of sub-sections (1) and (2) of section 4 of the Act, 1980. However, if the application of the petitioner against the audit objection has not been disposed of till date, he can very much pursue the authority to dispose of the same. In the context, we would like to observe further that the concerned authority cannot sit idle for indefinite period in disposing of the application filed by the petitioner against the audit objection raised by the Audit and Accounts Officer of the Railpath Audit, Adhidaptor, Railway Directorate, it has to be disposed of in either way.

13. For the reasons stated hereinbefore, we are constrained to hold that the application filed by the petitioner before the Administrative Tribunal for the reliefs mentioned therein was not maintainable in law and the Tribunal acted illegally in entertaining and allowing the same. Therefore, we find no merit in the leave petition, not on the ground assigned by the Administrative Appellate Tribunal, but for other grounds discussed above. Accordingly, the petition is dismissed.

Ed.

Source: The Dhaka Law Reports (March, 2015)



(Special Original Jurisdiction)

Moyeenul Islam Chowdhury J

Md Ashraful Kamal J

Judgment

November 20th, 2014.

Gazi AKM Fazlul Haque and othersPetitioner

vs

Privatization Cpmmission represented by its Chairman, Prime Minister’s Office, and others

..... Respondents

Hasan Foez Siddique J: This petition for leave to appeal is directed against the decision and order dated 29-10-2009 passed by the Administrative Appellate Tribunal, Dhaka in Appeal No. 147 of 2006 affirming those dated 19- 6-2006 passed by the Administrative Tribunal, Khulna in AT .No. 34 of 2004.

2. Short facts, for the disposal of this petition, are that Md. Aynul Haque, predecessor-in-interest of the petitioners filed aforesaid Administrative Tribunal Case before the Administrative Tribunal, Khulna against the order of his compulsory retirement

from service communicated under memo No. 229-Bichar-3/10-1/2000 dated 6-4-2004 issued by the Ministry of Law, Justice and Parliamentary Affairs. His departmental appeal was also dismissed. The charges against Mr. Aynal Haque brought by the respondents were under the provisions of Rules 3(b) and 3(d) of the Government Servants (Discipline and Appeal) Rules, 1985, that is, misconduct and corruption. It was stated in the charges that while performing the functions as Additional District and Sessions Judge Thakurgaon, he acquitted or enlarged the accused persons of bail in Session Case No.49 of 1999, Nari-o-Shishu

Case No.13 of 1999, 63 of 1997, 14 of 1999, 28 of 1999, 41 of 1998, 53 of 1998, 04 of 1997, 16 of 1998 and 25 of 1997 and Sessions Case No.1 of 1993 by means of irregularity and corruption. He denied the charges by submitting written reply. An inquiry was conducted by a District Judge. Considering the inquiry report, second Show Cause notice was issued and served upon him who submitted his reply. Thereafter, he was put on compulsory retirement from service. He stated in the petition before the Administrative Tribunal that the allegations brought against him were false and fabricated and the inquiry officer did not hold inquiry following the relevant rules and procedures. It has been stated that the punishment of compulsory retirement had been awarded illegally and unlawfully. The Government contested the said AT Case contending that on the basis of the inquiry conducted) cd by a District Judge, the allegations brought. against the petitioner were found to be proved. Accordingly, he was put in compulsory retirement.

3. The Administrative Tribunal considering the materials on record dismissed the AT Case. Md Aynul Haque preferred appeal before the Administrative Appellate Tribunal, Dhaka which was dismissed. After the death of Md Aynul Haque, his heirs filed Civil Petition for Leave to Appeal.

4. Mr MI Farooque, learned Senior Counsel, appearing for the petitioners, submits that the Administrative Tribunal dismissed the case holding that since the decision of compulsory retirement had been approved by the Full Court of the Supreme Court, the Tribunal had no jurisdiction to interfere with the impugned order of retirement inasmuch as the said approval by the full court was not judicial order. He submits that the decision for compulsory retirement, even approval by the full Court, is amenable in the Administrative Tribunal.

5. We have gone through the decision of the Tribunal and other materials on record. It appears that the respondents brought charges of misconduct and corruption against Mr Haque. Inquiry Officer holding inquiry submitted report wherefrom it transpires

that the local Bar Association took resolution against him bringing allegation of irregularity and corruption which has been marked as exhibit. In his report the Inquiry Officer, inter alia, stated:

“ জেলা ও দায়রা জজ কতক মামলার জামিন নাকচ করিয়াছে। পরবর্তীতে অভিযুক্ত কর্মকর্তা জামিন মঞ্জুর করিয়াছেন। তাই তাদের ধারণা দুর্নীতির আশ্রয় লওয়া হইয়াছে।..... নথি পর্যালোচনায় প্রতিয়মান হইয়াছে যে সেশন ৪৯/৯৯ নং মোকাদ্দমাটি দায়রা জজের বিচার ফাইলের মোকাদ্দমা। তিনি ছুটিতে গেলে অতিরিক্ত দায়রা জজ নিযুক্ত কৌশলী জনাব মোঃ মকবুল হোসেন এর অগচায়ে “ অব ডেইটে” আসামীকে জামিন দেন। অনুরূপে নাশিনিবিঃ ১৩/৯৯ নং মোকদমায় নিযুক্তির কৌশলীর অবর্তমানে দায়রা জজ ছুটিতে গেলে অতিরিক্ত দায়রা জজ যখন চার্জে থাকেন তখন তাহাঁকে ফৌজদারী কার্যবিধির ১৭(৪) ধারার জরুরী বিষয়সমূহ নিষ্পত্তির ক্ষমতা অর্পণ করা হয়। যা ক্ষমতার আওতায় মোকদমা “দুইটি অব ডেইটে” জামিন দেওয়ায় অনিয়ম ও ক্ষমতা এখতিয়ার বর্হিভূত। এই দুইটি মোকদমা সম্পর্কে জেলা জজ জনাব মফিজুল ইসলাম বলেন ঘুমের টাকা লইয়া জামিন দিয়াছেন।”

6. The facts revealed serious scandal of corruption in connection with his judicial functions. The reputation of being corrupt would gather thick and unchaseable clouds around the conduct of an officer and gain notoriety must faster than the smoke. Sometimes there may not be concrete or material evidence to establish the same beyond all reasonable doubt. Judicial service is not a service in the sense of an employment as is commonly understood. Judges are discharging their judicial functions. Members of the judicial service, exercising judicial functions, are distinct from the members of other services. Their honesty and integrity is expected to be beyond doubt. It should be reflected in their overall reputations. There is no manner of doubt that nature of judicial service is such that it cannot afford to suffer continuance in service of persons of doubtful integrity. Dishonesty is the stark antitheses of judicial polity.

7. Submission of Mr Farooque that whether the decision of Full Court is amenable or not it is to say that in the very nature of things it would be difficult, nearing almost an impossibility to subject such exercise undertaken by the Full court expect in an extra ordinary case when the Court is convinced that some real injustice, which ought not to have taken place, has really happened and not merely because

there could be another possible view or someone has some grievance about the exercise undertaken by the full Court if the authority bonafidely forms an opinion relying upon some materials that overall integrity of a judicial officer is doubtful, the correctness of such opinion cannot be challenged in the court unless any violation of law or gross injustice is done. Mr Farooque failed to show that opinion formed by the Full Court was arbitrary or capricious or said to be irrational so as to shock the conscience of the Court to warrant or justify any interference. Moreover, the Tribunal found that meanwhile, the incumbent had withdrawn his retirement benefits.

8. Though the inquiry officer, in his opinion said—

“ উপসংহার উপরোক্ত আলোচনার আলোকে সকল দিক বিবেচনায় আমি মনে করি যে, ঠাকুরগাঁও সাবেক অতিরিক্ত জেলা ও দায়রা জজ জনাব মোঃ আইনুর হকের বিরুদ্ধে আনিত দুর্নীতির অভিযোগ প্রমাণিত হয় নাই। অনিয়মের অভিযোগ প্রমাণিত হইয়াছে।”

but on plain reading of report as a whole and material available in the record it is difficult to accept that the integrity of this judicial officer was not questionable. In the matter of disciplinary inquiry neither the finding of the inquiry officer nor his recommendation are binding on the punishing authority. The authority may agree with the report or may differ, either wholly or partially, from the conclusion recorded in the report by the Inquiry officer.

9. Viewed thus, and considered in the background of the factual details and materials on record, there is no need and justification for this court to interfere with the impugned decision and order.

Thus, the petition is dismissed.

Ed.

Source: The Dhaka Law Reports (December, 2015)

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(Writ Petition No. 10746 of 2013)

Moyeenul Islam Chowdhury J

Md Ashraful Kamal J

Gazi AKM Fazlul Haque and othersPetitioner

vs

Privatization Commission represented by its Chairman, Prime Minister’s Office, and others

..... Respondents

Judgment

November 20th, 2014.

Moyeenul Islam Chowdhury J: On an application under Article 102 of the Constitution of the People’s Republic of Bangladesh, a Rule Nisi was issued calling upon the respondents to show cause as to why they should not be directed to consider the promotion of the petitioners as per the Privatization Commission (Officers and Employees) Service Regulations, 2002 framed under the Privatization Act, 2000 and why the filling up of the posts of Directors of the Commission

by deputation despite the availability of the eligible/qualified Deputy Directors of the Commission being violative of the Privatization Commission (Officers and Employees) Service Regulations, 2002 should not be declared to be without lawful authority and of no legal effect and/or such other or further order or orders passed as to this Court may seem fit and proper.

2. The case of the petitioners, as set out in the writ petition, in short, is as follows;

3. The petitioners have been working as Deputy Directors of the Privatization Commission (previously Privatization Board) for long 15-18 years. Pursuant to sections 15 and 26(1) of the Privatization Act, 2000, the Privatization Commission, with the prior approval of the Government, framed the Privatization Commission (Officers and Employees) Service Regulations, 2002 (hereinafter referred to as the Service Regulations of 2002) specifying the terms and conditions of service for its officers and employees. However, Regulation 3 of the Service Regulations of 2002 provides that appointments in the vacant posts

of the Commission will be made by direct recruitment, promotion and deputation. Regulation 6 of the Service Regulations of 2002 deals with the provisions of promotion of the officers and employees of the Commission. According to the schedule of the Service Regulations of 2002, there are 4(four) posts of Director and one Legal Advisor in the Commission. The Legal Adviser of the Commission shall be appointed by deputation and in case of failure, he will be appointed on contractual basis. Anyway the Commission treats the post of Legal Advisor as Director (Law) for all practical purposes. According to the schedule of the Service Regulations of 2002, the posts of Director will be filled up by promotion from amongst the Deputy Directors of the Commission who have completed 5(five) years of service and if no competent or eligible candidates are found amongst the Deputy Directors, the posts of Director may be filled up by deputation. But since the framing of the Service Regulations of 2002, all posts of Director of the Commission were filled up by the officers on deputation from various Ministries of the Government. The respondents have been disregarding the Service Regulations of 2002 in the matter of promotion of the Deputy Directors to the posts of Director. All the Deputy Directors have been eligible for appointment as Directors of the Commission having completed more than 5(five) years of service and in view of their unblemished service records. Although the petitioners were eligible/

competent for promotion to the posts of Director of the Commission, they were left out for reasons best known to the respondents themselves. However, the petitioner made several representations to the respondent No. 2 ventilating their grievances and requesting him to act in accordance with the Service Regulations of 2002 in the matter of promotion of the petitioners to the posts of Director of the Commission, but in vain. As a matter of fact, by resorting to various smart tricks and dilatory strategies, the respondents have been depriving the petitioners of their promotion to the posts of Director of the Commission with the malafide intention of accommodating various officers of the Government on deputation. Since the inception of the Privatization Commission, there have been 4(four) Deputy Directors including the petitioners. These Deputy Directors pursued their claim for appointment as Directors of the Commission from time to time as per the Service Regulations of 2002. At last, the respondents considered the case of the senior most Deputy Director of the Commission, namely, Mr Md Mizanur Rahman and promoted him as Director and he joined the Commission as Director on 2-1-2013 and subsequently; he was allocated the post of Director (Law) on 23-6-2013. But the petitioners were deprived of their legal right to be promoted as Directors of the Commission despite their repeated representations to the respondent No. 2 in that regard. Eventually the petitioners served a notice demanding justice upon the respondents for legal redress of their grievances; but the respondents turned a deaf ear thereto. Hence the Rule.

4. The respondent Nos. 1 and 6 have opposed the Rule by filing an Affidavit-in-Opposition. Their case, as set out in the Affidavit-in-Opposition, in short is as follows:

5. According to the schedule of the Service Regulations of 2002, the post of Director of the Privatization Commission is equivalent to that of a Joint Secretary to the Government of Bangladesh. A Joint Secretary or an officer having equivalent status of a Joint Secretary can be appointed to the post of Director of the Privatization Commission on deputation. None of the petitioners has been promoted to the post of Joint

Secretary or any equivalent post of Secretary. In the absence of any qualified officers the Government transferred Joint Secretaries from different Ministries to the Commission to fill up the posts of Director on deputation. Anyway, the 4th column of the schedule of the Service Regulations of 2002 refers to the minimum requirement for promotion from the post of Deputy Director to the post of Director and unless and until any Deputy Director completes 5(five) years of service, the Selection Committee or the Departmental Promotion Committee (DPC), as the case may be, will not consider his case for motion to the post of Director. However, mere completion of 5(five) years service as Deputy Director of the Commission is not the sole criterion for promotion to the post of Director of the Commission. In this respect, the Selection Committee DPC will take into account other factors specified in Regulation 6. of the Service Regulations of 2002. Promotion is generally given on the principles of seniority, merit, integrity, fitness and satisfactory service records subject to availability of vacant posts. After considering all the criteria for promotion, the Selection Committee, or for that matter, the DPC arrives at the decision to promote a Deputy Director to the post of Director of the Commission. Unfortunately, the petitioners have not been to satisfy all the criteria for promotion to the posts of Director of the Commission. So they have not been promoted to the posts of Director as yet. Without the Selection Committee/DPC's recommendation, the respondent No. 2 has no authority whatsoever to appoint or promote any Deputy Director to the post of Director of the Commission. The authority has no mala fide intention of depriving the petitioners of their promotion to the posts of Director of the Commission. In due course, the DPC recommended the senior most Deputy Director of the Commission, that is to say, Mr Md Mizanur Rahman for promotion to the post of Director and accordingly he was promoted to a post of Director of the Commission. In the absence of any vacancy in the post of Director, the respondent No. 2 could not take any step for promotion of the petitioners to the posts of Director of the Commission. If the petitioners

are able to fulfill all the criteria for promotion and if any vacancy arises, the Selection Committee/DPC will recommend the petitioners for promotion to the posts of Director of the Commission. Before fulfillment of all the criteria and/or in the absence of any vacancy in the post of Director, it is not possible on the part of the Privatization Commission to consider the petitioners for promotion to the posts of Director. The respondents did not violate any provision of the Service Regulations of 2002 on the question of promotion of the petitioners to the posts of Director. In the absence of any qualified Deputy Director for promotion to the post of Director, all the posts of Director were duly filled up by the officers on deputation in the past. The petitioners cannot claim promotion as a matter of right. Promotion has to be earned by the meritorious service of the concerned officer. After the promotion of the Deputy Director Mr Md Mizanur Rahman to the post of Director, no vacancy has arisen in the post of any Director of the Commission and, as such, there is no question of violation of Article 27 of the Constitution.

6. In the Supplementary Affidavit-in-Opposition filed on behalf of the respondent nos. 1 and 6, it has been stated that according to the Bangladesh Civil Service Recruitment Rules, 1981, for recruitment in the post of Deputy Director in any Government, Semi-Government or Autonomous Organization, the required condition is 10 (ten) years experience with adequate qualifications. In the Privatization Board (Appointment Rules), 1993 and in the advertisement notice for recruitment of Deputy Directors of the Privatization Board in 1994, it was mentioned that candidates need only 5(five) years experience which may be relaxed. That is totally contradictory to the Bangladesh Civil Service Recruitment Rules for appointing a Deputy Director. However, the Privatization Board was subsequently transformed into Privatization Commission on 11th July, 2000. All officers and employees of the Privatization Board were transferred to the Privatization Commission as a matter of course. Only 5(five) years experience in the feeder post of Deputy Director with no mention of

total service length is against the general recruitment rules of the Government. This type of relaxed opportunity is never found in any Government Office or Autonomous Body. The Privatization Commission has already taken steps to review the Service Regulations of 2002 in order to remove the anomalies and inconsistencies with the existing Bangladesh Civil Service Recruitment Rules, 1981. Anyway, promotion is a continuous process. Apart from Mr Md Mizanur Rahman, if other Deputy Directors are found eligible for promotion, they will definitely be considered for promotion to the posts of Director of the Commission. Any officer working on deputation in the Commission may be withdrawn from the deputed post at any time, if any officer of the Commission is promoted. So the deputed officers are not an impediment in the way of promotion of the Deputy Directors of the Commission.

7. In the Affidavit-in-Reply dated 22-10-2014 filed by the petitioners, it has been mentioned that only the Privatization Commission is empowered to deal with the promotion of the officers and employees of the Commission as per the Service Regulations of 2002. According to the Service Regulations of 2002, the posts of Director are firstly and mainly reserved for competent Deputy Directors of the Commission and only in the absence of competent Deputy Directors, Joint Secretaries of the Government, Officers of Statutory Corporations and Semi-Government Organizations may be appointed as Directors of the Commission on deputation. Officers in an Autonomous Body, Semi-Government Organization or Corporation having the salary scale of a Joint Secretary are also competent for the posts of Director of the Commission. Officers having the salary scale of a Joint Secretary are not necessarily Joint Secretaries. It is evident from the Service Regulations of 2002 that only the competent Deputy Directors are to be promoted to the posts of Director of the Commission. Only in case of unavailability of any competent Deputy Director, the question of filling up of the post of any Director of the Commission by deputation arises. All the petitioners are qualified and competent Deputy Directors; but the respondents did not promote them to the posts of

Director of the Commission with malafide intention. However, the authority arbitrarily recommended only one Deputy Director, namely, Mr Md Mizanur Rahman for promotion to the post of Director leaving out the petitioners without any cogent reason which is discriminatory. On 5-12-2012, the DPC recommended Mr Md Mizanur Rahman for promotion to the post of Director of the Commission. It is interesting to note that Mr Md Mizanur Rahman was promoted to the post of Director of the Commission without having any clear vacancy in the Directorship of the Commission. So the plea of non-existence of any vacancy in the Directorship of the Commission is a flimsy excuse which is indicative of the bad faith of the respondents. The respondents grossly violated the provisions of Regulation 6 and those of the schedule of the Service Regulations of 2002 and thereby deprived the petitioners of their due promotion as Directors of the Commission.

