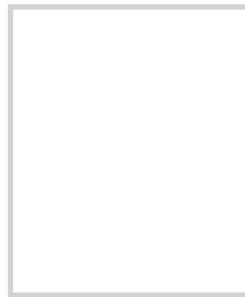


**COMMITTEE AND OFFICE-BEARERS
AS ON 31ST DECEMBER 2009**



Ms. Rokia A. Rahman
President



Mr. Muhammad A (Rume) Ali
Vice-President

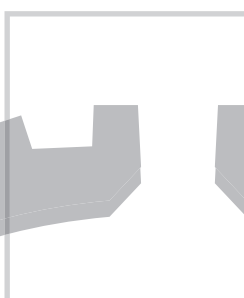
MEMBERS OF THE COMMITTEE



Mr. Akhtar Ahmed



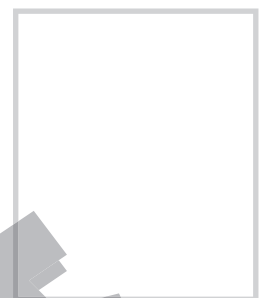
Mr. Akhter Matin
Chaudhury



Mrs. Simeen Hossain



Mr. M. Azizul Huq



Mr. Md. Nurul Islam



Mrs. Sabrina Islam



Mr. A.S.M. Mainuddin
Monem



Mrs. Rokeya Quader



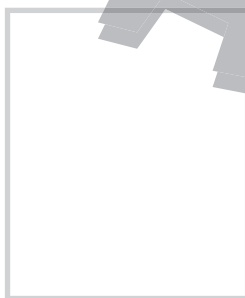
Mr. Rajiv Prasad Shaha



Mr. Sakif Ariff Tabani



Mr. Ahmed Hossain



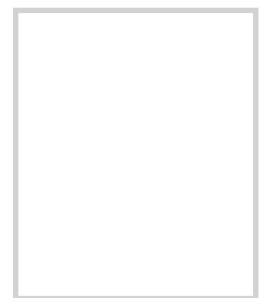
Mr. Ardashir Kabir



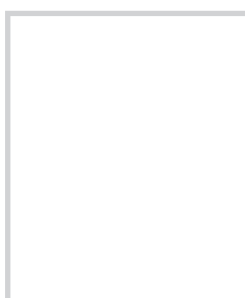
Mrs. Sonia Bashir Kabir



Dr. Muhammad Abdul
Moyeen



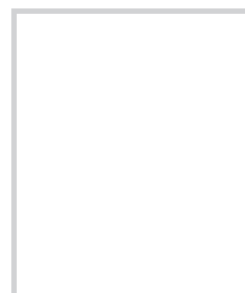
Mr. Kaihan N. Rahman



Mr. Khondoker Jamil Uddin



Mr. C. K. Hyder
Adviser to the Committee



Mr. Farooq Ahmed
Secretary-General

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PROCEEDINGS
OF
THE TWELFTH ANNUAL GENERAL MEETING
OF
BANGLADESH EMPLOYERS' FEDERATION

held in the Conference Hall of the "Chamber Building", 122-124, Motijheel C.A, Dhaka -1000, on Wednesday, the 27th July, 2010, at 12:30 p.m.

Ms. Rokia A. Rahman, President of the Federation was in the Chair.

The following members of the Federation were present:

Sl. No.	Name of member-firm	Name and designation of the representative attending the AGM
01.	Advanced Chemical Industries Ltd.	Mr. M. Anis Ud Dowla, Chairman
02.	ACI Formulations Limited	Mr. M. Anis Ud Dowla, Managing Director
03.	A.K. Khan & Co. Limited	Mr. Salahuddin Kasem Khan Managing Director
04.	American Life Insurance Co.	Mr. Akhlaqur Rahman, Chief Operating Officer
05.	Bangladesh Garment Manufacturers & Exporters Association	Mr. Khondoker Jamil Uddin, Director
06.	Bangladesh Jute Mills Association	Mr. Kaihan N. Rahman, Executive Committee Member
07.	Bangladesh Tea Association (Bangladeshiyo Cha Sangsad)	Mr. Ardashir Kabir, Vice-Chairman
08.	Berger Paints Bangladesh Limited	Ms. Humaira Fatema Hamim, General Manager, HR Development & Administration
09.	British American Tobacco Bangladesh Company Limited	Mr. Golam Mainuddin, Chairman
10.	Consumer Products Limited	Mr. Alamgir M.Z. Rahman, Managing Director
11.	Dhaka Sheraton Hotel	Ms. Kamrun Nahar,