8. In the Affidavit-in-Reply dated 29-10-2014 submitted on behalf of the petitioners, it has been averred that the respondent No. 1 is the only authority in respect of the promotion of the petitioners and accordingly it exercised its authority in the case of Mr Md Mizanur Rahman, one of the Deputy Directors of the Commission. The Bangladesh Civil Service Recruitment Rules, 1981 have no manner of application in the case of promotion of the petitioners to the posts of Director of the Commission. The petitioners were not appointed as Deputy Directors under the Bangladesh Civil Service Recruitment Rules, 1981. Privatization Commission is a statutory body having its own Service Regulation for its officers and employees. As such the terms and conditions of the service of the officers and employees of the Commission are regulated by the Service Regulations of 2002. However, after the joining of Mr Md Mizanur Rahman as Director of the Privatization Commission on promotion on 2-1-2013, the respondent No. 2 requested the respondent No. 5 to withdraw Mr Paresh Chandra Roy from the Commission and accordingly on 2-6-2013, Mr Paresh Chandra Roy was withdrawn from the Commission and on 23-6-2013 Mr Md Mizanur Rahman was given the charge of Director (Law) of the Commission.

Although Mr Md Mizanur Rahman is a textile graduate, yet he was given the charge of Director (Law) of the Commission. In effect, any Director of the Commission may be put in charge of any section of the Commission irrespective of his academic background and this has been a long -standing practice of the Privatization Commission since its inception.

9. In the Supplementary Affidavit dated 29-10-2014 filed by the petitioners, it has been stated that at the moment, there are 2(two) vacant posts of Director in the Privatization Commission. One vacancy arose when Syed Jaglul Pasha was withdrawn from the Commission on 10-2-2014. Against that vacancy on the same day, one Dr. Syed Nesar Ahmed Rummy was appointed on deputation and that appointment was stayed by the High Court Division. Another vacancy in the post of Director of the Commission arose when Mr Md Mizanur Rahman went on Post Retirement Leave (PRL) on 25-8-2014 vide Memo dated 13-8-2014.

10. At the outset, Mr ABM Siddiquir Rahman Khan, learned Advocate appearing on behalf of the petitioners, submits that the Bangladesh Civil Service Recruitment Rules, 1981 are not clearly applicable in the case of the petitioners and the recruitment, promotion and deputation of the officers and employees of the Privatization Commission are regulated by the Service Regulations of 2002 which have been framed pursuant to sections 15 and 26(1) of the Privatization Act, 2000.

11. Mr ABM Siddiquir Rahman Khan also submits that as per Regulation 3 of the Service Regulations of 2002, the permanent vacant posts of the Commission shall be filled up, subject to certain restrictions, through direct recruitment, promotion and deputation and as per Regulation 6 and the schedule of the Service Regulations of 2002, it is crystal clear that a Deputy Director having completed 5 (five) years of satisfactory service is eligible for promotion to the post of Director of the Commission and if no competent/ suitable/ qualified Deputy Director is available for promotion

to the post of Director of the Commission, only in that case, the post of Director of the Commission may be filled up by a Joint Secretary or an officer working in any Autonomous Body or Semi-Government Organization or Body enjoying the scale of a Joint Secretary of the Government of Bangladesh by deputation and as the petitioners are all competent for promotion to the posts of Director having unblemished service records for over 15(fifteen) years, the question of filling up of the posts of Director of the Commission by way of deputation is out of the question and in this perspective, the authority ought to have promoted the petitioners to the posts of Director of the Commission along with Mr Md Mizanur Rahman and by not so doing, the authority violated the provisions of Regulation 6 and the relevant provisions of the schedule of the Service Regulations of 2002 causing grave prejudice to them.

12. Mr ABM Siddiquir Rahman Khan next submits that as per the schedule of the Service Regulations of 2002, there are 4(four) posts of Director of the Commission and one post of Legal Advisor, but in practice, the post of Legal Advisor is being treated as Director (Law) which is evident from the designation of Mr Md Mizanur Rahman, Director (Law) who was admittedly promoted to the post of Director of the Commission on 2-1-2013 from the post of one of the Deputy Directors of the Commission and the plea of non-existence of any vacancy in the post of any Director of the Commission stands belied by the promotion of Mr Md Mizanur Rahman to the post of Director of the Commission on 2-1-2013 when admittedly there was no vacancy in that post and after joining the Commission as Director, admittedly after a lapse of 6(six) months or so, one of the deputed Directors, namely, Mr Paresh Chandra Roy was withdrawn from the Commission and in such a posture of things, it can not be agitated at all that the non-existence of any vacancy in the post of Director of the Commission is an impediment in the way of promotion of any one of the petitioners to the post of Director of the Commission.

13. Mr ABM Siddiquir Rahman Khan further submits that at present, there are 2(two) vacant posts of Director in the Privatization Commission and one vacancy occurred when one Director Syed Jaglul,Pasha was withdrawn from the Commission on 10-2-2014 and though against that vacancy, one Dr Syed Nesar Ahmed Rummy was appointed by deputation; yet that appointment was admittedly stayed by the High Court Division and another vacancy in the post of Director of the Commission arose when Mr Md Mizanur Rahman went on PRL on 25-8-2014 and as there are 2(two) clear vacancies in the Directorship of the Commission at this point of time, the respondents may be directed to fill up those vacancies in accordance with the provisions of Regulation 6 read with the schedule of the Service Regulations of 2002 so that the petitioners will get fair play and their long sufferings will come to an end.

14. Per contra, Mr Md Motahar Hossain (Sazu), learned Advocate appearing on behalf of the respondent Nos. 1 and 6. submits that promotion is not a matter of right and it has to be earned by the meritorious service of the officer or the employee concerned and seniority ipso facto is not sufficient for considering the petitioners for promotion to the post of Director of the Commission and excepting the petitioner No. 1 the other petitioner along with Md Mizanur Rahman were considered for promotion by the DPC and the DPC. having been satisfied with the seniority and satisfactor service record of Mr Md Mizanur Rahman recommended him for promotion to the post of Director of the Commission and accordingly he was promoted thereto and indisputably, Mr Md Mizanur Rahman was the senior most Deputy Director of the Commission at the time of Consideration of his case for promotion to the next Higher post, that is to say, to the post of Director of the Commission and given this scenario, it cannot be said by any stretch of imagination that the deputy Directors were not considered for promotion at all.

15. Mr. Md Motahar Hossain (Sazu) further submits that the Bangladesh Civil Service Recruitment Rules, 1981 are the general rules for appointment, promotion etc

of the persons in the service of the Republic and as the Service Regulations of 2002 run counter to the provisions of the Bangladesh Civil Service Recruitment Rules, 1981, necessary amendments to the Service Regulations of are in progress.

16. Mr Md Motahar Hossain (Sazu) next submits that the Service Regulations of 2002 contemplate a minimum of 5(five) years service for a Deputy Director for promotion to the post of Director of the Commission; but the total length of service of a Deputy Director for promotion has not been specified in the Service Regulations of 2002 and at the time of promotion of the Deputy Director Mr Md Mizanur Rahman to the post of Director of the Commission, his total length of service was taken into account together with his unblemished service record and having been satisfied, the DPC recommended him for promotion to the post of Director and accordingly he was promoted as one of the Directors of the Commission.

17. Mr Md Motahar Hossain (Sazu) also submits that the petitioners did not specifically challenge the appointment of any Director of the Commission by way of deputation and as Mr ABM Siddiquir Rahman Khan is very vocal against the deputation orders of the Directors of the Commission, he ought to have challenged the same in specific terms, but since he did not do so and no Rule was issued in that regard, this Court will not go into the question of legality or other wise of those deputation orders and this being the landscape the Rule is necessarily incompetent and, as such, the Rule is liable to be discharged on this count alone.

18. We have heard the submissions of the learned Advocate Mr ABM Siddiquir Rahman Khan and the counter-submissions of the learned Advocate Mr Md Motahar Hossain (Sazu) and perused the writ petition, Affidavit-in-Opposition, Supplementary Affidavit-in-Opposition, Affidavits-in-Reply and Supplementary Affidavit and relevant Annexures annexed thereto.

19. There are two components of the Rule-issuing order, that is to say, (1) the respondents were called

upon to show cause as to why they should not be directed to consider the promotion of the petitioners as per the Service Regulations of 2002 and (2) why the filling up of the posts of Director of the Commission by deputation despite the availability of the eligible/qualified Deputy Directors of the Commission in violation of the Service Regulations of 2002 should not be declared to be without lawful authority and of no legal effect.

20. It is a settled proposition of law that the writ Court cannot direct the authority to promote the petitioners to the posts of Director of the Commission; but they have the right to be considered for promotion in accordance with Regulation 6 and the schedule of the Service Regulations of 2002. There is no gains lying in the fact that barring the petitioner No. 1, the other petitioners along with Mr Md Mizanur Rahman were considered for promotion and the DPC recommended Mr Md Mizanur Rahman, the senior most Deputy Director, for promotion and accordingly he was promoted to the post of Director of the Commission. Such being the state of affairs, it cannot be said that apart from the petitioner No. 1, the other 2(two) petitioners were not considered for promotion by the DPC. Presumably, the case of the petitioner No. 1 was left out by the DPC in that he was the junior most Deputy Director of the Commission at the relevant time. The learned Advocate Mr Md Motahar Hossain (Sazu), it appears, has rightly submitted that the petitioners did not challenge any specific deputation order in this writ petition. But nonetheless, all the petitioners have the right to be considered for promotion in accordance with the Service Regulations of 2002.

21. The second component of the Rule- issuing order relates to filling up of the posts of Director of the Commission by deputation despite the availability of the competent Deputy Directors of the Commission in violation of the Service Regulation of 2002. From the materials on record, it is manifestly clear that in the past excepting Mr Md Mizanur Rahman, all the posts of Director of the Privatization Commission were

filled up by deputationists. Now a pertinent question arises: is the filling up of the posts of Director by the deputationists permissible in view of Regulation 6 and the schedule of the Service Regulations of 2002? As we see it, the fate of the Rule Nisi hinges upon the answer to this question.

22. Anyway, for proper appreciation of the matter, Regulation 6 of the Service Regulations of 2002 is quoted below verbatim:

“ ৬। পদোন্নতির মাধ্যমে নিয়োগ ১-(১) এই প্রবিধানমালার অন্যান্য বিধান ও তফসিল সাপেক্ষে কোন কর্মচারীকে পরবর্তী পদোন্নতির জন্য বিবেচনা করা হইবে।

(২) কেবলমাত্র জ্যেষ্ঠতার কারণে কোন ব্যক্তি অধিকার হিসাবে তাহার পদোন্নতি দাবী করিতে পারিবে না।

(৩) জ্যেষ্ঠতা তথা মেধার ভিত্তিতে পদোন্নতির মাধ্যমে নিয়োগ করা হইবে, তবে চাকুরীর বৃত্তাস্ত্র সশ্ৰেয়জনক না হইলে কোন ব্যক্তিকে পদোন্নতির জন্য বাছাই কমিটি সুপারিশ করিবে না।”

27. In this connection, we feel tempted to say that unless and until there is any clear vacancy in the Directorship of the Commission, no attempt should be made to appoint anybody thereto either by way of promotion or by way of deputation. Be that as it may, since it is admitted that Mr Md Mizanur Rahman, the senior most Deputy Director, was appointed as Director on promotion when there was no vacancy in the Directorship of the Commission, it does not lie in the mouth of Mr Md Motahar Hossain (Sazu) to say that if there is no vacancy in the Directorship of the Commission, the question of promotion of the petitioners to the posts of Director of the Commission does not arise at all. In a word, he cannot blow hot and cold in the same breath. What we are trying to emphasize is this: the Privatization Commission admittedly made a departure or deviation from Regulation 3 of the Service Regulations of 2002 in the matter of promotion of Mr Md Mizanur Rahman when there was no clear vacancy in the Directorship of the Commission. This conduct of the respondents is reprehensible and cannot be countenanced at all.

23. From a combined reading of Regulation 6 and the relevant portion of the schedule of Service Regulations of 2002, we find that only seniority is not the sole yardstick for promotion of any officer of

the Commission to the next higher post. Along with his seniority, merit of the officer shall be taken into consideration for promotion to the next higher post by the Selection Committee/ DPC. In case of promotion of a Deputy Director to the post of Director of the Commission, he must have completed a minimum of 5(five) years service and his service record must be satisfactory and free from any blemish or stain. If no Deputy Director having the requisite service length and satisfactory service record is available for promotion, only in that event the post of Director of the Commission may be filled up by deputation.

24. What we are driving at boils down to this: in the matter of promotion to the posts of Director, the Deputy Directors shall have the first priority if they are found to be incompetent or unqualified, only in that case, the authority is empowered to fill up the posts of Director by deputation. From the whole gamut of the facts and circumstances of the case and the materials on record, it is palpably clear that the authority filled up the posts of Directors of the Commission in the past without caring for the relevant provisions of law. This is the long-standing practice of the Privatization Commission. The only recent exception is the case of promotion of the Deputy Director Mr Md Mizanur Rahman to the post of Director of the Commission. Against this backdrop, it seems to us that this single instance of promotion of one of the Deputy Directors to the post of Director of the Commission is a face-saving device. However, we feel constrained to hold the the authority failed to properly regulate Regulations of 2002 in the matter of promotion of the Deputy Directors to the posts of Director of the Commission. In this respect, the respondents ought to be circumspect and careful in the future.

25. As to the contention of the learned Advocate Mr Md Motahar Hossain (Sazu) that the Bangladesh Civil Service Recruitment Rules, 1981 are contradictory to the Service Regulations of 2002 in the matter of promotion of the Deputy Directors of the Commission, suffice it to say that he cannot make such a contention when admittedly the recruitment

and promotion of the officers and employees of the Commission are regulated by the Service Regulations of 2002. It will not be out of place to mention that the Privatization Commission is a statutory body. As a statutory body under the Privatization Act of 2000, the Service Regulations of 2002 have been framed with a view to regulating the recruitment, promotion etc of the officers and employees of the Commission. In this context, it may be pointed out that the authority may take necessary steps for amendment of the Service Regulations of 2002 in line with the Bangladesh Civil Service Recruitment Rules of 1981, if it is so advised. Unless and until any such amendment is made, the contention of the learned Advocate Mr Md Motahar Hossain (Sazu) in this regard is fully and wholly irrelevant.

26. It transpires that on the plea of non- existence of any vacancy in the post of Director of the Commission, the petitioners were not considered for promotion in the past. But at a subsequent stage, Mr Md Mizanur Rahman along with the petitioner Nos. 2 and 3 were considered for promotion by the DPC. As per the recommendation of the DPC, it is undisputed, the senior most Deputy Director Mr Md Mizanur Rahman was promoted to the post of Director on 2-1-2013 and he joined the Commission as Director when there was no clear vacancy in the Directorship of the Commission. Afterwards the respondent No. 2 requested the respondent No. 5 to withdraw one of the deputed Directors of the Commission, namely, Mr Paresh Chandra Roy and in accordance with the request, the respondent No. 5 withdrew Mr Paresh Chandra Roy from the Commission on 2-6-2013 and on 23-6-2013 Mr Md. Mizanur Rahman was put in charge of the office of Director (Law) of the Commission.

28. At present, there are 2 (two) clear vacancies in the Directorship of the Commission as evidenced by Annexures-Z-1 to the supplementary affidavit dated 29-10-2014. That being so, those 2 (two) vacancies are to be filled up in accordance with Regulation 6 read with the schedule of the Service Regulations of 2002. From legal standpoint, the petitioners being Deputy

Directors must be considered first for promotion to the vacant posts of Director of the Commission, having regard to their length of service and satisfactory service records and if they are not found to be eligible for promotion for some reason or other to be recorded in black and white, only then those vacant posts can be filled up by deputationists. The question of filling up of the posts by deputationists will not come first as has been the longstanding practice in the Commission as we find from the various Annexures on record. Precisely speaking, the question of filling up of the vacant posts of Director of the Commission by way of deputation will arise only when the petitioners are considered for promotion and the Selection Committee/DPC does not recommend them for promotion for any justifiable cause. That is the bottom line.

From the foregoing discussions and in view of the facts and circumstances of the case, the Rule is disposed of with the above observations made in the body of the judgment without any order as to costs.

Ed.

Source: The Dhaka Law Reports (January, 2016)

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(Writ Petition No. 3657 of 2015)

Md. Rezaul Hasan J

Khizir Ahmed Choudhury J

Nurun Nabir Sarker (Md)Petitioner

vs

Secretary, Ministry of Education and others Respondents

Judgment

November 10th, 2015.

Md Rezaul Hasan J : In this petition, filed under Article 102 of the Constitution, a Rule has been issued calling upon the respondents to show cause as to why respondents No. 3 to 5 shall not be directed to dispose of the application filed by the petitioner on 22-3-2015 before them (Annexure-C to the application), praying for taking necessary action against the order of suspension of the petitioner from his service as the Headmaster. Uzan Teura TUM High School, Sundargonj, Gaibandha under rule 38(3) of the মাধ্যমিক ও উচ্চ মাধ্যমিক শিক্ষা বোর্ড, দিনাজপুর (মাধ্যমিক ও উচ্চ মাধ্যমিক স্কুলের বেসরকারী শিক্ষা প্রতিষ্ঠানের গভর্নিং বডি ও ম্যানেজিং কমিটি) প্রবিধানমালা, ২০০৯,” and/or pass such other or further order or orders as to this Court may seem fit and proper.

2. Fact relevant for the disposal of this Rule, in brief, are that the petitioner applied for the post of Headmaster, in response to the advertisement published by the concerned authority and that a duly constituted selection committee selected the petitioner to be appointed for the said post and consequently the petitioner has joined the said School, on 11-4-1999, pursuant to the appointment letter dated 7-4-1999 issued by the Chairman of the Managing Committee Uzan Teura TUM High School, Sundargonj, Gaibandha, and since then he has been discharging his duties honestly, sincerely and to the full satisfaction of the authority concerned; that the name of the petitioner was enlisted in the monthly pay order (MPO) from

May, 1995, being Index No. 258346, and since then he has been receiving government portion of his monthly salary and other financial benefit regularly, without any interruption, till to date; that without complying the mandatory provisions of the Recognised Non-Government School Teachers (Board of Intermediate and Secondary Education, Rajshahi) Terms And Conditions of Service Regulations, 1979” and with a malafide intention, the Managing Committee of the said school took a decision on 12-10-2014 to suspend the petitioner from his service; that the Governing Body of the said School has failed to conclude the proceedings against the petitioner in compliance with the provisions of the Regulation- 11,12,13 and 14 of the said Regulation, 1979; that on 22-3-2015 the petitioner filed an application before the Chairman, the Secretary and the Inspector of Schools, Board of Intermediate and Secondary Education, Dinajpur, (respondent No. 3, 4 & 5) requesting them to take necessary action against the order of suspension of the petitioner from his service as the Headmaster, Uzan Teura TUM High School, Sundargonj, Gaibandha under Regulation-38 (3) of the “মাধ্যমিক ও উচ্চ মাধ্যমিক শিক্ষা বোর্ড, দিনাজপুর (মাধ্যমিক ও উচ্চ মাধ্যমিক স্তরের বেসরকারী শিক্ষা প্রতিষ্ঠানের গভর্নিং বডি ও ম্যানেজিং কমিটি) প্রবিধানমালা, ২০০৯,” but the respondents remained silent without considering the prayer of the petitioner and without giving any reply; that though the said application has duly been received by the office of the Chairman, the Secretary and the Inspector of Schools, Board of Intermediate and Secondary Education, Dinajpur (respondent Nos. 3, 4 & 5), but they did not take any steps in respect the matter till to date that it is humbly submitted that the inordinate delay of the respondents to dispose of the application filed by the petitioner on 22-3-2015 is illegal, malafide and arbitrarily and, as such the inordinate delay of the respondents to dispose of the application filed by the petitioner on 22-3-2015 is required to be declared to have been done without any lawful authority and is of no legal effect; that it is the statutory duty of the respondents to dispose of the application filed by the petitioner within a reasonable time and, as such the respondents are required to be directed to dispose of the application filed by the

petitioner without making any delay; that the action of the respondents in not disposing the application filed by the petitioner on 1-10-2013 (ANNEXURE-C) is malafide, arbitrarily and amounts to refusal to exercise their jurisdiction and hence, the respondents are required to be directed to dispose of the application filed by the petitioner without making any delay ; that being aggrieved by the action of the respondents in not disposing the application filed by the petitioner on 22-3-2015 praying for taking necessary action against the order of suspension of the petitioner from his service as the Headmaster, Uzan Teura TUM High School, Sundargonj, Gaibandha under Regulation -38 (3) of the “মাধ্যমিক ও উচ্চ মাধ্যমিক শিক্ষা বোর্ড, দিনাজপুর (মাধ্যমিক ও উচ্চ মাধ্যমিক স্তরের বেসরকারী শিক্ষা প্রতিষ্ঠানের গভর্নিং বডি ও ম্যানেজিং কমিটি) প্রবিধানমালা, ২০০৯,” (ANNEXURE)-C) and finding no other equally efficacious alternative remedy available in law. Your humble petitioner begs to file this petition under Article 102(2)(a)(i) & (ii) of the Constitution on the following amongst others. Hence this petition.

3. The learned advocate, appearing for the petitioner, Mr Humayun Kabir. having placed the petition alongwith the documents annexed therewith, and first up all. submits that the petitioner is the Headmaster of Uzan Teura TUM High School Sundargonj, Gaibandha. The learned advocate further submits that the petitioner was appointed in said post after compliance of all formalities and procedure as required by the concerned Rules and Regulations. He next submits that the name of the petitioner has been enlisted in the Monthly Pay Order (MPO) for May, 1995, being index No.258346, and since then he has been receiving the govern portion of his monthly salary and other financial benefits regularly, without any interruption, till today. But, without compliance with the provisions of “The Recognised Non-Government School Teachers (Board of Intermediate and Secondary Education, Rajshahi Terms and Conditions of Service Regulations, 1979” the petitioner was suspended by the Managing Committee on 12-10-2014. with a malafide intention. But they have not initiated any departmental proceeding against the petitioner by way of issuing any show cause notice or charge sheet, although the

petitioner has been kept under suspension till today without apprising him as to what was his fault and without bringing any allegation against him, by issuing show cause notice, as required by Regulations 11 and 12 of the above mentioned Regulation. Thereafter the petitioner filed an application on 22-3-2015 to the Chairman of the Board of Intermediate and Secondary Education (respondent No. 3, 4 and 5) seeking appropriate remedy in the background of the hardship and sufferings he has been put to by the aforesaid illegal order of suspension, but they remained silent. He further submits that, it is statutory duty of the respondent Nos. 3, 4 and 5 i.e the Chairman, the Secretary and the inspector of the Schools, Board of Intermediate and Secondary Education, Dinajpur, to disposed of the said representation date 22-3-2015 within a reasonable time by giving direction upon the Managing Committee and that the board has power under Regulation No. 38(3) of the aforesaid Regulation of 2009. He further submits that, in the manner aforesaid, the fundamental right to be treated and accordance with law, as guaranteed to the petitioner by Article 31 read with Article 44 of the Constitution, has been denied to him. Accordingly he has prayed for-appropriate direction. In support of his contention, the learned advocate has referred to the decisions reported in 2012 (XX) BIT (AD) 239: Bangladesh Live Stock Research Institute vs Dr Md Jahangir Alam Khan, 60 DLR 40: Zulflker Mahmud vs National University and has also placed an unreported judgment dated 9-3-2014 passed in Writ Petition No. 1897 of 2014: Md Jashimuddin vs Government of the PRB. He has prayed making the Rule absolute in the facts and circumstances of this case.

4. The Learned Deputy Attorney-General Mr ASM Nazmul Hoque a appearing alongwith the learned Assistant Attorney-General Mr Md Jahangir Alam, has found in the difficult to show as to why the board is to not be directed to the disposed of the petitioner's representation date 22-3-2015 (Annexure-C) within reasonable time to be fixed by this court.

5. Heard the learned advocates for both sides, perused

the writ petition including the materials on record and also consulted the law cited before us.

6. We find from that the materials on record that the petitioner has been appointed as Headmaster of the concerned School after compliance with all the procedure as laid down in the concerned Rules and Regulations. His name has been listed in the MPO from May, 1995. We also find, that the petitioner has been suspended on 12-10-2014 (Annexure-B), but no time has been mentioned in the said letter as to the period of suspension. On the other hand we do not find any materials on record that the governing body has initialed any disciplinary proceeding against the petitioner, though it has kept the petitioner under suspension for in definite period.

7. In our consider view, this order of suspension dated 12-10-2014 bearing Memo No. D/tZ/we/02/14 (Annexure-B) does not mention any period for which the petitioner has been suspended or kept under suspension. Similarly, we do not find any material on record showing that the petitioner has been suspended pending any disciplinary proceeding or that any disciplinary proceeding has been initiated following the order/letter of suspension dated 12-10-2014.

8. In our considered view, this act of Respondent No. 7 tantamount to colorable exercise of the power, violation of the petitioner's fundamental right to be treated in accordance with law. We are also of the view that in order to be a valid suspension order the same must contain the period for which the incumbent shall remain suspended and such suspension order can only be issued pending a disciplinary proceeding. But, neither of these two conditions are met or found present in the letter/order of suspension dated 12-10-2014. The respondent No. 7 is not authorised by law to issue such an order or letter. Hence, this order/letter of suspension is bound to be declared to have been issued without any lawful authority and is of no legal effect. But, the petitioner has neither prayed for any relief under Article 102(1) for violation

of his fundamental right, nor prayed for issuing any supplementary Rule challenging the suspension letter dated 12-10-2014.

9. We also find that the petitioner made a representation to the Board on 22-3-2015, giving the facts and particulars in the detail and pointing out that the Managing Committee did not follow the provisions Regulations No. 13(a), 14(a) and 14(b) of the above mentioned Service Regulations, 1979 as well as they have violated the provisions of the Regulations No. 33(5), 33(6), 35(1) and 35(4) of Governing Body and Managing Committee Regulations, 2009.

10. Sub-regulation (3) of regulations 38 reads as follows:-

“৩৮। গভর্নিং বডি বা ফেড্রমত, ম্যানেজিং কমিটি বাতিলকরণ, ইত্যাদিঃ-

(১)

(২)

(৩) বোর্ড স্বপ্রণোদিত হইয়া বা সরকারের নির্দেশে গভর্নিং বডি বা, ফেড্রমত, ম্যানেজিং কমিটির যে কোন কার্য বিষয়ে অনুমোদন করিতে কিংবা কোন অভিযোগের বিষয়ে তদন্ড করিতে পারিবেন এবং সংশ্লিষ্ট রেকর্ডপত্র তলব করিতে পারিবে।

(emphasis added)

11. As such, in our considered view, the board has authority to examine any order or decision passed by the Governing Body or Managing Committee of the educational institution placed under its supervision and control and to pass appropriate order, though this cannot be treated as an efficacious alternative remedy

12. We are also of the considered view that in order to prevent malafide exercise of power, to ensure equitable and fair treatment to all employees, including the petitioner, this court should declare law as contemplated under Article 111 of the Constitution, to put an end to this unjust situation and shall fix a period as to how long a person can be kept suspended pending inquiry, when such suspension is not imposed as penal measures. According, we declare that in the absence of any law providing, otherwise, no person shall be kept under suspension beyond 60 (sixty) days from the date of his/her suspension. If the suspension

continues for further period, exceeding. 60(sixty) days, then the person suspended shall be entitled to receive full pay, instead of subsistence allowance, till the suspension order/letter ends up in a final order.

13. Next, we also record that, for the conducts noted above, the Chairman and other members of the Managing Committee as well as the concerned official of the board should have been compensated, for their inaction, that in fact amounts to gross neglect of duty.

14. We are also of the view that government officials are conferred powers not to victimize innocent person or teacher. They are bound to discharge their duties as fairly and as provided in law. Their findings should be based on materials on the record. They should take into consideration all material facts in taking any decision or step. Their bonafide and neutrality must be visible at the first sight. They are not permitted to secure unlawful gain to themselves or to any other person. Nor they are permitted to act unreasonably, disproportionately, discriminatorily, arbitrarily, whimsically or to resort to colourable exercise of their power. They will lose indemnity if they don't act bonafide.

15. We find merit in this Rule.
Order

16. Accordingly this Rule is made absolute.

17. In consequence, the Chairman, Board of Intermediate and Secondary Education, Dinajpur is hereby directed to dispose of this application within 10(ten) working days from the date of receiving copy of this judgment and order to ensure that the Governing body/Managing Committee follow the procedure laid down in aforesaid Regulation, 1979. He should also keep in mind the guidelines provided herein above the Chairman is directed to file an affidavit of compliance within 15 days thereafter to this court, through the learned Registrar of the High Court Division.

18. Since the petitioner or any other person cannot be kept suspended for indefinite period, therefore, as consequential order and to secure ends of justice the respondent No. 7 and the respondents No. 1, 2 and 6 are hereby directed to ensure the full payment or the balance amount of the full payment of the petitioner's salary, due after expiry of 60 (sixty) days from 12-10-2014, within 30 (thirty) days of receiving copy of this judgment and order.

19. The respondent No. 7, Chairmen of the Managing Committee, is hereby directed to pay of Taka 10,000 (ten thousand only) as cost to the petitioner within 15 (fifteen) days from the date of receiving copy of this judgment and order and to file an affidavit of compliance within 15 (fifteen) days thereafter, through the learned Registrar of the High Court Division.

20. Let a copy of the judgment and order be sent to the respondent No. 3 and 7 at the expenses of the petitioner and two other copies be sent to the secretaries Ministry of Education and to the Secretary Ministry of Primary and Mass Education, Bangladesh Secretariat, to issue directives or circular upon all Chairman and the Director Generals, as the case may be, in the light of the law declared in paragraph 12 herein above. They should ensure compliance as required under the provisions of Article 112 of the Constitution of the People's Republic of Bangladesh and submit an affidavit of compliance through the learned Registrar of the High Court Division, within 30 (thirty) working days of receiving copies of this judgment and order.
Ed.

Source: The Dhaka Law Reports (April 2016)

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(Civil Appeal No. 99 of 2013)

Surendra Kumar Sinha G

Syed Mahmud Hossain J

Hasan Foez Siddique J

Government of Bangladesh, represented by the Secretary, Ministry of Establishment

Dhaka Appellant

vs

SM Raiz Uddin Ahmed Respondent

Judgment

November 4th, 2015.

Syed Mahmud Hossain J : This appeal, by leave, is directed against the decision dated 11-2-2010 passed by the Administrative Appellate Tribunal, Dhaka in AAT Appeal No.1 of 2008 affirming the decision dated 23-9-2007 passed by Administrative Tribunal No, 1, Dhaka, in AT Case No. 151 of 2006.

2. The facts, leading to the filing of this appeal, are precised below:

The respondent instituted AT Case No. 151 of 2006 for declaration that the letter communicated under Memo No. awarding punishment to him, which was served upon him on 28-9-2006 was illegal, void, collusive and

the same was not binding upon him. The case of the respondent, in short, is that on 21-1-1986, he joined as Assistant Commissioner under the Ministry of Establishment. He was promoted as Senior Assistant Secretary on 14-9-1994 and thereafter as Deputy Secretary on 10-2-2003. While he was serving as Thana Nirbahi Officer at Atgoria, Pabna, the Secretary, Ministry of Establishment, framed charge against him stating that at the time of serving as Magistrate at Bagerhat, he, without writing the statements of the witnesses under section 164 of the Code of Criminal Procedure himself, allowed the Investigating Officer to write those statements and thereafter put his signatures in those statements. The respondent in his reply denied the allegation. It has further been stated in the petition before the Administrative Tribunal that being satisfied, the concerned Secretary, after hearing the respondent, informally told him that no action would be taken against him. Thereafter, the respondent got two promotions and selection grade. While searching his position to get promotion as Joint Secretary, the respondent came to know that in that proceeding punishment in the form of "censure" had been awarded to him. He filed an application addressing the Secretary of the concerned Ministry to get the order of 'censure' and got the said order on 18-9-2006. Thereafter, he preferred an appeal before the President of the Republic but did not receive any reply. Then he filed the instant Administrative Tribunal case.

3. The Government, represented by the Secretary, Ministry of Establishment, contested the case by filing a written objection contending, inter alia, that Eklas Khan, Mizan Khan and Yousuf Sheikh, the witnesses of GR No. 57 of 1995 arising out of Bagerhat PS Case No. 6 dated 18-5-1992 were produced by the Investigating Officer before the respondent for recording their statements under section 164 of the Code of Criminal Procedure. The respondent, without recording their statements himself, allowed Investigating Officer of the said case to write the statements of those witnesses and then he put his signatures in the said statements which were found in the judgment in STC Case No. 36 of 1993 by the Tribunal. Bringing such allegation, a departmental proceeding was initiated against the

respondent and the same was established on holding departmental inquiry. Accordingly, the respondent was awarded punishment. The order awarding punishment was duly communicated to the respondent. Therefore, the case should be dismissed.

4. The learned Member of Administrative Tribunal No. 1, Dhaka, upon hearing the parties and considering the evidence on record, by the decision dated 23-9-2007 allowed the said case and declared the punishment awarded to the respondent void.

5. Being aggrieved by and dissatisfied with the decision dated 23-9-2007 passed by the learned Member, Administrative Tribunal No.1, Dhaka, the Government-respondent preferred AAT Appeal No. 1 of 2008 before Administrative Appellate Tribunal, Dhaka, which was dismissed by the decision dated 11-2-2010.

6. Feeling aggrieved by and dissatisfied with the decision passed by the Administrative Appellate Tribunal, Dhaka, the appellant as the leave-petitioner moved this Division by filing Civil Petition for Leave to Appeal No.794 of 2010, in which, leave was granted on 21-7-2013, resulting in Civil Appeal No. 99 of 2013.

7. Mr Goutam Kumar Roy, learned Deputy Attorney General, appearing on behalf of the appellant, submits that there is a specific finding by the Special Tribunal that while acting as Magistrate of Rampat, Bagerhat the respondent put his signatures in the statements of three witnesses recorded under section 164 of the Code of Criminal Procedure which were alleged to have been written by another person and on such allegation, the Government initiated a departmental proceeding against the respondent and that as there was no specific denial on behalf of the respondent, the Administrative Tribunal and Administrative Appellate Tribunal committed an error of law in interfering with the punishment awarded to the respondent and as such, the impugned decision should be set aside.

8. Mr Bivash Chandra Biswas, learned Advocate-on-Record, appearing on behalf of the respondent, on

the other hand, supports the impugned judgment delivered by the High Court Division.

9. We have considered the submissions of the learned Deputy Attorney-Genera I for the appellant and the learned Advocate-on-Record for the respondent, perused the impugned.

10. Before entering into the merit of the appeal, it is necessary to go through the ground, for which, leave was granted. The ground is quoted below:

“There is a specific finding by the Special Tribunal that while acting as Magistrate of Rampal, Bagerhat, the respondent put his signatures in the statements of three witnesses recorded under section 164 of the Code of Criminal Procedure alleged to have been written by another person and on such allegation, the Government initiated a departmental proceeding against the respondent and that as there is no specific denial on behalf of the respondent, the Administrative Tribunal and Administrative Appellate Tribunal committed an error of Law in interfering with the punishment awarded to the respondent and as such, the impugned decision should be set aside.”

10. Before entering into the merit of the appeal, it is necessary to go through the ground, for which, leave was granted. The ground is quoted below:

“There is a specific finding by the Special Tribunal that while acting as Magistrate of Rampal, Bagerhat, the respondent put his signatures in the statements of three witnesses recorded under section 164 of the Code of Criminal Procedure alleged to have been written by another person and on such allegation, the Government initiated a departmental proceeding against the respondent and that as there is no specific denial on behalf of the respondent, the Administrative Tribunal and Administrative Appellate Tribunal committed an error of Law in interfering with the punishment awarded to the respondent and as such, the impugned decision should be set aside.”

11. Having gone through the record, we find that while performing the function of the Magistrate, First Class, the respondent recorded the statements of some of the witnesses under section 164 of the

Code of Criminal Procedure. It is alleged that the respondent did not record the statements of Eklas Khan, Mizan Khan and Yousuf Sheikh with his own hand and that he signed those statements alleged to have been written by another person. Unless the allegations brought against the respondent are inquired into, it is difficult to believe that the allegations brought against him are true. In reply to the show cause notice, the respondent in writing denied the allegations brought against him and, as such, the allegations could not be established without any inquiry. The respondent also alleged that the allegations were brought against him out of a conspiracy at the instance of a vested quarter. Therefore, the censure made by the appellant against the respondent cannot be said to be Legal. The case in hand has similarity with Ridge vs Baldwin, [1964] AC 40. In the cited case, the Chief Constable of Brighton has been tried and acquitted on criminal charge of conspiracy to obstruct the Court's justice. Two other Police Officers were convicted and the Judge took opportunities to comment adversely on the Chief Constable's leadership of the force. Thereupon, the Brighton Watch Committee, without giving any notice or offering any hearing to the Chief Constable, unanimously dismissed him from service. His Solicitor then applied for a hearing and was allowed to appear before a later meeting. The committee confirmed their previous decision, but by a vote of nine against three. The Chief Constable exercised his right of appeal to the Home Secretary, but his appeal was dismissed. Finally, he turned to the Courts of law, claiming a declaration that his dismissal was void since he had given no notice of any charge against him and no opportunity of making his defence. This was refused by the High Court and by a unanimous Court of appeal. The House of Lords by a majority of 4 to 1 held that the initial dismissal was not only a breach of principle of natural justice, it was contrary to the express provisions of the statutory regulations governing police discipline which in cases of misconduct required notice of the charge and an opportunity for self-defence. The hearing given to the chief constable's solicitor was held to be irrelevant since even no notice of specific charge was given and natural/justice was again violated.