	Training Co-ordinator
12. GlaxoSmithKline Bangladesh Ltd.	Mr. M. Azizul Huq, Managing Director
13. Janata Jute Mills Limited	Mr. Najmul Huq, Chairman
14. Kapna Tea Co. Ltd., The	Mr. Kamran T. Rahman, Managing Director
15. Khadim Ceramics Limited	Mr. Sakif Ariff Tabani, Managing Director
16. Kumudini Welfare Trust of Bengal (Bangladesh) Ltd.	Mr. Rajiv Prasad Shaha Managing Director
17. Micro Industries Development Assistance and Services (MIDAS)	Mr. Abdul Karim, Managing Director
18. Mirpur Ceramic Works Limited	Mr. Sakif Ariff Tabani, Managing Director
19. Nuvista Pharma Limited	Mr. Ziaul Hakim, Personnel Manager
20. Pubali Jute Mills Limited	Mr. Kamran T. Rahman, Chairman & Managing Director
21. Reliance Insurance Limited	Mr. Akhtar Ahmed, Managing Director & CEO
22. R. R. Cold Storage Limited	Ms. Rokia Afzal Rahman, Chair & Managing Director
23. sanofi-aventis Bangladesh Ltd.	Mr. Iftekharul Islam, Managing Director
24. Social Marketing Company	Mr. Sekander Hayat Khan, General Manager – Admin.
25. Square Fashions Limited	Mr. Anjan Kumar Paul, General Manager, HR
26. Square Pharmaceuticals Ltd.	Mr. Anjan Kumar Paul, General Manager, HR
27. SquareTextiles Limited	Mr. Anjan Kumar Paul, General Manager, HR
28. Square Toiletries Limited	Mr. Anjan Kumar Paul, General Manager, HR
29. Technohaven Company Ltd.	Mr. Habibullah N. Karim Managing Director
30. Sadat Jute Industries Limited	Mr. Najmul Huq, Chairman
31. Sathgao Tea Estate	Mr. Ardashesir Kabir, Managing Director

32. Tiffany's Wear Limited
Mr. Alamgir M.Z. Rahman,

Managing Director

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

The Chairperson then mentioned that the Ministry of Labour and Employment had undertaken the move last year to review the Bangladesh Labour Act 2006, and the Federation remained engaged with the Ministry in reviewing the amendment proposals of Bangladesh Labour Act 2006. The Chair informed the members that the Ministry had received over 400 amendment proposals from various stakeholders. The Tripartite Review Committee and the Working Group formed by the Ministry for reviewing the amendment proposals had held several meetings to discuss the proposed amendments. The Working Group had held 9 meetings and reviewed nearly 25%

of the amendment proposals only within the stipulated time given to the Group until 28th February 2010. Thereafter, the proposals were referred to the Review Committee, i.e., the main Committee. The Review Committee had also held several meetings and the last meeting was held on the 6th April 2010 where it had been agreed that employers and workers would submit a short-listed version of the amendment proposals. Accordingly, the Federation had submitted the short-listed version of the amendment proposals which were under the consideration of the Ministry, the Chairperson apprised the members.

The Chair then mentioned that the Federation continued to hold regular meetings with the Minister, State Minister and the Secretary, Ministry of Labour and Employment. She said that in one of the regular meetings, she along with other senior members and the Presidents of major line associations (BGMEA & BKMEA) had met the Minister and gave the employers' views and proposals on



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of

important issues, inter alia (i) situation under the global economic crisis and recession, (ii) amendment of Bangladesh Labour Act 2006, (iii) industrial relations situation in the RMG sector, (iv) possibility of introducing trade union/ welfare committee in the RMG sector.