13. In the case in hand, relying only on the adverse remarks of the Tribunal, the respondent herein was censured without giving him any opportunity of being heard.

14. The Administrative Tribunal and the Administrative Appellate Tribunal rightly found that the allegations brought against the respondent could not be substantiated. It is not permissible to take disciplinary action against a person solely on the basis of adverse remarks made by a Tribunal in a criminal case unless the allegations imputed in the adverse remarks are proved in disciplinary proceeding.

In the light of the findings made before, we do not find any substance in this appeal. Accordingly, this appeal is dismissed.

Ed.

Source: The Dhaka Law Reports (April, 2016)

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(Writ Petition No. 3657 of 2015)

Md Rezaul Hasan J

Khizir Ahmed Choudhury J

Nurun Nabir Sarker (Md) Petitioner vs
Secretray, Ministry of Education and others Respondents

Judgment

November 10th, 2015.

Md Rezaul Hasan J : In this petition, filed under Article 102 of the Constitution, a Rule has been issued calling upon the respondents to show cause as to why respondents No. 3 to 5 shall not be directed to dispose of the application filed by the petitioner on 22-3-2015 before them (Annexure-C to the application), praying for taking necessary action against the order of suspension of the petitioner from his service as the Headmaster. Uzan Teura TUM High School, Sundargonj, Gaibandha under rule 38(3) of the মাধ্যমিক ও উচ্চ মাধ্যমিক স্তরের বেসরকারী শিক্ষা প্রতিষ্ঠানের গভর্নিং বডি ও ম্যানেজিং কমিটি প্রবিধানমালা, ২০০৯,” and/or pass such other or further order or orders as to this Court may seem fit and proper.

2. Fact relevant for the disposal of this Rule, in brief, are that the petitioner applied for the post of Headmaster, in response to the advertisement published by the

concerned authority and that a duly constituted selection committee selected the petitioner to be appointed for the said post and consequently the petitioner has joined the said School, on 11-4-1999, pursuant to the appointment letter dated 7-4-1999 issued by the Chairman of the Managing Committee Uzan Teura TUM High School, Sundargonj, Gaibandha, and since then he has been discharging his duties honestly, sincerely and to the full satisfaction of the authority concerned; that the name of the petitioner was enlisted in the monthly pay order (MPO) from May, 1995, being Index No. 258346, and since then he has been receiving government portion of his monthly salary and other financial benefit regularly, without any interruption, till to date; that without complying the mandatory provisions of the Recognised Non-Government School Teachers (Board of Intermediate and Secondary Education, Rajshahi) Terms And

Conditions of Service Regulations, 1979” and with a malafide intention, the Managing Committee of the said school took a decision on 12-10-2014 to suspend the petitioner from his service; that the Governing Body of the said School has failed to conclude the proceedings against the petitioner in compliance with the provisions of the Regulation- 11,12,13 and 14 of the said Regulation, 1979; that on 22-3-2015 the petitioner filed an application before the Chairman, the Secretary and the Inspector of Schools, Board of Intermediate and Secondary Education, Dinajpur, (respondent No. 3, 4 & 5) requesting them to take necessary action against the order of suspension of the petitioner from his service as the Headmaster, Uzan Teura TUM High School, Sundargonj, Gaibandha under Regulation-38 (3) of the “(মাধ্যমিক ও উচ্চ মাধ্যমিক স্তরের বেসরকারী শিক্ষা প্রতিষ্ঠানের গভর্নিং বডি ও ম্যানেজিং কমিটি) প্রবিধানমালা, 2009,” but the respondents remained silent without considering the prayer of the petitioner and without giving any reply; that though the said application has duly been received by the office of the Chairman, the Secretary and the Inspector of Schools, Board of Intermediate and Secondary Education, Dinajpur (respondent Nos. 3, 4 & 5), but they did not take any steps in respect the matter till to date that it is humbly submitted that the inordinate delay of the respondents to dispose of the application filed by the petitioner on 22-3-2015 is illegal, malafide and arbitrarily and, as such the inordinate delay of the respondents to dispose of the application filed by the petitioner on 22-3-2015 is required to be declared to have been done without any lawful authority and is of no legal effect; that it is the statutory duty of the respondents to dispose of the application filed by the petitioner within a reasonable time and, as such the respondents are required to be directed to dispose of the application filed by the petitioner without making any delay; that the action of the respondents in not disposing the application filed by the petitioner on 1-10-2013 (ANNEXURE-C) is malafide, arbitrarily and amounts to refusal to exercise their jurisdiction and hence, the respondents are required to be directed to dispose of the application filed by the petitioner without making any delay ; that being aggrieved by the action of the respondents in not disposing the application filed by the petitioner on 22-3-2015

praying for taking necessary action against the order of suspension of the petitioner from his service as the Headmaster, Uzan Teura TUM High School, Sundargonj, Gaibandha under Regulation -38 (3) of the “মাধ্যমিক ও উচ্চ মাধ্যমিক স্তরের বেসরকারী শিক্ষা প্রতিষ্ঠানের গভর্নিং বডি ও ম্যানেজিং কমিটি) প্রবিধানমালা, ২০০৯,৮ (অঘঘউটজউ)-ঈ) and finding no other equally efficacious alternative remedy available in law your humble petitioner begs to file this petition under Article 102(2)(a)(i) & (ii) of the Constitution on the following amongst others. Hence this petition.

3. The learned advocate, appearing for the petitioner, Mr Humayun Kabir having placed the petition alongwith the documents annexed there-with, and first up all submits that the petitioner is the Headmaster of Uzan Teura TUM High School, Sundargonj, Gaibandha. The learned advocate further submits that the petitioner was appointed in said post after compliance of all formalities and procedure as required by the concerned Rules and Regulations. He next submits that the name of the petitioner has been enlisted in the Monthly Pay Order (MPO) for May, 1995, being index No.258346, and since then he has been receiving the govern portion of his monthly salary and other financial benefits regularly, without any interruption, till today. But, without compliance with the provisions of “The Recognised Non-Government School Teachers (Board of Intermediate and Secondary Education, Rajshahi Terms and Conditions of Service Regulations, 1979” the petitioner was suspended by the Managing Committee on 12-10-2014. with a malafide intention. But they have not initiated any departmental proceeding against the petitioner by way of issuing any show cause notice or charge sheet, although the petitioner has been kept under suspension till today without apprising him as to what was his fault and without bringing any allegation against him, by issuing show cause notice, as required by Regulations 11 and 12 of the above mentioned Regulation. Thereafter the petitioner filed an application on 22-3-2015 to the Chairman of the Board of Intermediate and Secondary Education (respondent No. 3, 4 and 5) seeking appropriate remedy in the background of the hardship and sufferings he has been put to by the aforesaid illegal order of suspension, but they remained silent.

He further submits that, it is statutory duty of the respondent Nos. 3, 4 and 5 i.e the Chairman, the Secretary and the inspector of the Schools, Board of Intermediate and Secondary Education Dinajpur, to disposed of the said representation date 22-3-2015 within a reasonable time by giving direction upon the Managing Committee and that the board has power under Regulation No. 38(3) of the aforesaid Regulation of 2009. He further submits that, in the manner aforesaid, the fundamental right to be treated and accordance with law, as guaranteed to the petitioner by Article 31 read with Article 44 of the Constitution, has been denied to him. Accordingly he has prayed for-appropriate direction. In support of his contention, the learned advocate has referred to the decisions reported in 2012 (XX) BIT (AD) 239: Bangladesh Live Stock Research Institute vs Dr Md Jahangir Alam Khan, 60 DLR 40: Zulfiker Mahmud vs National University and has also placed an unreported judgment dated 9-3-2014 passed in Writ Petition No. 1897 of 2014: Md Jashimuddin vs Government of the PRB. He has prayed making the Rule absolute in the facts and circumstances of this case.

4. The Learned Deputy Attorney-General Mr ASM Nazmul Hoque a appearing alongwith the learned Assistant Attorney-General Mr Md Jahangir Alam, has found in the difficult to show as to why the board is to not be directed to the disposed of the petitioner's representation date 22-3-2015 (Annexure-C) within reasonable time to be fixed by this court.

5. Heard the learned advocates for both sides, perused the writ petition including the materials on record and also consulted the law cited before us.

6. We find from that the materials on record that the petitioner has been appointed as Headmaster of the concerned School after compliance with all the procedure as laid down in the concerned Rules and Regulations. His name has been listed in the MPO from May, 1995. We also find that the petitioner has been suspended on 12-10-2014 (Annexure-B), but no time has been mentioned in the said letter as to the period of suspension. On the other hand we do not find any materials on record that the governing body has initialed any disciplinary proceeding against

the petitioner, though it has kept the petitioner under suspension for in definite period.

7. In our consider view, this order of suspension dated 12-10-2014 bearing Memo No. D/†Z/we/02/14 (Annexure-B) does not mention any period for which the petitioner has been suspended or kept under suspension. Similarly, we do not find any material on record showing that the petitioner has been suspended pending any disciplinary proceeding or that any disciplinary proceeding has been initiated following the order/letter of suspension dated 12-10-2014.

8. In our considered view, this act of Respondent No. 7 tantamount to colorable exercise of the power, violation of the petitioner's fundamental right to be treated in accordance with law. We are also of the view that in order to be a valid suspension order the same must contain the period for which the incumbent shall remain suspended and such suspension order can only be issued pending a disciplinary proceeding. But, neither of these two conditions are met or found present in the letter/order of suspension dated 12-10-2014. The respondent No. 7 is not authorised by law to issue such an order or letter. Hence, this order/letter of suspension is bound to be declared to have been issued without any lawful authority and is of no legal effect. But, the petitioner has neither prayed for any relief under Article 102(1) for violation of his fundamental right, nor prayed for issuing any supplementary Rule challenging the suspension letter dated 12-10-2014.

9. We also find that the petitioner made a representation to the Board on 22-3-2015, giving the facts and particulars in the detail and pointing out that the Managing Committee did not follow the provisions Regulations No.13(a) 14(a) and 14(b) of the above mentioned Service Regulations, 1979 as well as they have violated the provisions of the Regulations No. 33(5), 33(6), 35(1) and 35(4) of Governing Body and Managing Committee Regulations. 2009.

10. Sub-regulation (3) of regulations 38 reads as follows:-

৩৮। গভর্নিং বডি বা ফ্লেট্রমত, ম্যানেজিং কমিটি বাতিলকরন, ইত্যাদিঃ-

(১)

(২)

(৩) বোর্ড স্বপ্রণোদিত হইয়া বা সরকারের নির্দেশে গভর্নিং বডি বা, ফ্লেট্রমত, ম্যানেজিং কমিটির যে কোন কার্য বিষয়ে অনুমোদন করিতে কিংবা কোন অভিযোগের বিষয়ে তদন্ত করিতে পারিবেন এবং সংশ্লিষ্ট রেকর্ডপত্র তলব করিতে পারিবে।

(emphasis added)

11. As such, in our considered view, the board has authority to examine any order or decision passed by the Governing Body or Managing Committee of the educational institution placed under its supervision and control and to pass appropriate order, though this cannot be treated as an efficacious alternative remedy.

12. We are also of the considered view that in order to prevent malafide exercise of power, to ensure equitable and fair treatment to all employees, including the petitioner, this court should declare law as contemplated under Article 111 of the Constitution, to put an end to this unjust situation and shall fix a period as to how long a person can be kept suspended pending inquiry, when such suspension is not imposed as penal measures. According, we declare that in the absence of any law providing, otherwise, no person shall be kept under suspension beyond 60 (sixty) days from the date of his her suspension. If the suspension continues for further period, exceeding 60(sixty) days, then the person suspended shall be entitled to receive full pay, instead of subsistence allowance, till the suspension order/letter ends up in a final order.

13. Next, we also record that, for the conducts noted above, the Chairman and other members of the Managing Committee as well as the concerned official of the board should have been compensated, for their inaction, that in fact amounts to gross neglect of duty.

14. We are also of the view that government officials are conferred powers not to victimize innocent person or teacher. They are bound to discharge their duties as fairly and as provided in law. Their findings should be based on materials on the record. They should take into consideration all material facts in taking any

decision or step. Their bonafide and neutrality must be visible at the first sight. They are not permitted to secure unlawful gain to themselves or to any other person. Nor they are permitted to act unreasonably, disproportionately, discriminatorily, arbitrarily, whimsically or to resort to colourable exercise of their power. They will lose indemnity if they don't act bonafide.

15. We find merit in this Rule.
Order

16. Accordingly this Rule is made absolute.

17. In consequence, the Chairman, Board of Intermediate and Secondary Education Dinajpur is hereby directed to dispose of this application within 10(ten) working days from the date of receiving copy of this judgment and order to ensure that the Governing body/ Managing Committee follow the procedure laid down in aforesaid Regulation, 1979. He should also keep in mind the guidelines provided herein above the Chairman is directed to file an affidavit of compliance within 15 days thereafter to this court, through the learned Registrar of the High Court Division.

18. Since the petitioner or any other person cannot be kept suspended for indefinite period, therefore, as consequential order and to secure ends of justice the respondent No. 7 and the respondents No. 1, 2 and 6 are hereby directed to ensure the full payment or the balance amount of the full payment of the petitioner's salary, due after expiry of 60 (sixty) days from 12-10-2014, within 30 (thirty) days of receiving copy of this judgment and order.

19. The respondent No. 7, Chairmen of the Managing Committee, is hereby directed to pay of Taka 10,000 (then thousand only) as cost to the petitioner within 15 (fifteen) days from the date of receiving copy of this judgment and order and to file an affidavit of compliance within 15 (fifteen) days thereafter, through the learned Registrar of the High Court Division.

20. Let a copy of the judgment and order be sent to the respondent No. 3 and 7 at the expenses of the petitioner and two other copies be sent to the

secretaries Ministry of Education and to the Secretary Ministry of Primary and Mass Education, Bangladesh Secretariat, to issue directives or circular upon all Chairman and the Director Generals, as the case may be, in the light of the law declared in paragraph 12 herein above. They should ensure compliance as required under the provisions of Article 112 of the Constitution of the People's Republic of Bangladesh and submit an affidavit of compliance through the learned Registrar of the High Court Division, within 30 (thirty) working days of receiving copies of this judgment and order.

Ed.

Source: The Dhaka Law Reports (April 2016)

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(Civile Review Petition Nos. 103-112 of 2010)

Md Muzammel hossain CJ

Surendra Kumar Sinha J

Md Abdul Wahhab Miah J

AHM Shamsuddin Choudhury J

Abdul Mazid (Md) Sarker and 8 others Petitioner vs

Bangladesh and others Respondents

Judgment

April 28th, 2014.

Md Muzammel Hossain CJ :These Civil Review Petitions, taken up for hearing analogously, are directed against the impugned judgment and order dated 26-7-2009 passed by this Division in Civil Petition for Leave to Appeal Nos. 1309, 1310 and 1317-24 of 2008 heard analogously and disposed with observation affirming the judgment and order dated 23-3-2008 passed by the Administrative Appellate Tribunal in AAT Appeal Nos. 39 of 2006, 36 of 2006, 32 of 2006, 33 of 2006, 37 of 2006, 40 of 2006, 41 of 2006, 34 of 2006, 37 of 2006 and 35 of 2006 respectively and reversing the judgment and order dated 31-1-2006 passed by the Administrative Tribunal in AT Case Nos. 147 of 2005 (New) and 136 of 2004 (old), 144 of 2005 (New) and 133 of 2004 (Old), 140 of 2005 (New) and 129 of 2004 (Old), 141 of 2005 (New) and 130 of 2004 (Old), 145 of 2005 (New) and 134 of 2004 (Old), 148 of 2005 (New) and 137 of 2004 (Old), 149 of 2005 (New) and 138 of 2004 (Old), 142 of 2005 (New) and 131/2004

(Old), 145/2005 (New) and 134/2004 (Old), and 143/2005 (New) and 132 of 2004 (Old) respectively allowing the cases of the petitioners and declaring their termination from service as illegal.

2. The facts, leading to the filing of these civil review petitions in a nutshell, are that the petitioners were Note/Coin Examiner, MLSS., Electric helper, Clerk-cum-typist who had been appointed in their respective service in Bangladesh Bank on different dates and confirmed in their respective posts and as per their claim they have been serving with satisfaction of the concerned authority. On 28-10-2003 at about 2-00 PM some staff of the Bangladesh Bank forcibly entering into the chamber of the Chairman of Bangladesh Bank demanded some illegal facilities and abused the Governor of Bangladesh Bank. In consequence of which a First Information Report (FIR) was lodged with the Motijheel Police Station on the same date.

The General Manager, Human Resources Department, Bangladesh Bank on 30-10-2003 proposed to the Governor of Bangladesh Bank for termination of the services of the petitioners from Bangladesh Bank pursuant to Regulation 13(ii) of the Bangladesh Bank Staff Service Regulations, 2003 stating inter alia, that the occurrence took place on 28-10-2003 and the Deputy Governor and the Governor of Bangladesh accepted and signed the said proposal. Thereafter, the Joint Manager of Bangladesh Bank, Motijheel Branch, issued an order dated 30-10-2003 with the approval of the authority for termination of the services of each of the petitioners. The petitioners preferred appeals against the order dated 30-10-2003 before the Governor of Bangladesh Bank who did not reply to it. Finding no other way, the petitioners filed individual cases before the Administrative Tribunal for setting aside the order dated 30-10-2003. The Administrative Tribunal No-3, Dhaka by the judgment and order dated 3-1-2006 passed in AT Case Nos. 147 of 2005 (New) and 136 of 2004 (old) and 9 (Nine) other AT cases as mentioned above allowed the cases of the petitioners and declared their termination from service as illegal. Against the said judgment and order passed by the Administrative Tribunal the respondents of the instant petitions filed appeals being AAT Appeal Nos. 39 of 2006 and 9 (Nine) other AAT appeals as mentioned above before the Administrative Appellate Tribunal, Dhaka who by a common judgment and order dated 23-3-2008 allowed the appeals and set aside the judgment and order passed by the Administrative Tribunal in all AT cases filed by the petitioners.

3. Being aggrieved by and dissatisfied with the aforesaid judgment and order of the Administrative Appellate Tribunal, the petitioners filed Civil Petition for Leave to Appeal Nos. 1309, 1310 and 1317-1324 of 2008 before this Division. This Division by its judgment and order dated 26-7-2009 disposed of all these leave petitions affirming the judgment and order of the Administrative Appellate Tribunal with observation and direction upon the authority of Bangladesh Bank to the effect that if any situation occurs in future in any appropriate case, the authority shall, with all fairness, take appropriate legal steps

against the employees for ends of justice instead of resorting to the shortcut provisions of Rule 13(ii) of the Regulations, 2003.

4. Feeling aggrieved by and dissatisfied with the impugned judgment and order dated 26-7-2009 passed by this Division, the review-petitioners filed these instant petitions for review before this Division.

5. While the hearing of the review petition was going on the petitioner Md Abdul Mazid Sarker in Civil Review Petition No. 103 of 2013 submitted an Additional Paper Book with the leave of the Court in which petitioner presented the already discussed facts importing new circumstances. In the Additional Paper Book the petitioner stated that they were the members of Registered Trade Union of Bangladesh Bank having its Registration No. B-1898. The said Trade Union had been elected as the Collective Bargaining Agent (CBA) for the employees of Bangladesh Bank. In exercise of their legal rights and duty in the nature of a trustee, the Officers of the CBA Trade Union had to issue a notice under section 26(1) of the Industrial Relations Ordinance, 1969 to the employer by letter under Memo m-1 bs Rvs Ks ms/41/2003 dated 27-10-2003 raising some demands and speaking about grievances to the authority. Demands so raised was not received positively by the then Governor of Bangladesh Bank rather it was received with grudge and vindictive attitude. Out of the said grudge and decision of victimization on 29-10-2003 Mr Mostaq Aziz, Deputy Director, Bangladesh Bank, Head Office, Dhaka lodged a false FIR with the Motijheel Police Station which was later registered as GR No.4392 of 2003 under sections 143/ 447/448/ 341 / 186 / 189 / 506 of the Penal Code against the Officers of the CBA Trade Union in Dhaka. On 30-10-2003 the Manager, HRD, Head Office of Bangladesh Bank prepared a note to the effect that on 28-10-2003 some employees and officers uttered some unmannerly language to the Governor for which 10 persons should be terminated from the service of Bangladesh Bank under Regulation 13. On the basis of that note 10 persons including the petitioners were terminated by letter dated 30-10-2003. Amongst those 10 persons, 7 were the President,

Executive President, Head Quarters, Vice-President, Secretary, Finance Secretary and Distant Finance Secretary of the CBA Trade Union.

6. The petitioner also submitted that, at the time of preparing the application filed before the Administrative Tribunal, the petitioner told everything to his learned Advocate but the learned Advocate refused to make these statements before the Administrative Tribunal saying that the Administrative Tribunal would not consider victimization for trade union activities and labour laws are not considered by the Administrative Tribunal.

7. Mr Rafique-ul Huq, learned Senior Advocate appearing for the petitioners submits that the cases of the petitioners are not cases of ‘termination simpliciter’ because as many as 10 employees were terminated thus these were cases of ‘termination enmasse’. He submits that in the latest judgment dated 8-11-2009 in Civil Petition for Leave to Appeal Nos. 578-614 of 2009 this Division has affirmed the judgment of the High Court Division dated 11-1-2009 wherein the High Court Division had declared termination of 46 Biman Employees as illegal, void and without lawful authority and that all the Biman employees were terminated in purported exercise of power under Regulation 52(1) of the Bangladesh Biman Employees Service Regulations, 1979, which has also empowered the Biman to terminate the service of a permanent employee by giving 3 months notice or in lieu thereof by payment of 3 months pay. The learned Senior Advocate also refers to the case of Bangladesh Bank vs Md Abdul Mannan reported in 46 DLR (AD) 1 in support of his argument and submits that while passing the impugned judgment this Division had failed to consider the above mentioned decision of this Division exactly on the same point and that this Division had committed serious error which had led to miscarriage of justice. He contends that this Court had also failed to consider that termination of a permanent employee with 1 month pay, in lieu of 1 month notice is opposed to Public Policy and the principle of ‘Audi Alteram Partem’ and the petitioners had not only been condemned unheard but they had been also denied the procedural safeguards of the provision of the Article 135 of the Constitution.

He finally submits that review of a judgment is permissible to do complete justice if this Division fails to consider a previous decision exactly on the similar point and, as such, this Division should set aside the impugned judgment and order considering the decision of the above referred case and thereby allow these petitions.

8. Mr Shamim Khaled Ahmed, the learned Senior Advocate for the respondents, supporting the impugned judgment and order of this Division, submits that the petitioners miserably failed to make out any case for review of the impugned judgment and order and all the points raised in this review petitions were addressed and well answered in the impugned judgment and order by this Division in these leave petitions and therefore, there is nothing left to be reconsidered in these review petitions and, as such, these review petitions are liable to be dismissed.

9. We have heard the learned Advocates for both the parties and perused the Civil Revision Petitions, impugned judgment and order dated 26- 7-2009 passed by this Division disposing of the Civil Petitions for Leave to Appeal and all other connected papers on record.

10. In the instant cases we have to decide whether the petitioners have made out their cases for review and whether services of the review petitioners were terminated or dismissed by invoking Regulation 13(ii) of the Bangladesh Bank Staff Regulations, 2003. The Bangladesh Bank Staff Regulations of 2003 is the guiding principle in respect of service of the employees of Bangladesh Bank. Regulation 13 of the Bangladesh Bank Staff Regulations, 2003 provides for termination of service. Regulation 13(ii) reads as under:

“(II) The Bank may determine the service of any employee by calling upon him to resign or otherwise, after the expiry of the period of his probation on giving him three months, notice or pay in lieu thereof if he is an Assistant Director and above, and on giving him one month’s notice or pay in lieu thereof if he is an employee of any other class/category. The power to determine the service of an employee shall

be exercised by the Governor with the prior approval of the Board in the case of an Assistant Director and above and by the General Manager of an office or branch with the approval of the Governor in the case of other employees”.

11. Regulation 13(ii) provides that the appropriate Bank Authority may determine the service of any employee after giving him one month's notice or pay in lieu thereof. In the instant case this Division while disposing of the leave petitions with observation rightly noticed that the Administrative Appellate Tribunal found that the General Manager of Bangladesh Bank being the appropriate authority of the petitioners for termination of their service, terminated their service by order dated 30-10-2003; that the order of termination signed by the Joint Manager (Admn-1) is a mere communicating order as the order was proposed and given by the General Manager with the approval of the Governor and others; that the heading of the order of termination of service is written in Bangla as “eiLv-” and within bracket the words “termination of service” were written and the said letters were issued pursuant to Regulation No.13(ii) and erroneously the word “eiLv-” was written in Bangla in the order instead of “চাকুরীচ্যুত”, and that the Administrative Tribunal wrongly allowed the cases of the petitioners declaring the order dated 13-10-2003 passed by the respondent null and void and without jurisdiction on the ground that the petitioners were not terminated from their service but they were dismissed from their service in the garb of Regulation 13(ii) though under Regulation 44(i)(g) of the Bangladesh Bank Staff Regulations, 2003 the respondent Bank was empowered to dismiss the petitioners from their service after giving them opportunity of being heard as per provision of Article 135(2) of the Constitution. It is to be noted that all the orders of termination of services of the petitioners were in identical terms. In this context it is pertinent to quote in verbatim the order dated 30-10-2003 of termination of service of the petitioner in Civil Review Petition No. 105 of 2010 which reads as under:

বাংলাদেশ ব্যাংক মতিঝিল, ঢাকা।
বই উপহার দিন”

প্রিয়জনকে

..... প্রধানমন্ত্রী

কর্মচারী নির্দেশ নং-সংস্থাপনঃ ২৫৬/২০০৩

তারিখঃ ১৫ কার্তিক, ১৪১০ ৩০ অক্টোবর ২০০৩

কর্মচারী চাকুরীচ্যুত (Termination of Service): জনাব মোঃ জয়নাল আবেদীন, করণিক-১ম মান।

উপযুক্ত কর্তৃপক্ষের অনুমোদনক্রমে অত্র অফিসের করণিক-১ম মান জনাব মোঃ জয়নাল আবেদীন, (ভবিষ্য তহবিল সূচক নং কেএইচজে-১২) Bangladesh Bank Staff Regulation, ২০০৩ এর ১৩(১১) -১(এক) মাসের বেতন প্রদান পূর্বক ব্যাংকের চাকুরী হইতে বরখাস্ত (Termination of Service) করা হইল।

এই নির্দেশ অবিলম্বে কার্যকর হইবে।

সংস্থাপন শাখা।

স্বাক্ষর/-

(মোঃ আমিরুল ইসলাম)

যুগ্ম ব্যবস্থাপক (প্রশাসন-১)”

12. On perusal of the memos dated 30-10-2003 it appears that the petitioners' service was terminated by invoking Regulation 13(ii) of the Bangladesh Bank Staff Regulations, 2003 but in the aforesaid letter of termination the word “eiLv-” was written though Regulation No. 13(ii) and termination of service was clearly stated in the letter of termination under consideration. We have found that Bangladesh Bank Staff Regulations, 2003 consists of 4 parts. Part-I is the General Part which contains amongst others definitions, employment of temporary staff, appointments, probation, reversion, termination of service, retirement and re-employment and record of service. Part II contains discipline. Part-III contains punishment. In this Part Regulation 44 provides for penalties, 45 provides for inquiry and punishment and 46 enumerates the provisions of appeal and Part IV contains miscellaneous matters like salary, leave, medical attendance, allowances etc.

13. From the scheme and the contents of the Bangladesh Bank Staff Regulations, 2003 it appears that two different provisions namely, Regulation 13 provides for termination of service contained in Part 1 of the Regulations and Regulation 44(1)(f) provides for removal from service and Regulation 44(1)(g) provides for dismissal from service contained in Part III of the Regulations. In the instant case the services of the petitioners were terminated vide memos

dated 30-10-2003 by invoking Regulation 13(ii) of the Bangladesh Bank Staff Regulations, 2003. It seems that mistakenly the word “eiLv-Ó was written in the order of termination of service instead of the correct word “চাকুরীচ্যুতচ. ইঃ রহ্ ঞেব ঁনলবপঃ সধঃঃবং ডুভ ঞেব ডুংফবং ঞেব বীঢ়বংংরাডুহং “কর্মচারী চাকুরীচ্যুতচ (এঃবঃসঃরহঃঃরাডুহ ডুভ ঁবঃরপঃ)চ were correctly written. Mere using the word “বঃখাস্তডু” mistakenly in the order of termination of service will not make the same “dismissal” because the respondent Bangladesh Bank Authority specifically invoked Regulation 13(ii) in terminating the services of the petitioners with one month’s notice. From a careful reading of Regulation 13(ii) of the Bangladesh Bank Staff Regulations, 2003 it appears that the Appropriate Bank Authority may determine the service of an employee after giving him one month’s notice or pay in lieu thereof. The power to determine the service of an employee below the rank of Assistant Director who are classified as “other employees” shall be exercised by the General Manager of an office or Branch with the approval of the Governor of the Bank. In the instant case this Division rightly found that the General Manager made a proposal to the Governor of the Bangladesh Bank for the termination of the services of the petitioners pursuant to Regulation 13 (ii) of the Regulations, 2003. Accordingly, the General Manager terminated the services of the petitioners with the approval of the Governor. Regulation 13 (ii) does not provide for dismissal of the employee and it does not contain any stigma or punishment against the petitioners. Therefore, this Division in the leave petitions having considered all aspects of the matter disposed of them with observation holding that the Administrative Appellate Tribunal rightly allowed the appeals after setting aside the judgment and order passed by the Administrative Tribunal. We are of the view that the services of the petitioners were rightly terminated by invoking the Regulation 13(ii) of the Bangladesh Bank Staff Regulations, 2003.

14. While speaking about the scope of review the Supreme Court of Pakistan in the case of Lt. Col. Nawabzada Muhammad Amir Khan vs Controller of Estate Duty, Government of Pakistan, reported in PLD 1962 SC 335 = 13 DLR (SC) 105 observed as under:

“To permit a review on the ground of incorrectness would amount to granting the Court the jurisdiction to hear appeals against its own judgments or perhaps a jurisdiction to one Bench of the Court to hear appeals against other Benches; and that surely is not the scope of review jurisdiction. No mistake in a considered conclusion, whatever the extent of that mistake, can be a ground for the exercise of review jurisdiction.”

15. In the case of Secretary Ministry of Finance vs Md Masdar Hossain reported in 21 BID (AD) 126 at page 131 para 12 = 7 BLC (AD) 92 this Division reiterated the principle as under :

“a review is by no means an appeal in disguise whereby an erroneous decision is re-heard and corrected. A review lies where an error apparent on the face of the record exists. It is not a re-hearing of the main appeal. Review is not intended to empower the Court to correct a mistaken view of law, if any, taken in the main judgment. It is only a clerical mistake or mistake apparent on the face of the record that can be corrected by the leave but it does not include the correction of any erroneous view of law taken by the Court.”

16. In the case of Tarique Rahman vs Bangladesh reported in 63 DLR (AD) 162 at page 172 para 23 in which two of us was party, while expounding the grounds of review we observed as under: “In order to review a judgment there must be an error apparent on the face of the record and that this error is so apparent and manifest and clear that no court of law would permit such an error to remain on the record. We are therefore convinced to reach to the conclusion that the error must not only be apparent it must also have a material bearing on the face of the case”. In disposing of the Civil Petitions for Leave to Appeal we already considered the same grounds which have been advanced before us in these civil review petitions.

17. In these civil review petitions we do not find any substance in the submissions of Mr Rafique-ul-Huq, the learned Advocate for the petitioners rather we find substance in the submissions of Mr Shamim Khaled Ahmed, the learned Advocate appearing for the respondents to the effect that the grounds taken in the review petitions are in real terms the same

grounds which were already considered and repelled in the judgment and order passed by this Division in the above leave petitions. This Division consistently held that review by no means is a re-hearing of the appeal. We are, therefore, of the view that in all these civil review petitions the grounds urged by the petitioners are nothing but the grounds taken into consideration and repelled in the leave Petitions. It is therefore not permissible to embark upon a reiteration of the same contentions as were advanced at the time of hearing of the Leave Petitions.

18. From the above discussions and findings we are of the opinion that there is no error apparent on the face of the record to interfere in the impugned judgment and order passed by this Division in the above leave petitions. There is no legal ground in these civil review petitions for review of the impugned judgment and order passed by this Division in the civil petitions for leave to appeal.

Accordingly, all these civil review petitions are dismissed.

Ed.

Source: The Dhaka Law Reports (May 2016)

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(Civil Appeal No. 506 of 2009 with Civil Appeal No. 98 of 2011) ^urendra Kumar Sinha CJ Nazmun Ara

Sultana j Syed Mahmud Hossain J Hasan Foez Siddique J

Abdul Baque and another Appellants (In CANo. 506/09)

Arun Chandra Das and others Appellants (In CA No. 98/2011)

vs

Government of Bangladesh, represented by the Secretary, Ministry of Information and

others Respondents (In CANo. 506/09)

Chittagong Port Authority and others Respondents (In CA No. 98/2011)

Judgment

November 1st 2015.

Syed Mahmud Hossain J : These appeals are directed against the judgments and orders dated 27-8-2007 and 22-10-2008 respectively passed by the High Court Division in Writ Petition Nos. 3617 of 2005 and 2300 of 2003 discharging the Rules.

2. Both the appeals involving similar questions of laws and almost

identical facts having been heard together are now disposed of by this single judgment.

3. The facts relevant for the purpose of disposal of Civil Appeal No. 506 of 2009, in a nutshell, are:

The petitioners were appointed as Probationary Radio Operators on temporary basis in the service of Bangladesh Sangbad Sangstha (BSS) by Office orders dated 18-5-1986. It was mentioned in the

appointment orders that after successful completion of probation period their cases would be considered for regular appointment. Being satisfied with the services of the petitioners on probation, respondent No.4 by office order dated 14-12-1986 appointed them as Radio Operators on regular basis with effect from 1-12-1986. The petitioners were promoted to the post of Assistant Accountants on 8-12-1996 and 7-12-1996. While serving BSS sincerely, honestly, efficiently and diligently to the satisfaction of all concerned, the petitioners were taken by surprise to receive a copy of the office order dated 28-7-2003 issued under the signature of the Managing Director and Chief Editor of BSS (respondent No.4) stating therein: -

“সংস্থার হিসাব বিভাগ কর্তৃক সম্পাদিত বেতন-ভাতার সীটে গুরুতর আর্থিক অভিযোগ পাওয়া গেছে। বাসস কর্মচারী চাকুরী বিধিমালা ১৯৯৫

-এর ৭(সাত) অধ্যায়ের ৩৮-এর 'চ' ও 'ছ' অনুযায়ী অভিজুক্ত করার মত গরত্বের অপরাধ। এ প্রেক্ষিতে সংস্থার ভারপ্রাপ্ত প্রধান হিসাব রক্ষক জনাব ইউসুফ আলী মোলার নেতৃত্বে ১(এক) সদস্য বিশিষ্ট তদন্ত কমিটি গঠন করা হল।

এই কমিটিকে আগামী ৪ আগস্ট, ২০০৩ ইং তারিখের মধ্যে এ ব্যাপারে বিস্তারিত তদন্ত প্রতিবেদন (যদি অতীতেও এমন ঘটনা ঘটে থাকে তা ছাড়া) নিম্ন স্বাক্ষরকারীর নিকট পেশ করতে বলা হলো।

4. Petitioner Nos.1 and 2 were placed under suspension by orders dated 3-8-2003 and 5-8-2003 respectively purportedly under the provisions of Regulation 44(1) of BSS Employees Service Regulations, 1995 pending an enquiry under Regulation 38 (Cha) of the said Regulations Respondent No. 4 by memos dated 6-8-2003 served charge sheets cum show cause notices upon the petitioners alleging some financial irregularities therein. The petitioners made separate reply to the said notices On 14-8 -2003 and 13-8-2003 denying the allegations brought against them. An enquiry committee was formed behind the back of the petitioners on 18-8-2003. But the said committee without following the procedure laid down in the ESS Employees Service Regulations, 1995 and without affording the petitioners ample opportunity of hearing arbitrarily prepared a report which was never brought to the notice of the petitioners. The petitioners were taken by surprise to receive the impugned orders of termination dated 9-9-2003 by post under Regulation 54(2) of the said Regulations, 1995.

5. Being aggrieved by and dissatisfied with Memo No. 201 /আ/ব্যপ/ডি/৫৭৩১ 5731 and Memo No. 203 A আ/ব্যপ/ডি-5732 dated 9-9-2003 issued under the signature of the Managing Director and Chief Editor of Bangladesh Sangbad Sangstha (BSS) (respondent No. 4) terminating the services of the petitioners under Regulation 54(2) of Bangladesh Sangbad Sangstha Employees Service Regulations, 1995 and also questioning the vires of Regulation 54 of the Bangladesh Sangbad Sangstha Employees Service Regulations, 1995, the petitioners filed a writ petition before the High Court Division and obtained Rule Nisi in Writ Petition No. 3617 of 2005.

6. The facts relevant for the purpose of disposal of Civil Appeal No.98 of 2011, in a nutshell, are:
The petitioners were appointed in different posts

in the Chittagong Port Authority, and subsequently were promoted to the higher posts upon satisfactory discharge of duties. The petitioners were terminated from service under Regulation 54 (2) of the Chittagong Port Authority Employees Service Regulations, 1991. The petitioners were terminated from service in violation of Articles 26 and 31 of the Constitution.