Then the Chairperson apprised the members that the Federation had taken the initiative to improve the prevailing industrial relations situation in the RMG sector. She further said that on behalf of Bangladesh Employers' Federation, she invited the major employers from the sector and had extensive discussions with them about the existing IR situation as well as the possible remedial measures to improve the situation. At the same time, the Federation had also invited the workers' leaders from national level trade unions as well as from the RMG sector to discuss the issue. There had been a number of sessions on improving the industrial relations situation in the RMG sector. On the 17th March 2010, the Federation had organized a dialogue inviting employers and workers from the RMG sector on the same table. The

meeting was reported to be very fruitful and effective in understanding each other's views. Leaders from both sides had shown respect towards each other's views and agreed to meet in future for closer discussion, the Chair informed the members.

The Chairperson then informed the members that the Federation continued to review the overall labour relations

situation in the country, particularly in the wake of the global financial melt-down. The Federation had voiced its concerns at different fora highlighting the impact of the global financial crisis on the labour market. The Federation had also stressed the need for continuous support for the affected sectors and also for the creation of a special fund to meet up immediate financial needs of the employers in case of adverse scenarios, like closure of mills and factories, the Chair mentioned.

Thereafter, the Chair mentioned that the Federation had remained actively involved in various activities of the ILO throughout the year. It continued to provide support in ILO's TVET Reform Project. The Federation had also been assisting the ILO's Decent Work Country Programme.

Then the Chairperson mentioned the generous support from the Nippon-Keidanren International Cooperation Center (NICC), Japan, that the Federation had received for over a decade. She further mentioned that the

Federation used to receive every year an average of 5/6 course vacancies for the senior and mid-level managers of the member-firms to receive various skills development training on contemporary management and technical issues from Japan without any cost sharing with NICC. But unfortunately, the NICC had closed down its operation since March 2010. However, she added that the Federation with its proactive efforts got connected with the Association of Overseas Technical Services (AOTS), another Japanese Technical Assistance provider, to receive similar skills development facilities like those from NICC. The Federation had started receiving vacancies and one gentleman had already got the opportunity to receive training under AOTS programme from Japan, the Chair informed the members.

The Chairperson added that the Federation with the technical cooperation of ILO Dhaka Office had organised a number of workshops in the important industrial belts on HIV/AIDS for creating awareness and strengthening leadership on the issue. Besides, the Federation had also undertaken a few workshops on Occupational Safety and Health in Chittagong and Khulna areas covering major labour intensive sectors like ship breaking and fish processing. For the first time in the country, the Federation with the support of ILO had undertaken a study on Gender Equality in workplaces in Bangladesh and a suggested gender policy was under formulation.

The Chair informed the members that a 3-member team from the Bangladesh Employers' Federation was included in the Bangladesh delegation to attend the 99th Session of the International Labour Conference (ILC), held in Geneva from the 2nd June to the 18th June 2010. She represented the

Federation as the employers' delegate while Mr. Kamran T. Rahman, a former President of the Federation, and the Secretary-General Mr. Farooq Ahmed participated as the Substitute-Delegates. The Chair commented that it was a matter of pride for the Federation that Mr. Kamran T. Rahman was nominated as the employers' spokesperson on the "Decent Work for the Domestic Workers" issue during the ILC 2010. Besides this, he had also been elected as the Regional Vice-President for the Asia-Pacific region of the International Organization of Employers, the Chair added.

With these words, the Chairperson took the agenda 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 2009 be and is hereby passed and accepted."

Mr. Najmul Huq of Janata Jute Mills Ltd. seconded the proposal, which was passed unanimously.

At the request of the Chair, a Member of the Committee, Mr. Kaihan N. Rahman proposed the Resolution No. 2:

"That the Income and Expenditure Accounts for the year ended on the 31st December 2009 and the Balance-Sheet as at that date, as audited and certified by the Federation's Auditors, be received and passed."

Mr. Alamgir M. Z. Rahman of Consumer Products Ltd. seconded the proposal, which was passed unanimously.

At the request of the Chair, Mr. Kaihan N. Rahman moved the Resolution No. 3:

“That Messrs. A. Qasem & Co., Chartered Accountants, be and are hereby appointed as the Federation’s Auditors for the year 2010 at the remuneration of TK. 25,000/-.”

Mr. Ifthekharul Islam of sanofi-aventis Bangladesh Ltd. seconded the proposal, which was passed and adopted without dissent.

The Chairperson then took up Agenda No. 4 relating to filling up of vacant seats and announced that there were 4 (four) valid candidates against 4 (four) vacant seats representing the Ordinary Members and there was no nomination received against 2 (two) 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, 2010–2012 under the Rule 12 of the Bangladesh Employers’ Federation (Election of the Members of the Committee) Rules, 1998 (as amended in 2001 and 2005), subject to approval at the AGM:

Ordinary Members

- (1) Ms. Rupali Chowdhury
Managing Director
Berger Paints Bangladesh Ltd.
- (2) Mr. Salahuddin Kashem Khan
Managing Director
A.K. Khan & Co. Ltd.
- (3) Mr. Rajiv Prashad Shaha
Managing Director
Kumudini Welfare Trust of Bengal
(BD) Ltd.
- (4) Ms. Luna Shamsuddoha

Chairman
Dohatec New Media.

The Chairperson then announced the composition of the full Committee for 2010-2011:

President

Ms. Rokia Afzal Rahman

Vice-President

Mr. Muhammd A. (Rume) Ali

Committee Members (In alphabetical order)

- (1) Mr. Akhtar Ahmed
- (2) Ms. Rupali Chowdhury
- (3) Mr. Ahmed Hossain
- (4) Mr. M. Azizul Huq
- (5) Mr. Md. Nurul Islam
- (6) Mrs. Sabrina Islam
- (7) Mr. Ardashir Kabir
- (8) Mrs. Sonia Bashir Kabir
- (9) Mr. Salahuddin Kasem Khan
- (10) Mr. A.S.M. Mainuddin Monem
- (11) Dr. Muhammad Abdul Moyeen
- (12) Mrs. Rokeya Quader
- (13) Mr. Kaihan N. Rahman
- (14) Mr. Rajiv Prasad Shaha
- (15) Ms. Luna Shamsuddoha
- (16) Mr. Khondoker Jamil Uddin

The Chairperson then moved the Resolution No.4:

“That election of the 4 (four) Ordinary members, viz. (1) Ms. Rupali Chowdhury, (2) Mr. Salahuddin Kasem Khan, (3) Mr. Rajiv Prasad Shaha, and (4) Ms. Luna Shamsuddoha to the Federation’s Committee for the term, 2010-2012, as per the report of the Election Board, be confirmed.”

Mr. Habibullah N. Karim of Technohaven Company Ltd. seconded the



proposal which was passed unanimously.

The Chairperson, on behalf of all members of the Federation, thanked Mr. Golam Mainuddin, Chairman of the Election Board and Mr. Najmul Huq and Mr. Alamgir M.Z. Rahman, Members of the Election Board for providing their valuable time in conducting the election. At the same time, the Chair also expressed her gratitude to Mr. Obaidur Rahman Khan, Chairman of the Appeal Board and Mr. A.K.M. Rafiqul Islam, FCA and Mr. Ashfaque ur Rahman, Members of the Appeal Board for having agreed to serve on this Board.

The Chair then expressed her gratitude to the outgoing members, Mr. Akhter Matin Chaudhury, Mrs. Simeen Hossain and Mr. Sakif Ariff Tabani for their unstinted support during the last two years, in promoting and protecting the interests of employers nationally as well as at the international level.

The Chair thanked the Vice-President and all other members of the Committee for their invaluable support and guidance to the Committee and to herself during the past one year. She also congratulated the newly elected members to the Federation Committee.

The Chairperson then thanked the former Presidents, Mr. M. Anis Ud Dowla and Mr Kamran T. Rahman for their support, valuable suggestions and commitment that she had received in the

(Rokia Afzal Rahman)
PRESIDENT

course of reviewing the Bangladesh Labour Act, 2006 in the Tripartite Labour Review Committee.