7. The petitioners filed a writ petition before the High Court Division challenging the constitutionality of Regulation 55 (2) of the Chittagong Port Authority Employees' Service Regulations, 1991 (Annexure-A) and office order No. 12-2003 dated 25-2-2003 issued by respondent No. 3 terminating the petitioners from service (Annexure-P) pursuant to Regulation 55(2) of the said Regulations and obtained Rule Nisi in Writ Petition No.2300 of 2003.

8. Writ-respondent No.4 of Writ Petition No.3617 of 2005 and writ-respondent Nos.1, 2 and 3 of Writ Petition No. 2300 of 2003 contested the Rules by filing separate affidavits-in- oppositions controverting the material statements made in the writ petitions.

9. The learned Judges of the High Court Division upon hearing the parties by the impugned judgments and orders dated 27-8-2007 and 22-10-2008 respectively discharged the Rules.

10. Feeling aggrieved by and dissatisfied with the impugned judgments and orders passed by the High Court Division, the petitioners of both the writ petitions as the leave petitioners have filed Civil Petitions for Leave to Appeal Nos.2291 of 2008 and 373 of 2009 before this Division and leave was granted in both the civil petitions on 9-7-2009 and 6-10-2010 resulting in Civil Appeal Nos.506 of 2009 and 98 of 2011.

11. Mr Mahmudul Islam, learned Senior Advocate, appearing on behalf of the appellants in Civil Appeal No.506 of 2009, submits that the provision of Regulation 54(2) of the Bangladesh Sangbad Sangstha Kormochary Regulation, 1995 is void being violative of fundamental right guaranteed by Article 27 of the Constitution and that it does not provide for any guideline for exercise of the power of termination and permits arbitrary and discriminatory treatment

and, as such, the impugned judgment should be set aside. In this appeal he further submits that the case involves a question of great public importance, namely, whether in a case where the employer has passed an order of termination simpliciter without stigma and that order has been challenged in the Court on the ground of mala fide and arbitrariness, can the employer be allowed to a plea that in fact, the employees concerned were found guilty in a departmental proceeding but the authority as an act of grace without inflicting punishment of dismissal awarded order of termination simpliciter.

12. Mr Mahmudul Islam, learned Senior Advocate, appearing on behalf of the appellants in Civil Appeal No.98 of 2011, submits that Regulation No. 55(2) of the Chittagong Port Authority Employees' Service Regulations, 1991 having not provided any guideline for exercise of the power of termination of employees without assigning any reason is void being violative of fundamental right guaranteed by Article 27 of the Constitution.

13. Mr Mahbubey Alam, learned Attorney-General, appearing on behalf of respondent Nos. 1 and 2 in Civil Appeal No.506 of 2009, on the other hand, submits that the authority terminated the appellants in exercise of the power under Regulation 54(2) of the Bangladesh Sangbad Sangstha Kormochary Regulation, 1995 and that termination simpliciter without stigma does not call for interference. He further submits that the High Court Division came to a finding that the allegations brought against the appellants were proved and that the concerned authority without awarding punishment to the appellants terminated them from service and that the orders of termination were not illegal and, as such, no interference is called for.

14. Mrs Sufia Khatun, learned Advocate-on-Record, appearing on behalf of the respondents in Civil Appeal No.98 of 2011, on the other hand, supports the impugned judgment delivered by the High Court Division.

15. We have considered the submissions of the Senior Advocate for the appellants of both the appeals and the learned Attorney General for respondent Nos.1 and

2 of Civil Appeal Nos.506 of 2009 and the learned Advocate-on-record of the respondents of Civil Appeal No.98 of 2011, perused the impugned judgments and the materials on record.

16. Before entering into the merit of both the appeals, it would be pertinent to go through the grounds, for which, leave was granted in both the appeals.

17. The grounds of Civil Appeal No.506 of 2009 are quoted below:

"The case involves a question great public importance namely, whether in a case where the employer has passed an order of termination simpliciter without stigma and that order has been challenged in the Court on the ground of mala fide and arbitrariness can the employer be allowed to take a plea that in fact, the employees concerned were found guilty in a departmental proceeding but the authority as an act of grace without inflicting punishment of dismissal awarded order of termination simpliciter.

The case involves a question of law of great public importance namely, when the employer authority has passed orders of termination simpliciter without stigma against the petitioners, can the High Court Division in its writ jurisdiction in the nature of certiorari find the petitioners guilty of misconduct placing itself into the role of a domestic more particularly where admittedly the proceeding initiated was not concluded by serving second show cause notice with proposed punishment upon the petitioners and by receiving reply thereof.

In the instant case Regulation 54(2) of the BSS Employees Service Regulations has been resorted to in a manner and for the purpose not intended by the legislature and, as such, the mala fide and arbitrariness of the respondents are apparent on the face of the record.

The provision of Regulation 94 (2) of the Bangladesh Sangbad Sangstha Kormochary Regulation, 1995 is void being violative of fundamental right guaranteed by Article 27 of the Constitution inasmuch as it does not provide any guideline for the exercise of the power of termination and permits arbitrary and discriminatory treatment,"

18. The ground of Civil Appeal No. 98 of 2011 is quoted below:

"1. Whether the provisions of Regulation 55(2) of the Chittagong Port Authority Employees' Service Regulations, 1991 having not provided any guideline for exercise of the power of termination of employees without assigning any reason is void being violative of the fundamental right guaranteed by Article 27 of the Constitution."

19. The common questions of law to be decided in both the appeals, are almost identical.

20. In both the appeals, it is to be decided whether the Regulation empowering the authority to terminate an employee from service can be exercised without any guideline.

21. For proper appreciation, it is pertinent to quote Regulation 54(2) of the Bangladesh Sangbad Sangtha Karmachari Regulation, 1995 which is under:

৫৪(২) এই প্রবিধানমালায় ভিন্নরূপ যাহা কিছুই থাকুক না কেন, কর্তৃপক্ষ কোন কারণ প্রদর্শন ব্যতিরেকে ৩ (তিন) মাসের আগাম নোটিশ দিয়া অথবা তৎপরিবর্তে ৩ (তিন) মাসের মূল বেতনের সমপরিমাণ অর্থ পরিশোধ করিয়া যে কোন কর্মচারীর চাকুরীর অবসান ঘটাইতে পারিবে।

22. It is also necessary to quote Regulation 55(2) of the Chittagong port Authority Employees' Service Regulations, 1991:

৫৫(২) এই প্রবিধানমালায় ভিন্নরূপ যাহা কিছুই থাকুক না কেন উপযুক্ত কর্তৃপক্ষ কোন কারণ না দর্শাইয়াই কোন কর্মচারীকে নব্বই দিনের নোটিশ দান করিয়া অথবা নব্বই দিনের বেতন নগদ পরিশোধ করিয়া তাহাকে চাকুরী হইতে অপসারণ করিতে পারিবেন।

23. The identical regulation of Chittagong Port Authority Employees' Service Regulations, 1991 and Bangladesh Sangbad Sangtha Karmachari Regulation, 1995 states that notwithstanding anything in the regulations, the authority without showing any case may terminate the service of any employee by giving him three months' notice or in lieu thereof to pay him three months' salary in cash.

24. Admittedly, the order of termination was exercised without formulating any guideline for exercising the power of termination as referred to above.

25. In this connection reliance may be placed on the case of Dr Nurul Islam vs Bangladesh, represented by the Secretary, Ministry of Health and Population Control, 33 DLR (AD) 201. In this case, it has been held that since neither the impugned section 9(2) of the

Public Servants Retirement Act nor the Rules provide for any principle or guideline for the exercise of discretion by the Government when it proposes to retire a Government servant from amongst a group of Government servants similarly situated and holding similar jobs, there invariably exists the scope for arbitrary exercise of such discretion.

26. It has further been held that if either the impugned Act or the rules made thereunder provided such principle, the minimum requirement of law as showing the existence of some guideline for the exercise of discretion in retiring a government servant who has completed 25 years of service would, I think, be satisfied, thus making it immune from any challenge on the ground of discrimination violative of Articles 27 and 29 of the Constitution. I am of the opinion, therefore, that in the absence of such a guideline either in the Act or the rules framed thereunder, section 9(2) of the Public Servants (Retirement) Act (XII of 1974) suffers from unconstitutionality and the impugned action based on it is open to the challenge of being discriminatory and in violation of the equality provisions of the Constitution.

27. The Appellate Division, however, did not declare section 9(2) of the Public Servants (Retirement) Act, 1974 unconstitutional but the order of termination was declared to be void.

28. After pronouncement of the judgment of the case of Dr Nurul Islam vs Bangladesh, represented by the Secretary, Ministry of Health and Population Control, 33 DLR (AD) 201, subsection (2) of section 9 of the Public Servants (Retirement) Act, 1974 was amended by Ordinance No. I of 1983 by inserting the words "if it considers necessary in public interest to do so". Therefore, section 9(2) of the Public Servants (Retirement) Act, 1974 now is a valid legislation.

29. From the judgment referred to above, it appears that the discretion in terminating the employees of the aforesaid two organizations in the absence of any guideline suffered from unconstitutionality and the impugned actions based on it is open to the challenge of being discriminatory and in violation of equality provisions of the Constitution.

30. In this connection, reliance may also be placed on

the case of *Shri Ram Krishna Dalmia vs Shri Justice SR Tendolkar AIR 1958 (SC) 538*. In that case, it has been held as under:

“A statute may not make a classification of the persons or things to whom their provisions are intended to apply and leave it to the discretion of the Government to select or classify the persons or things for applying those provisions according to the policy or the principle laid down by the statute itself for guidance of the exercise of discretion by the Government in the matter of such selection or classification.”

“If the Government in making the selection or classification does not proceed on follow such policy or principle, it has been held by this Court, e.g. in *Kathi Raning Rawat v. The State Saurashtra (E)* (supra) that in such a case the executive action but not the statute should be condemned as unconstitutional.”

31. Reliance may be placed on the case of *Central Inland Water transport Corporation Ltd. vs Brojo Nath Ganguly AIR 1986 (SC) 1571*. In that case, it has been stated that Rule 9(1) of the Service, Discipline and Appeal Rules, 1979 confers upon the Corporation, the power to terminate the service of the permanent employee by giving him three months notice in writing or in lieu thereof to pay him the equivalent of three months' basic pay and dearness allowance. The Supreme Court of India held that such power may be termed as the Henry VIII Clause which is a provision occasionally found in legislation conferring delegated legislative power, giving the delegate the power to amend the delegating Act in order to bring that Act into full operation or otherwise by Order to remove any difficulty and at times giving power to modify the provision of other Acts also. Such a provision had been nick named “The Henry VIII Clause” because “that King is regarded popularly as the impersonation of executive autocracy.” The Supreme Court, therefore, concluded that such a clause is opposed to public policy and being opposed to public policy it is void under section 23 of the Contract Act.

32. Reliance may also be placed on the case of *West Bengal State Ele. Board vs Desk Bandhu Ghosh, AIR 1985 (SC) 722*. In the above case, the Deputy Secretary was terminated from service under Regulation 34 of

the WB State Electricity Board's Regulations, The Regulation enabling Board to terminate services of permanent employee ‘by giving three months’ notice or payment of salary for the corresponding period in lieu thereof. In the said case, it has been held that the regulation is totally arbitrary and confers on the Board a power which is capable of vicious discrimination. It is a naked ‘hire and fire’ rule and its only parallel is to be found in the Henry VIII Clause so familiar to administrative lawyers.

33. Having considered the cases cited above, it appears that a legislation which does not contain any provision which is directly discriminatory may be yet offend against guarantee of equal protection if it confers upon the executive or administrative authority an unguided or uncontrolled discretionary power in the matter of application of the law.

34. Therefore, we are of the view that the power exercised under Regulation 55(2) of the Chittagong Port Authority Employees’ Service Regulations, 1991 and Bangladesh Sangbad Sangstha Employees Service Regulations, 1995 was illegal as there was no guideline formulated for exercise of such power. Consequently, the order of termination made under those provisions of law cannot be sustained in law.

35. In Civil Appeal No. 506 of 2009, it is on record that though initially a departmental proceeding was initiated against the appellants and they were put under suspension pending inquiry, charge sheet-cum-show cause notices were served upon them to which the appellants gave reply denying the allegations brought against them. An inquiry committee was formed behind the back of the appellants and the said committee without following the procedure laid down in the Service Regulation, 1995 and without affording the appellants effective opportunity of hearing arbitrarily prepared a report which was never brought to the notice of the appellants. The order of termination dated 9-9-2003 was made under Regulation No. 54 (2) of the said Service Regulations, 1995. The employer having passed an order of termination simpliciter without any stigma and that the order having been challenged in a writ petition in the Court on the ground of mala fide and

arbitrariness, the employer cannot be allowed to take a plea in the writ proceeding to the effect that in fact, the appellants were found guilty but the authority as an act of grace without inflicting punishment of dismissal awarded order of termination simpliciter.

36. Sitting in writ jurisdiction in the nature of certiorari over an order of termination simpliciter without stigma, the High Court Division was wrong in finding the appellants guilty of misconduct placing itself into the role of domestic Tribunal more particularly where admittedly the proceeding initiated was not concluded by service of second show cause notice with proposed punishment and by receiving reply thereof.

37. Although the employer passed the order of termination under Regulation 54(2) of the BSS Service Regulations, 1995 in view of the impugned judgment of the High Court Division, the termination of services of the appellants is no longer termination simpliciter but has been converted into order of dismissal with stigma inflicted by the High Court Division.

38. Regulation 54(2) of the Bangladesh Sangbad Sangstha Employees Service Regulations, 1995 does not provide for any guideline for exercise of power of termination under this Regulation and, as such, it is prone to and permits the authority its abuse and arbitrary and discriminatory exercise under this Regulation which renders Regulation 54(2) being violative of fundamental right guaranteed by Article 27 of the Constitution.

39. In respect of Civil Appeal No. 98 of 2011, the Chittagong Port Authority Employees' Service Regulations, 1991 having not provided any guideline for exercise of the power of termination of the employees without assigning any reason is violative of fundamental right guaranteed by Article 27 of the Constitution. Regulation 55(2) of the Chittagong Port Authority Employees' Service Regulations, 1991 has been resorted to in a manner and for the purpose and not intended by the legislature and, as such, mala fide and arbitrariness of the respondents are apparent on the face of the record. The orders of termination of the appellants by the respondents have been made

in abuse of Regulation 55(2) of the Chittagong Port Authority Employees' Service Regulations, 1991 and, as such, the same are dismissal in the garb of termination simpliciter and the High Court Division was wrong in discharging the Rule.

40. In Civil Appeal No.506 of 2009, the authority will, however, be at liberty to initiate the departmental proceeding afresh against the appellants if it wants to do so.

In the light of the findings made before, both the appeals are allowed and the impugned judgments delivered by the High Court Division are set aside and the orders of termination impugned before the High Court Division are declared to have been passed without lawful authority and are of no legal effect.

Ed.

Source: The Dhaka Law Reports (June, 2016)

(Civil Petition for Leave to appeal No. 61 of 2014)

Md. Muzammel Hossain CJ

Surendra Kumar Sinha J

Md Abdul Wahhab Miah J

AHM Shamsuddin Choudhury J

Government of Bangladesh and others Petitioner vs

Hassan Ahmed Khan and others Respondents

Judgment

April 29th, 2014

Md Muzammel Hossain CJ : This Civil Petition for leave to appeal is directed against the judgment and order dated 18-6-2013 passed by a Division Bench of the High Court Division in Writ Petition No. 6302 of 2009 making the Rule absolute and directing the writ respondents to employ the writ petitioners in permanent posts of the Republic disregarding their age subject to their having requisite qualifications and to pay the salaries of the writ petitioners for the period of January to May, 2008 if they had actually worked under writ respondent No. 8 for the said period.

2. Facts relevant for disposal of this petition is that the respondents of this petition as petitioners filed Writ petition No. 6302 of 2009 stating, inter alia, that the writ petitioners were appointed in the Office of the Commissioner of Taxes Taxes Zone, Khulna in different dates in between the 1992 to 2004 and they joined their respective vacant posts as 4th class employees as per terms and conditions of their service as enumerated in the appointment letters issued by the Writ respondent No. 8, Commissioner of Taxes, Khulna Zone on “no work no pay” basis i.e. on daily payment basis. Subsequently, Writ respondent No. 8 issued appointment letters to the writ petitioners for each consecutive year and the writ petitioners were transferred from one Circle to another in the Commissioner’s Office, Boyra, Khulna to perform normal routine work wherein they worked honestly and sincerely to the satisfaction of the superior authority.

While the writ petitioners were working at different Offices of Taxes Zone, Khulna a clearance letter vide Memo No. SM (SP) 29/2002-307 dated 18-4-2004 was issued from the Surplus section of the Ministry of Establishment, Bangladesh Secretariat, Dhaka for new appointment against the vacant posts and on that basis a Four-Member Divisional Selection Committee was formed comprising of the writ respondent Nos. 9-12 and they selected 22 persons including the writ petitioners on 26-4-2004 and after selection the concerned authority renewed the appointment of the writ petitioners including 15 (fifteen) other persons vide Order No. Nathi-IE-10/2005-2006 dated 14-5-2006. Prior to this, Shahnaz Arefin, Senior Assistant Secretary, Committee Affairs section, Cabinet Division, Government of Bangladesh issued a clarification letter vide Memo No. MaPaBi/Kabisha/Kapaga-11 (Part-1/1/2001-120 dated 24-6-2004 explaining Government’s policy regarding regularization of the job of the persons who had been working as employees on “no work no pay” basis.

After getting the above mentioned letter the writ respondent No.5 having scrutinized the Rules and Regulations of Government Service identified the posts as regular posts and forwarded his opinion to the Administrative Development Affairs Committee of Secretaries for their consideration on 16-2-2006. Thereafter, the writ respondent No. 8 wrote a letter vide Memo No. Nathi IE-10 / 2007-2008 dated 24-1-2008 to the writ respondent No. 4 praying for a

direction from the National Board of Revenue to regularize the services of 14 working employees who were selected by the Board including the writ petitioners as per the principle of “no work no pay” basis.

3. Further case of the writ petitioners is that all on a sudden, the concerned authority stopped payment of wages and financial benefits to the writ petitioners since 1-2-2008 without any prior notice. They made representations to the writ respondent Nos. 3 and 8 praying for their employment as well as for payment of their salary from January to May, 2008 but did not receive any satisfactory response. On 29-7-2009 the writ petitioners sent to the writ respondents a “Demand for Justice” notice through their learned Advocate but received no satisfactory response.

4. Being aggrieved by and dissatisfied with the non-responsive attitude of the concerned authority, the writ-petitioners-respondents filed Writ Petition No. 6302 of 2009 before the High Court Division and obtained the Rule Nisi.