The Chairperson concluded by expressing her thanks and appreciation to Mr. Farooq Ahmed, Secretary-General of the Federation, and the staff members of the Secretariat, for their continuous support and cooperation, which was essential in carrying out the activities of the Federation.

In the absence of the Vice-President, Mr. Ardahsir Kabir – a member of the Committee, offered a vote of thanks to the President, Ms. Rokia A. Rahman for her unstinted work which had been carried out throughout the year and her conscientious discharge of responsibilities and deep insight, guidance and support provided to the Committee and the work that had been done on behalf of the Committee and the Federation. Mr. Kabir thanked all the other members for their contributions and expressed his hope that this team-work would continue in the same way in the years to come.

Finally, the Chairperson thanked all present and closed the meeting at 1:30 p.m.

Farooq Ahmed
SECRETARY-GENERAL



**BANGLADESH EMPLOYERS' FEDERATION (BEF)
ANNUAL REPORT
(JANUARY – DECEMBER 2009)**

The Committee of Bangladesh Employers' Federation has the pleasure of submitting to its members the following Annual Report for the year 2009.

During the period, the Federation continued its efforts to uphold the interests of the employers at all levels. The Federation held several meetings with the Ministry of Labour and Employment on issues like industrial relations, impact of global recession on the wage and employment in various industrial sectors, closure of public sector jute/textile mills, increasing functional effectiveness of the Crises Management Committee, situation of the remittance inflow, and job loss for Bangladeshi migrant workers in a number of countries in the Middle East and South East Asia, 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 workplaces, social compliance, etc. with various national/ international organisations including government. The Federation represented the employers in the Minimum Wage Board on regular basis and made skillful negotiations on fixation of minimum wages of concerned sectors which had been referred to the Board by the government. The Federation made effective contribution in negotiation of the amendment proposals for Bangladesh Labour Act, 2006.

On the international front, the Federation held meetings with the International Labour Organisation (ILO), the International Organisation of

Employers (IOE), the Confederation of Asia-Pacific Employers (CAPE) and Nippon-Keidanren International Cooperation Centre (NICC). In these meetings, the Federation projected the need for capacity building and technical assistance for rendering better services to the members, and for effecting strategy formulation for the employers' organisations in the developing economies for facing the challenges of human resource development, particularly at the time of global recession and job loss. The Federation also underscored the need for rural employment creation, social protection and safety net for the more vulnerable groups of workers.

At the national level, the Federation actively took part on various consultation meetings of different committees and groups under the Technical and Vocational Education and Training (TVET) reform project of Bangladesh Government implemented by the ILO and funded by the European Commission, and contributed significantly in preparing the Draft National Skills Development Policy 2010-2015, which was submitted for the final approval by the concerned authorities of the Government in December, 2009.

1. PROPOSED AMENDMENTS TO THE BANGLADESH LABOUR ACT, 2006

The Government had taken initiative to amend the Bangladesh Labour Act, 2006. The Ministry of Labour and Employment constituted Tripartite Committee and Working Group to undertake the work. The Federation regularly participated in the tripartite

consultation meetings organized by the Ministry of Labour and Employment on the amendment proposals on the Bangladesh Labour Act, 2006. A total of 414 proposals for amendments were received by the Ministry. The Tripartite Working Group formed for reviewing the amendment proposals was given the initial responsibility to review the proposals by the 28th February, 2010. The Working Group had held several meetings and considered 107 proposals within the stipulated time. Rest of the proposals were referred to the main Tripartite Review Committee. Thereafter, it was agreed that the employers and workers would make a shortlist of the remaining proposals and forward the same to the Ministry of Labour and Employment which was done.

2. MEETINGS WITH MINISTERS/ EMPLOYERS/ WORKERS/ OTHER GOVERNMENT OFFICIALS

During the period, the Federation held several meetings with the Minister for the Ministry of Labour and Employment, and the Ministry of Expatriates' Welfare



2) Reconstitution of the Tripartite Consultative Council. A delegation of BEF Council President, Ms. Rokia Afza Rahman, called on the Hon'ble Minister for the Ministry of Labour and Employment and the Ministry of Expatriates' Welfare and Overseas Employment, Mr. Khondaker Mostafizur Roshid, in his office on the 11th August, 2009.

4) Improvement of the industrial relations situation, particularly in the ready made garments sector.

3. REVIEW OF THE LABOUR SITUATION

The Federation Committee regularly reviewed and prepared reports on the labour 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.

4. 98TH SESSION OF THE ILC: BEF'S PARTICIPATION

The 98th session of the International Labour Conference (ILC) was held in Geneva from the 1st June to the 19th June, 2009. As in the past, the Committee nominated the President, Mr. ... as the Delegate and ... as the Substitute Delegates.

The Committee took note that the theme of the ILC 2009 was 'The Impact of the Global Financial Crisis on the World of Work'. The International Labour Organization (ILO) and International Labour Office (ILO) and International Labour Office (ILO) organised a meeting on the current job crisis. The President was invited to participate as one of the panellists in the meeting. Thereafter, he was also invited to intervene, representing employers from developing countries, in the ILO's global debate where a number of Presidents, Heads of State/Governments were present. BEF's voice representing developing countries was

considered with interest.

The following items were included in agenda Session of the ILC 2009:

- 1) Reports of the Chair Governing Body Director-General
- 2) Global Report under the ILO Declaration of Principles and Rights at Work
- 3) Information and application of Core Recommendations
- 4) Elaboration of an autonomous Recommendation on HIV/AIDS in the world of work
- 5) General discussion on gender equality at the heart of decent work; and
- 6) Special discussion on the employment and social policy consequences of the global economic and financial crisis on the basis of, inter alia, the Director-General's thematic report to the Conference.



5. TRAINING PROGRAM FOR MANAGERS AND SUPERVISORS ON HIV/AIDS

BEF conducted a training program for managers and supervisors on HIV/AIDS issues as one of the national implementation partners of the ILO's project titled, "Strengthening Leadership for Mainstreaming and Scaling up of the Response to HIV/AIDS in the Workplace", aimed at minimizing the impact of HIV/AIDS epidemic at workplace. BEF successfully trained more than 200 managers and supervisors of the member organisations at 3 regional/central programs in Dhaka, Chittagong, and Khulna, and 7 programs in the industrial belts around Dhaka division. Managers and supervisors of major industrial sectors

for employers to promote gender equality. BEF conducted a survey on gender equality practices in the RMG sector. A BEF delegation led by the President, Ms. Parva Akter, was invited to the Hon'ble State Minister for the Ministry of Labour, Begum Monnujan Sufi, at her office. BEF plans to publish a formal report in near future on the key findings of survey on gender equality practices.

7. SOCIAL DIALOGUE TO IMPROVE THE PREVAILING INDUSTRIAL RELATIONS SITUATION IN THE RMG SECTOR

The Federation initiated a series of social dialogues between the employers and workers to improve the prevailing volatile industrial relations situation in the country's RMG sector. The series of dialogues were held in multiple stages, viz., with the employers only, with workers only, and between the workers and employers to learn and exchange the respective views. Distinguished representatives of the employers and workers of the garment sector participated in the dialogues. The dialogues were lively and moderated in a manner so that all could express their opinion frankly. The participants expressed their views that such social dialogues were instrumental in reaching consensus between the employers and workers on issues and would lead to improved industrial

relations. The stakeholders of the garment sector, i.e., the single largest employment sector of the country, responded very enthusiastically and positively to this much needed initiative by the Federation, and BEF may continue such dialogues in the future.

I. MEMBERSHIP:

New Members:

During the period, the following organisations joined the Federation as ordinary members:

- Renaissance Consultants Ltd.
- Nuvista Consumer Healthcare Limited
- JF (Bangladesh) Limited

II. MANAGING COMMITTEE

At the commencement of the year, i.e. on the 1st January, 2009, the

managing Committee of the Federation comprised of the following:

1. Mr. Kamran T. Rahman
President
Chairman and Managing Director

Pubali Jute Mills Limited

2. Mr. Alamgir M. Z. Rahman
Vice-President
Managing Director

Consumer Products Limited

3. Mr. Akhter Matin Chaudhury
Member
Managing Director

Nuvista Pharma Limited

4. Mr. M. Anis Ud Dowla
Chairman

Advanced Chemical Industries Limited

5. Mrs. Simeen Hossain
Executive Director & Chief Executive

Officer

Transcom Limited

6. Mr. Habibullah N. Karim
Managing Director

Technohaven Company Limited

7. Mr. Golam Mainuddin
Chairman,



Mr. Farooq Ahmed, Secretary-General, BEF addressing the launching session of "Training for Strengthening Leadership for Mainstreaming and Scaling Up of the Response to HIV/AIDS in the Workplace" on the 24th November, 2009. Mr. Gagan Rajbhandari, Director A.I., ILO Office in Bangladesh is seen sitting on his right.

	British American Tobacco Bangladesh		Company Limited
8.	Mr. Feroz Rahim	“	Managing Director Rahimafrooz Batteries Limited
9.	Mr. Ashfaque ur Rahman	“	Managing Director Novartis (Bangladesh) Ltd.
10.	Ms. Perveen Rasheed	“	Managing Director Social Marketing Company
11.	Mr. Sakif Ariff Tabani	“	Managing Director Khadim Ceramics Limited
12.	Mr. Shafiq uz Zaman	“	Managing Director Coats Bangladesh Ltd.

Group Members

13.	Mr. M. A. Baset	"	Director Bangladesh Knitwear Manufacturer and Exporters Association
14.	Mr. Ferdous Perves Bivon	"	Vice-President Bangladesh Garments Manufacturers and Exporters Association
15.	Mr. Najmul Huq	"	Committee Member Bangladesh Jute Mills Association
16.	Mr. M. Salman Ispahani	"	Chairman Bangladeshiyo Cha Sangsad.
17.	Mrs. Sonia Bashir Kabir	"	Director Women Entrepreneurs' Association, Bangladesh
18.	Mr. Abdul Hai Saker	"	Chairman Bangladesh Textile Mills Association
19.	Mr. Muhammad Shams-uz Zoha	"	Former Committee Member Bangladesh Jute Spinners Association

The following members were to retire on the eve of the 11th A.G.M. due to completion of two-year term 2007-09:

From Ordinary Members

(1)	Mr. M. Anis Ud Dowla	Chairman, Advanced Chemical Industries Ltd.
(2)	Mr. Habibullah N.Karim	Managing Director, Technohaven Company Ltd.
(3)	Mr. Golam Mainuddin	Chairman,

- | | |
|-----------------------------|---|
| | British American Tobacco Bangladesh Company Ltd. |
| (4) Mr. Feroz Rahim | Managing Director,
Rahimafrooz Batteries Ltd. |
| (5) Mr. Ashfaque ur Rahman | Managing Director,
Novartis (Bangladesh) Ltd. |
| (6) Mr. Kamran T. Rahman | Chairman & Managing Director,
Pubali Jute Mills Ltd. |
| (7) Mr. Alamgir M.Z. Rahman | Managing Director,
Consumer Products Ltd. |
| (8) Mr. Shafiq Uz Zaman | Managing Director,
Coats Bangladesh Ltd. |

From Group Members

- | | |
|--------------------------------|---|
| (1) Mr. M.A. Baset | Vice-President,
Bangladesh Knitwear Manufacturers
and Exporters Association |
| (2) Mr. Ferdous Perves Bivon | Vice President,
Bangladesh Garment Manufacturers
and Exporters Association |
| (3) Mr. Najmul Huq | Chairman,
Bangladesh Jute Mills Association |
| (4) Mr. M. Salman Ispahani | Chairman,
Bangladeshiyo Cha Sangsad |
| (5) Mrs. Sonia Bashir Kabir | Director,
Women Entrepreneurs' Association,
Bangladesh |
| (6) Mr. Abdul Hai Sarker | Chairman,
Bangladesh Textile Mills Association |
| (7) Mr. Muhammad Shams-uz-Zoha | Former Committee Member,
Bangladesh Jute Spinners Association |

Of the 15 (fifteen) retiring members mentioned above, only Mrs. Sonia Bashir Kabir and Mr. Abdul Hai Sarker, who were co-opted, remained eligible to seek election to the Committee for the next two annual terms.