5. The Rule was contested by the respondent No. 3 by filing affidavit in -opposition denying material allegations made in the writ petition and stating, inter alia, that the writ petitioners were employees on “no work no pay” basis and the authority always reserved the right to terminate them as and when required as per their discretion; that the writ petitioners never drew any monthly salary and their daily basis salaries were stopped in 2009 in accordance with the Government Rules and Regulations; and that there is no violation of any law or even the rules of natural justice; that the writ petitioners were employees on purely temporary basis and the authority had the right to cancel their appointment without showing any reason and that the said order calls for no interference by this court.

6. In the Supplementary Affidavit filed on behalf of the writ petitioners it has been stated that the writ petitioner No. 3 Md Abdur Razzaque and the writ petitioner No. 4 Md Shafiqul Islam were recently re-appointed on 31-7-2011 and 9-6-2010 respectively in the writ respondents’ Office in the posts of Night Guard and Notice server on purely temporary basis

and prayed that their service may be regularized as permanent employees.

7. A Division Bench of the High Court Division, upon hearing both the parties, by the judgment and order dated 18-6-2013, made the Rule absolute and directed the writ respondents-petitioners to pay the salaries of the writ petitioners-respondents for the period of January to May, 2008 if they had actually worked under writ respondent No. 8 for the said period. The High Court Division further directed the writ respondents-petitioners to employ the writ petitioners-respondents in permanent posts of the Republic disregarding their age subject to their having requisite qualifications.

8. Being aggrieved by and dissatisfied with the impugned judgment and order passed by the High Court Division, the Writ respondents as petitioners have preferred the instant civil petition for leave to appeal before this Division.

9. Mr Eqramul Haque, learned Deputy Attorney-General, appearing for the writ respondents-petitioners submits that the writ petitioners-respondents having been working in the 4th Class posts on “no work no pay” basis and the authority having the right to cancel their appointment without showing any reason, terminated their jobs as per the Rules and Regulations of the Government and the writ petitioners not being entitled to be re-employed, the High Court Division erred in law in making the Rule absolute. He further submits that the writ petitioners-respondents never drew any monthly salary and their daily basis salaries were stopped in 2009 according to the Government Rules and Regulations and there being no violation of law or even rules of natural justice, the High Court Division erred in law in making the Rule absolute and directing the writ respondents to employ the writ petitioners to the permanent post of the Republic.

10. On the other hand, Mr Ibrahim Khalil the learned Advocate-on-Record appearing for the writ petitioners-respondents supporting the impugned judgment and order passed by the High

Court Division submits that the writ petitioners-respondents had been working honestly and sincerely under the respondent No. 8 for a long time but without assigning any reason, the concerned authority had arbitrarily terminated their employment and, as such, in all fairness they should be allowed to continue in their jobs and should be appointed in permanent posts as per direction of the High Court Division. The learned Advocate on-Record finally submits that the writ petitioners-respondents are deprived of their salary from January to May, 2008 and they are legally entitled to the same and, as such, the instant petition is liable to be dismissed.

11. We have perused the leave petition, the impugned judgment and order and other papers on record and considered the submissions of the learned Advocates.

12. It appears that the respondents were appointed as fourth class employees against different vacant posts on condition of “no work no pay basis” i.e. on daily payment basis for 5-13 years by the respondent. It further appears that the Commissioner of Taxes, Khulna Zone issued appointment letters to the respondents for each consecutive year and the respondents were transferred from one Circle to another in the Commissioner’s Office, Boyra, Khulna. It has been asserted that the respondents worked to the satisfaction of the superior authority.

From memo No. SM(SP) 29/2002-307 dated 18-4-2004 issued by the surplus section of the Ministry of Establishment, Bangladesh Secretariat, Dhaka it transpires that a clearance certificate was issued for filling up the vacant posts directly by selection of competent candidates and accordingly a Four-Member Committee was constituted comprising of the writ respondent Nos. 9-12 and they selected 22 persons including the writ petitioners-respondents on 26-4-2004.

The authority renewed the appointments of the respondents vide order No. Nathi-1E-10/2005-2006 dated 14-5-2006. The Government in the Cabinet Division, Committee Affairs section vide Memo No. Ma PaBi/Kabisha/ Kapaga-11(Part-1)/1 2001/120

dated 24-6-2004 directed the concerned authority to take necessary steps to regularise the employment of certain persons who were working as employees as per “no work no pay” basis. Subsequently, writ respondent No. 8, the Commissioner of Taxes, Khulna vide memo dated 24-1-2008 wrote to the writ respondent No. 4, the Member (Taxes Administration and Implementation), National Board of Revenue, Dhaka. to regularise 14 working employees as per “no work no pay basis”.

The respondents asserted that they were not paid any salary from January to May, 2008. The learned Deputy Attorney-General has not been able to enlighten us as to the actual position of the payment to the respondents. The respondents rendered their service to the satisfaction of the petitioner. They crossed the maximum age for joining government service. If their services are not transferred to the revenue budget against vacant posts they would be seriously prejudiced because they would not be able to get any alternative employment in other posts of the Government or private commercial Enterprises.

Considering the facts and circumstances of the case we are of the view that the petitioners shall consider the case of the respondents for appointment in permanent posts following the guidelines of the decision reported in 17 BLC (AD) 91.

13. From the materials on record it appears that there is no complaint or any allegation against the respondents for not rendering the service properly to the satisfaction of the authority during their employment. Two of the writ petitioners, namely, Md Abdur Razzaue and Md Shamsul Islam were re-employed as fourth class employees in 2011 and 2010 respectively. In the circumstances, the respondents have the right to be considered for appointment to the permanent posts of the government as they were recruited through a selection process approved by the concerned Ministry. The non-consideration of the respondents’ case for appointment to the permanent posts or regularisation of their services to the permanent posts has been unjust and not in accordance with

law.

While passing the impugned judgment and order the High Court Division wrongly directed the writ respondents to employ the writ petitioners-respondents in permanent posts of the Republic. The High Court Division should have directed the writ respondents to consider the case of the respondents for appointment to the permanent posts. Therefore the operative part of the impugned judgment and order of the High Court Division is required to be modified.

14. For the aforesaid reasons the observations made in the last paragraph of the judgment and order of the High Court Division after the expressions “the Government gives the petitioners preference” and before the expression “in permanent posts” the words “in appointing them” be deleted and in that place the expressions “in considering their appointment” be inserted. In the operative part of the impugned judgment and order after the expression “The respondents are further directed” and before the expression “in permanent posts of the Republic” the words “to employ the petitioners” be deleted and in that place the expressions “to consider the case of the petitioners for appointment” be inserted.

15. In view of the foregoing modification the operative part of the impugned judgment and order of the High Court Division reads as under : “The respondents are further directed to consider the case of the petitioners for appointment in permanent posts of the Republic subject to their having requisite qualifications by disregarding their age”.

Accordingly the Civil petition for Leave to Appeal is disposed of with the foregoing observations and modification of the impugned judgment and order. Ed.

Source: The Dhaka Law Reports (July 2016)

Statistics



DISTRIBUTION OF POPULATION BY ECONOMIC ACTIVITIES

(In million)

Major occupation	2005 – 2006			2010			2013(*)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Professional, technical	1.74	0.49	2.23	1.89	0.52	2.41	2.68	1.09	3.77
Administrative, managerial	0.20	0.02	0.22	0.59	0.10	0.69	0.49	0.08	0.57
Clerical workers	0.87	0.14	1.02	0.91	0.10	1.01	0.74	0.18	0.92
Service and Sales workers	8.37	1.10	9.47	8.56	2.60	11.16	8.14	1.46	9.60
Agriculture, forestry & fisheries	9.68	1.81	22.93	15.19	10.51	25.70	13.87	7.50	21.37
Production & transport labourer and others	9.68	1.81	11.49	10.74	2.37	13.11	15.31	6.53	21.84
Total	36.08	11.28	47.36	37.88	16.20	54.08	41.23	16.85	58.07

Note: (* Provisional) indicates population 15 years and above as per Labour Force Survey 2013

Source: Labour Force Survey 2005-06, 2010 and 2013; Bangladesh Bureau of Statistics.

DISTRIBUTION OF POPULATION BY ECONOMIC ACTIVITIES

(In percent of total)

Major occupation	2005 – 2006			2010			2013(*)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Professional, technical	4.8	4.4	4.7	4.9	3.2	4.5	6.5	6.4	6.5
Administrative, managerial	0.6	0.2	0.5	1.6	0.6	1.3	1.2	0.5	1.0
Clerical workers	2.4	1.3	2.1	2.4	0.6	1.9	1.8	1.1	1.6
Service and Sales workers	23.2	9.8	19.9	22.6	16.0	20.6	19.7	8.7	16.5
Agriculture, forestry & fisheries	42.2	68.3	48.4	40.1	64.8	47.5	33.6	44.5	36.8
Production & transport labourer and others	26.8	16.0	24.3	28.4	14.7	24.2	37.1	38.8	37.6
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Note: (* Provisional) indicates population 15 years and above as per Labour Force Survey 2013

Source: Labour Force Survey 2005-06, 2010 and 2013; Bangladesh Bureau of Statistics

POPULATION AGED 15 YEARS AND ABOVE BY MAJOR INDUSTRY

(In million)

Major Industry	2005 – 2006			2010			2013(*)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Agriculture, forestry & fisheries	15.08	7.68	22.77	15.22	10.51	25.73	17.18	9.01	26.19
Mining and quarrying	0.04	0.01	0.05	0.09	0.02	0.11	0.21	0.02	0.23
Manufacturing	3.93	1.29	5.22	4.82	1.91	6.74	5.72	3.78	9.50
Electricity, gas and water	0.07	0.00	0.07	0.11	0.01	0.10	0.17	0.03	0.20
Construction	1.42	0.10	1.53	2.39	0.23	2.62	1.96	0.17	2.14
Trade, hotel and restaurant	7.37	0.45	7.82	7.31	1.08	8.39	7.50	0.90	8.40
Transport, storage & communication	3.91	0.07	3.98	3.79	0.25	4.04	3.75	0.14	3.89
Finance & business services and real estate	0.62	0.13	0.75	0.88	0.12	1.00	0.75	0.12	0.87
Health, education, public administration & defense	1.98	0.57	2.55	1.79	0.53	2.32	2.28	1.11	3.39
Community and personal services and others	1.65	0.97	2.62	1.81	1.56	3.37	1.31	1.54	2.85
Total	36.08	11.28	47.34	37.88	16.20	54.08	41.23	16.85	58.07

Note: (*) Provisional) indicates population 15 years and above as per Labour Force Survey 2013
Source: Labour Force Survey 2005-06, 2010 and 2013; Bangladesh Bureau of Statistics.

POPULATION AGED 15 YEARS AND ABOVE BY MAJOR INDUSTRY

(In percent of total)

Major Industry	2005 – 2006			2010			2013(*)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Agriculture, forestry & fisheries	41.8	68.1	48.1	40.2	64.9	47.6	41.7	53.5	45.1
Mining and quarrying	0.1	0.1	0.1	0.2	0.1	0.2	0.5	0.1	0.4
Manufacturing	10.9	11.5	11.0	12.7	11.8	12.5	13.9	22.4	16.4
Electricity, gas and water	0.2	0.0	0.2	0.3	0.1	0.2	0.4	0.2	0.3
Construction	4.0	0.9	3.2	6.3	1.4	4.8	4.8	1.0	3.7
Trade, hotel and restaurant	20.4	4.0	16.5	19.3	6.7	15.5	18.2	5.3	14.5
Transport, storage & communication	10.8	0.6	8.4	10.0	1.5	7.5	9.1	0.8	6.7
Finance & business services and real estate	1.7	1.1	1.6	2.3	0.7	1.8	1.8	0.7	1.5
Health, education, public administration & defense	5.5	5.1	5.4	4.7	3.3	4.3	5.5	6.6	5.8
Community and personal services and others	4.6	8.6	5.6	4.8	9.6	6.2	3.2	9.1	4.9
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Note: (*) Provisional) indicates population 15 years and above as per Labour Force Survey 2013
 Source: Labour Force Survey 2005-06, 2010 and 2013; Bangladesh Bureau of Statistics.

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

(In million)

Employment Status	National (*)			Urban (*)			Rural (*)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Employer	0.25	0.01	0.26	0.24	0.01	0.25	0.50	0.02	0.51
Own account worker	16.48	1.42	17.90	5.05	0.66	5.71	21.53	2.07	23.61
Contributing family helper	1.69	7.26	8.95	0.42	1.18	1.60	2.11	8.44	10.55
Employee	11.11	3.26	14.37	5.85	2.27	8.12	16.97	5.52	22.49
Others	0.08	0.36	0.44	0.04	0.43	0.47	0.13	0.79	0.91
Total	29.62	12.30	41.92	11.61	4.55	16.16	41.23	16.85	58.07

Note: * = Provisional

Source: Labour Force Survey 2013; Bangladesh Bureau of Statistics.

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

Employment Status	National (*)			Urban (*)			Rural (*)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Employer	0.9	0.1	0.6	2.1	0.2	1.6	1.2	0.1	0.9
Own account worker	55.7	11.5	42.7	43.5	14.5	35.3	52.2	12.3	40.6
Contributing family helper	5.7	59.0	21.3	3.6	26.0	9.9	5.1	50.1	18.2
Employee	37.5	26.5	34.3	50.4	49.9	50.3	41.2	32.8	38.7
Others	0.3	2.9	1.1	0.4	9.4	2.9	0.3	4.7	1.6
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Note: * = Provisional

Source: Labour Force Survey 2013; Bangladesh Bureau of Statistics.

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

Period	Jute		Cotton		Paper		Cement		Fertilizer		Petroleum		Paints & Varnishes	
	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees
2003-2004	69.07	66.56	71.69	71.81	29.47	34.19	143.96	127.82	95.45	100.28	99.46	116.44	167.91	155.35
2004-2005	65.46	62.58	71.76	71.78	26.72	30.38	145.05	128.84	92.22	96.25	109.26	118.55	167.37	156.27
2005-2006	65.87	63.12	71.90	71.97	29.86	31.42	146.56	130.23	89.69	94.57	110.35	121.13	193.58	155.80
2006-2007	65.14	59.06	72.47	72.49	27.11	30.59	148.62	132.79	89.13	94.16	107.90	118.71	185.56	152.32
2007-2008	64.35	57.81	72.56	72.62	24.91	28.22	150.13	134.46	85.14	89.62	101.90	118.04	177.00	147.20
2008-2009	64.59	58.04	72.69	72.62	22.87	26.18	154.93	139.40	80.53	86.53	105.58	121.07	180.75	150.52
2009-2010	65.04	58.46	74.88	74.30	23.51	26.76	166.28	152.30	82.61	88.06	114.71	131.34	207.48	169.30
2010-2011	65.08	58.50	75.02	74.45	23.68	26.95	168.74	154.74	82.98	88.36	117.71	134.87	217.11	177.38
2011-12	72.61	61.32	75.02	74.44	21.45	22.93	194.06	160.00	84.02	77.72	106.33	128.00	153.82	127.54
2012-13(P)	78.77	72.37	75.05	74.55	22.39	24.32	200.91	162.67	91.70	83.53	100.56	127.54	150.00	123.35
2013														
January	79.21	72.75	75.03	74.60	22.59	24.66	201.23	162.96	92.01	83.54	100.27	126.97	150.80	123.48
February	79.22	72.76	75.04	74.62	22.57	24.63	201.37	163.11	92.15	83.47	99.45	126.65	151.87	124.41
March	79.22	72.76	75.05	74.62	22.59	24.68	201.64	163.41	91.98	83.35	100.27	126.49	152.40	124.88
April	79.22	72.76	75.05	74.63	22.55	24.66	201.78	163.56	92.19	83.68	101.08	126.81	152.40	124.65
May	79.23	72.76	75.05	74.63	22.58	24.66	201.79	163.57	90.56	83.10	100.82	126.82	151.87	124.19
June	78.81	72.77	75.05	74.63	22.60	24.67	201.92	163.72	90.56	83.10	100.82	127.30	151.34	123.95

P= Provisional

Source: Monthly Statistical Bulletin, Bangladesh Bureau of Statistics

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

Period	Jute		Cotton		Paper		Cement		Fertilizer		Petroleum		Paints & Varnishes	
	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees
2003-04	80.99	84.04	201.92	201.59	114.49	98.68	382.82	408.64	144.11	137.17	132.72	113.92	473.17	511.39
2004-05	82.65	86.35	251.28	246.96	113.10	99.47	413.94	466.74	142.82	136.64	106.99	98.63	617.39	661.24
2005-06	76.02	79.34	287.38	287.10	107.68	95.48	435.50	490.11	134.38	127.45	115.78	105.48	577.40	717.41
2006-07	79.32	87.48	366.28	366.18	98.56	87.34	454.46	508.63	139.13	131.70	118.86	108.03	663.97	808.86
2007-08	89.83	100.00	400.06	399.74	112.80	99.57	469.84	524.59	116.22	110.41	113.49	97.98	672.13	808.20
2008-09	91.65	86.84	411.76	414.98	92.73	68.86	535.18	594.61	104.99	97.38	78.86	68.48	623.40	748.78
2009-10	91.65	86.84	411.76	414.98	92.73	68.86	503.01	549.19	88.23	82.77	105.28	91.95	683.94	838.18
2010-11	92.68	103.10	421.00	424.67	103.57	92.64	513.76	560.25	76.35	71.72	105.89	92.41	706.56	866.47
2011-12	99.77	109.13	393.51	396.58	290.91	273.58	479.20	489.44	70.04	80.95	117.27	99.75	938.97	1228.25
2012-13(P)	106.20	115.64	390.05	400.95	297.28	273.74	500.81	618.54	75.66	80.37	131.44	103.64	1042.72	1268.42
2013														
January	102.39	111.49	399.29	401.59	302.65	277.25	501.63	619.44	86.20	94.94	148.62	117.39	1036.18	1265.44
February	96.25	104.79	399.36	401.60	279.39	256.02	501.51	619.15	89.39	98.69	127.98	100.49	1028.11	1255.04
March	89.27	97.19	398.66	400.96	283.39	259.40	502.23	619.72	90.42	99.78	138.25	109.59	1023.77	1249.38
April	98.04	106.74	398.81	401.05	280.26	256.28	505.64	623.80	47.07	51.86	138.38	110.30	1022.62	1250.28
May	84.17	91.64	398.44	400.68	290.48	265.98	505.71	623.88	30.47	33.20	122.76	97.60	1025.04	1253.51
June	232.89	253.57	298.93	401.18	288.76	264.53	507.41	625.80	69.29	42.82	138.49	109.44	1027.08	1254.05

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

AVERAGE WAGE RATES FOR CONSTRUCTION WORKERS IN PRINCIPAL TOWNS

(Value in Taka)

Types of Labour	Town	2006 - 07	2007 - 08	2008-09	2012-13	2015-16	2016		
							October	November	December
Mason (Skilled)	Chittagong	221.50	240.75	270.83	442.33	437.00	460.00	462.00	462.00
	Dhaka	228.00	250.92	286.33	401.09	495.00	510.00	510.00	512.00
	Khulna	188.00	206.42	254.00	414.82	468.00	480.00	480.00	482.00
	Narayanganj	225.00	247.08	250.00	389.18	450.00	462.00	462.00	464.00
	Rajshahi	184.50	204.92	230.58	391.00	482.00	495.00	496.00	498.00
	Rangpur	192.08	248.18	250.00	382.50	436.00	450.00	452.00	454.00
	Sylhet	200.00	-	300.00	392.75	444.00	454.00	455.00	456.00
Helper to Mason	Chittagong	118.00	136.57	216.67	270.00	394.00	410.00	410.00	412.00
	Dhaka	131.00	150.00	200.00	275.20	387.00	396.00	396.00	398.00
	Khulna	98.67	116.57	180.00	331.56	387.00	394.00	394.00	396.00
	Narayanganj	121.25	151.66	190.83	330.40	394.00	406.00	408.00	410.00
	Rajshahi	96.83	109.17	186.25	296.33	386.00	394.00	396.00	396.00
	Rangpur	98.18	104.55	180.00	271.45	466.00	478.00	480.00	480.00
	Sylhet	150.00	-	182.50	295.00	478.00	488.00	490.00	490.00
Carpenter (Skilled)	Chittagong	280.00	280.00	310.83	427.00	473.00	480.00	482.00	482.00
	Dhaka	250.00	287.00	300.00	431.00	477.00	485.00	485.00	485.00
	Khulna	150.00	117.50	226.92	335.82	421.00	432.00	433.00	435.00
	Narayanganj	250.00	265.83	300.00	481.36	423.00	438.00	440.00	440.00
	Rajshahi	143.33	165.83	209.58	320.92	422.00	432.00	435.00	435.00
	Rangpur	153.33	170.00	210.00	305.17	417.00	428.00	430.00	432.00
	Sylhet	200.00	-	220.83	402.50	512.00	520.00	522.00	522.00
Plumber	Chittagong	250.00	262.50	310.42	438.89	492.00	505.00	506.00	508.00
(Sanitary fitter)	Dhaka	258.33	250.00	333.33	486.89	489.00	500.00	500.00	500.00
	Khulna	154.58	195.25	243.33	404.18	482.00	495.00	495.00	500.00
	Narayanganj	250.00	275.00	296.67	442.09	477.00	488.00	490.00	490.00
	Rajshahi	200.00	175.00	211.67	373.42	480.00	490.00	492.00	492.00
	Rangpur	178.75	238.18	250.10	379.17	473.00	484.00	486.00	488.00
	Sylhet	200.00	-	300.00	375.42	485.00	494.00	496.00	496.00
Painter	Chittagong	217.50	255.83	307.08	415.78	483.00	494.00	492.00	492.00
	Dhaka	218.33	267.00	310.42	431.89	470.00	492.00	490.00	490.00
	Khulna	157.08	183.33	220.67	366.82	483.00	490.00	495.00	496.00
	Narayanganj	227.00	234.17	256.67	432.27	482.00	494.00	492.00	492.00
	Rajshahi	150.00	172.50	210.00	344.00	482.00	492.00	495.00	495.00
	Rangpur	160.91	195.00	248.33	390.42	482.00	495.00	500.00	500.00
	Sylhet	200.00	-	300.00	397.00	475.00	498.00	492.00	494.00
Electrician	Chittagong	250.00	300.00	325.00	471.78	453.00	492.00	455.00	455.00
	Dhaka	258.33	272.00	333.33	500.64	459.00	455.00	462.00	462.00
	Khulna	152.50	181.67	234.17	385.27	455.00	460.00	465.00	465.00
	Narayanganj	250.00	304.00	392.50	526.55	441.00	464.00	455.00	456.00
	Rajshahi	200.00	187.50	221.67	341.58	442.00	455.00	456.00	456.00
	Rangpur	182.28	213.18	248.33	371.25	444.00	455.00	452.00	452.00
	Sylhet	200.00	-	300.00	402.20	446.00	452.00	455.00	456.00

Types of Labour	Town	2006 - 07	2007 - 08	2008-09	2012-13	2015-16	2016		
Brick Breaking 1" size khua per 100 cft	Chittagong	775.00	720.83	837.50	906.00	1091.00	455.00	1106.00	1108.00
	Dhaka	800.00	1020.00	1066.67	1424.20	1090.00	1105.00	1094.00	1094.00
	Khulna	617.25	597.17	670.83	340.00	1090.00	1094.00	1100.00	1100.00
	Narayangaj	800.00	1000.00	920.83	996.70	1089.00	1099.00	1105.00	1105.00
	Rajshahi	733.33	820.83	991.67	1583.08	1074.00	1100.00	1084.00	1084.00
	Rangpur	714.55	758.18	1000.00	2104.44	1079.00	1084.00	1084.00	1084.00
	Sylhet	800.00	-	800.00	988.09	1082.00	1084.00	1092.00	1092.00
Situ Mosaic per sft. (fitting charge)	Dhaka	25.82	25.00	25.83	32.00	44.00	55.00	55.00	55.00
Glazed Tile per sft. (fitting charge)	Dhaka	20.17	25.00	25.83	32.00	45.00	56.00	58.00	58.00
Floor Tile Per sft. (fitting charge)	Dhaka	20.17	25.00	25.83	32.00	43.00	56.00	58.00	58.00

Source: Monthly Statistical Bulletin, Bangladesh Bureau of Statistics

AVERAGE WAGE RATES FOR INDUSTRIAL WORKERS IN BANGLADESH

Industry	Types of Labour	2005 - 06	2006 - 07	2007 - 08	2008-09	2012-13	2015-16	2016		
								October	November	December
Medium & Large Scale Industry										
(i) Cotton Textile	Skilled	129.67	129.67	164.89	228.25	294.17	360.00	381.00	382.00	385.00
	Unskilled	109.94	109.94	120.53	156.46	213.25	286.00	302.00	303.00	304.00
(ii) Jute Textile	Skilled	129.67	129.67	163.55	224.08	279.33	349.00	370.00	370.00	372.00
	Unskilled	109.94	109.94	-	141.85	209.08	278.00	295.00	297.00	298.00
(iii) Match	Skilled	129.67	129.67	158.98	210.83	266.17	326.00	336.00	339.00	340.00
	Unskilled	109.94	109.94	117.81	142.31	200.33	272.00	288.00	288.00	288.00
(iv) Engineering (fitter)	Skilled	262.38	280.06	304.96	329.44	375.67	442.00	459.00	459.00	460.00
	Unskilled	146.00	164.67	192.46	216.90	264.00	335.00	352.00	352.00	352.00
(v) Edible Oils	Skilled	126.50	163.34	145.69	226.13	279.08	356.00	372.00	377.00	378.00
	Unskilled	107.67	120.29	185.91	172.50	219.92	284.00	304.00	325.00	326.00
(vi) Small & Cottage	Skilled	152.61	169.54	185.02	204.71	268.92	-	-	-	-
	Unskilled	-	-	-	-	-	-	-	-	-
(vii) Construction	Skilled	191.49	205.50	225.75	265.04	431.75	-	-	-	-
	Unskilled	99.56	111.12	128.13	163.25	326.92	-	-	-	-

Source: Monthly Statistical Bulletin, Bangladesh Bureau of Statistics.

AVERAGE WAGE RATES FOR INDUSTRIAL WORKERS IN BANGLADESH WAGE RATE INDICES BY MAJOR SECTORS IN BANGLADESH (Base: 1969 – 70 = 100)

Period	General	Nominal Indices			
		Agriculture	Fishery	Manufacturing	Construction
2006-07	3779.00	3151.00	3332.00	4636.00	3135.00
2007-08	4227.00	3524.00	3669.00	5197.00	3549.00
2008-09	5025.65	4273.71	4236.49	6128.36	4311.31
2009-10	5459.66	4832.49	4741.95	6536.03	4683.91
2010-11	5781.64	5325.63	5086.67	6778.06	4983.36
2011-12	6469.17	6133.57	5020.23	7221.17	6583.08
2012-13	7388.42	7399.85	5739.22	7950.57	7651.93
2013-14	8097.40	8282.91	6566.36	8699.92	8237.89
2014-15	8898.78	9254.25	7129.29	9552.95	9004.44
2015-16(P)	9745.83	10275.92	7755.89	10454.73	9776.94
2015-16					
July	9376.22	9827.74	7480.62	10061.10	9450.74
August	9460.13	9910.48	7519.99	10113.96	9492.99
September	9483.20	9985.57	7558.10	10168.30	9536.86
October	9527.59	10031.58	7598.97	10215.08	9578.31
November	9588.78	10104.41	7640.09	10284.08	9632.51
December	9661.64	10182.62	7683.97	10371.06	9700.96
January	9718.66	10244.70	7725.84	10432.48	9759.28
February	9839.23	10377.31	7834.16	10557.75	9870.79
March	9947.90	10503.78	7912.38	10677.80	9969.66
April	10040.03	10613.38	7981.84	10781.13	10044.94
May	10114.87	10713.78	8037.50	10856.10	10113.50
June	10191.67	10815.73	8097.18	10937.93	10172.72

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

WAGE RATE INDEX BY SECTORS: BANGLADESH

(Base: 2010-11=100)

Sector	2013-14	2014-15	2015-16	2016-17	Apr., 17	May, 17	Jun., 17
General	118.82	124.69	132.81	141.46	144.13	144.50	145.28
Percentage change (Point to Point)	5.50	4.94	6.52	6.50	6.75	6.73	6.79
Percentage change (over previous month)					0.23	0.26	0.54
1. Agriculture	118.44	124.51	132.48	141.22	143.78	144.11	144.96
Percentage change (Point to Point)	5.68	5.12	6.41	6.59	6.75	6.69	6.70
Percentage change(over previous month)					0.15	0.23	0.59
i) Agriculture	118.40	124.46	132.44	141.19	143.73	144.06	144.91
Percentage change (Point to Point)	5.64	5.12	6.42	6.60	6.74	6.68	6.68
Percentage change(over previous month)					0.15	0.23	0.59
ii) Fish	120.81	126.85	134.59	143.19	146.43	146.85	147.53
Percentage change (Point to Point)	7.97	5.00	6.12	6.37	7.36	7.64	7.88
Percentage change(over previous month)					0.38	0.29	0.46
2. Industry	119.07	124.38	132.02	140.27	143.19	143.65	144.32
Percentage change (Point to Point)	4.97	4.47	6.16	6.24	6.76	6.85	7.01
Percentage change(over previous month)					0.37	0.32	0.47
i) Construction	119.93	124.84	129.97	137.43	140.22	140.66	141.21

Sector	2013-14	2014-15	2015-16	2016-17	Apr., 17	May, 17	Jun., 17
Percentage change (Point to Point)	4.56	4.09	4.18	5.37	6.45	6.51	6.57
Percentage change(over previous month)					0.27	0.31	0.39
ii) Production	121.86	127.28	136.18	146.01	149.20	149.72	150.64
Percentage change (Point to Point)	9.27	4.44	7.70	7.22	7.36	7.50	7.86
Percentage change(over previous month)					0.57	0.35	0.61
3. Service	120.16	126.15	136.03	145.01	144.77	148.08	148.75
Percentage change (Point to Point)	5.75	4.98	7.86	6.60	6.72	6.65	6.80
Percentage change(over previous month)					0.30	0.21	0.45

Source: Bangladesh Bureau of Statistics

CONSUMER PRICE INDEX : NATIONAL

(Base: 2005-06 = 100)

Period	General Index	Index by expenditure group									
		1. Food & Beverage	2.Non-Food	I. Clothing & Footwear	II. Fuel & Lighting	III. Household Equipment	IV. Medical Care & Health Expense	V. Transport & Communication	VI. Recreation, Entertainment	VII. Misc. Goods & Services	
2012-13	181.73	193.24	166.97	179.66	155.61	195.33	159.66	159.34	157.23	182.54	
2013-14	195.08	209.79	176.23	194.77	163.47	206.14	164.06	167.20	164.38	193.75	
2014-15	207.58	223.80	186.79	208.50	171.80	214.45	180.77	181.78	168.02	204.21	
2015-16	219.86	234.77	200.66	233.38	182.74	227.39	199.94	201.34	171.01	211.61	
2016-17	231.82	248.90	209.92	243.56	194.01	235.85	206.70	210.78	177.56	217.51	
Jun., 16	220.74	232.87	205.19	237.96	189.26	231.02	205.64	205.88	171.95	212.44	
Jul., 16	224.13	237.69	206.75	241.40	190.22	232.95	205.91	207.41	172.56	214.73	
Aug., 16	226.57	241.89	231.18	249.41	207.81	242.94	190.68	234.31	206.42	209.51	
Sep., 16	206.93	241.59	190.26	233.62	206.08	207.56	172.68	214.95	211.61	172.91	
Oct., 16	230.27	247.88	207.69	242.85	190.62	234.01	206.32	209.32	172.72	216.62	
Nov., 16	231.85	250.64	207.75	242.88	190.65	234.23	206.38	209.42	172.76	216.65	
Dec., 16	231.53	249.29	208.76	243.49	190.87	236.54	206.83	211.61	172.91	219.53	
Jan., 17	234.34	251.86	211.88	243.72	196.92	237.24	206.90	212.14	182.20	219.22	
Feb., 17	234.40	251.93	211.92	243.73	196.93	237.29	207.00	212.19	182.29	219.25	
Mar., 17	235.29	253.32	212.18	243.87	197.51	237.41	207.03	212.27	182.40	219.31	
Apr., 17	235.58	253.60	212.48	245.09	197.55	237.81	207.13	212.51	182.42	219.40	
May, 17	232.83	248.94	212.18	244.93	197.61	237.09	207.14	212.58	182.45	216.84	
Jun., 17	233.86	250.35	212.72	246.27	198.27	237.67	207.24	212.80	182.47	216.88	

Source: Bangladesh Bureau of Statistics

CONSUMER PRICE INDEX : RURAL (Base: 2005-06 = 100)

Period	General Index	Index by expenditure group									
		1. Food & Beverage	2.Non-Food	I. Clothing & Footwear	II. Fuel & Lighting	III. Household Equipment	IV. Medical Care & Health Expense	V. Transport & Communication	VI. Recreation, Entertainment	VII. Misc. Goods & Services	
2012-13	183.90	192.14	170.79	184.54	157.40	186.40	164.63	160.98	174.07	187.05	
2013-14	196.90	207.72	179.69	200.61	164.05	197.62	168.87	166.01	179.72	199.74	
2014-15	209.10	221.02	190.13	214.07	171.34	209.29	187.18	174.09	183.84	212.34	
2015-16	220.10	230.31	203.86	242.26	179.19	222.11	211.04	188.69	187.84	221.12	
2016-17	231.02	243.08	211.83	253.51	187.45	229.57	219.35	193.71	194.81	226.47	
Jun., 16	220.14	227.88	207.83	247.46	182.83	225.89	218.63	193.01	189.39	222.10	
Jul., 16	223.45	232.37	209.25	251.24	184.21	227.17	218.74	193.05	189.48	223.53	
Aug., 16	225.69	241.89	231.18	249.41	207.81	242.94	190.68	234.31	206.42	209.51	
Sep., 16	235.93	209.40	251.40	184.25	227.59	218.89	193.16	189.65	223.81	172.91	
Oct., 16	229.46	241.68	210.03	252.86	184.83	227.59	218.91	193.47	189.68	225.38	
Nov., 16	231.17	244.59	210.07	252.89	184.87	227.69	218.92	193.51	189.70	225.41	
Dec., 16	230.73	243.12	211.02	253.46	185.23	230.16	219.54	193.75	189.90	229.42	
Jan., 17	233.71	246.41	213.51	253.60	190.08	230.88	219.56	193.82	199.76	228.79	
Feb., 17	233.75	246.46	213.54	253.59	190.09	230.93	219.70	193.84	199.81	228.82	
Mar., 17	234.56	247.72	213.62	253.78	190.13	231.04	219.72	193.90	199.97	228.89	
Apr., 17	234.73	247.80	213.94	255.09	190.16	231.46	219.74	194.00	200.00	228.93	
May, 17	231.86	243.38	213.52	254.91	190.25	230.97	219.75	194.06	200.02	224.58	
Jun., 17	232.58	244.29	213.95	256.40	190.37	231.68	219.80	194.33	200.03	224.58	

Source: Bangladesh Bureau of Statistics

CONSUMER PRICE INDEX : URBAN

(Base: 2005-06 = 100)

Period	General Index	Index by expenditure group									
		1. Food & Beverage	2.Non-Food	I. Clothing & Footwear	II. Fuel & Lighting	III. Household Equipment	IV. Medical Care & Health Expense	V. Transport & Communication	VI. Recreation, Entertainment	VII. Misc. Goods & Services	
2012-13	177.71	195.91	161.88	170.39	153.55	211.03	151.15	157.53	139.06	176.96	
2013-14	191.73	214.85	171.61	183.66	162.80	221.11	155.82	168.52	147.83	186.37	
2014-15	204.76	230.56	182.32	197.93	172.33	223.53	169.80	190.26	150.95	194.16	
2015-16	219.31	245.66	196.39	216.50	186.86	236.67	180.93	215.50	152.84	199.87	
2016-17	233.29	263.09	207.38	224.66	201.60	246.87	185.05	229.59	158.93	206.45	
Jun., 16	221.85	245.04	201.67	219.92	196.71	240.05	183.40	220.06	153.14	200.51	
Jul., 16	225.38	250.65	203.41	222.71	197.18	243.10	183.94	223.24	154.31	203.86	
Aug., 16	228.18	256.42	203.62	222.96	197.22	244.22	184.14	223.44	154.37	204.01	
Sep., 16	231.76	263.01	204.58	223.83	197.32	245.30	184.87	226.78	154.43	205.80	
Oct., 16	232.91	265.39	204.66	223.85	197.33	245.72	184.93	226.94	154.49	205.83	
Nov., 16	232.52	264.45	204.74	223.92	197.38	245.88	185.00	227.07	154.52	205.99	
Dec., 16	233.01	264.36	205.75	224.55	197.39	247.75	185.07	231.29	154.57	207.32	
Jan., 17	235.51	265.16	209.71	224.95	204.83	248.41	185.24	232.33	163.25	207.40	
Feb., 17	235.59	265.28	209.77	225.00	204.85	248.49	185.27	232.42	163.38	207.44	
Mar., 17	236.64	266.97	210.26	225.07	206.06	248.61	185.32	232.52	163.43	207.49	
Apr., 17	237.15	267.75	210.53	226.10	206.11	248.97	185.55	232.92	163.46	207.64	
May, 17	234.63	262.49	210.40	225.96	206.12	247.85	185.57	232.99	163.49	207.29	
Jun., 17	236.24	265.16	211.08	227.03	207.41	248.20	185.74	233.15	163.52	207.37	

Source: Bangladesh Bureau of Statistics