Besides the 15 vacancies arising from the retirement, one seat remained vacant in 2008-2009.

Election was thus needed for 16 (sixteen) vacancies, i.e., 8 (eight) vacancies from the Ordinary Members and 8 (eight) vacancies from the Group Members.

There were 10 (ten) valid candidates against 8 (eight) vacant seats from the Ordinary Members and 6 (six) valid candidates against 8 (eight) vacant seats from the Group Members. Later, two candidates from the Ordinary Members, viz., Mr. Saleh

Ahmed, Managing Director, Dhaka Electric Supply Company Limited and Mr. Rajiv Prasad Shaha, Managing Director, Kumudini Welfare Trust of Bengal (BD) Ltd. withdrew their candidatures. As such election of both Ordinary and Group Members were not required and the following persons (in alphabetical order) were ipso facto elected to the Federation's Committee for the term, 2009-2011:

Ordinary Members

- | | | |
|-----|------------------------------|--|
| 01. | Mr. Akhtar Ahmed | Managing Director & CEO,
Reliance Insurance Limited |
| 02. | Mr. Muhammad A. (Rume) Ali | Chairman,
BRAC Bank Limited |
| 03. | Mr. M. Azizul Huq | Managing Director,
GlaxoSmithKline Bangladesh Ltd. |
| 04. | Mr. Md. Nurul Islam | Regional Senior Vice President,
Middle East, Africa & South Asia-East,
American Life Insurance Company |
| 05. | Mrs. Sabrina Islam | Director,
Osman Textiles Limited, |
| 06. | Mr. A. S. M. Mainuddin Monem | Deputy Managing Director,
Abdul Monem Ltd. |
| 07. | Mrs. Rokeya Quader | Chairman,
Desh Garments Limited |
| 08. | Ms. Rokia Afzal Rahman | Chair & Managing Director,
R. R. Cold Storage Limited, |

Group Members

- | | | |
|-----|---------------------------|--|
| 01. | Mr. Ahmed Hossain | Chairman,
Bangladesh Jute Spinners Association, |
| 02. | Mr. Ardashir Kabir | Vice-Chairman,
Bangladeshiyo Cha Sangsad, |
| 03. | Mrs. Sonia Bashir Kabir | Director,
Women Entrepreneurs' Association,
Bangladesh |
| 04. | Dr. Muhammad Abdul Moyeen | Director,
Bangladesh Knitwear Manufacturers &
Exporters Association (BKMEA) |
| 05. | Mr. Kaihan N. Rahman | Executive Committee Member ,
Bangladesh Jute Mills Association, |
| 06. | Mr. Khondoker Jamil Uddin | Director,
Bangladesh Garment Manufacturers
and Exporters Association (BGMEA) |

The following members remained on the Committee as they were elected in the previous year:

Ordinary Members

- | | | |
|-----|----------------------------|---|
| 01. | Mr. Akhter Matin Chaudhury | Managing Director,
Nuvista Pharma Limited |
| 02. | Mrs. Simeen Hossain | Executive Director and Chief Executive
Officer
Transcom Limited |
| 03. | Ms. Perveen Rasheed | Managing Director,
Social Marketing Company |
| 04. | Mr. Sakif Ariff Tabani | Managing Director,
Khadim Ceramics Limited |

The Management Committee of the Federation as in August 2009 (after the 11th AGM) was as follows:

PRESIDENT

Ms. Rokia Afzal Rahman	Chair & Managing Director R.R. Cold Storage Limited
------------------------	--

VICE-PRESIDENT

Mr. Muhammad A. (Rumeen) Ali BRAC Bank Limited	Chairman
---	----------

MEMBERS OF THE COMMITTEE

Ordinary Members:

- | | | |
|-----|----------------------------|--|
| 01. | Mr. Akhtar Ahmed | Managing Director & CEO,
Reliance Insurance Limited |
| 02. | Mr. Akhter Matin Chaudhury | Managing Director,
Nuvista Pharma Limited |
| 03. | Mrs. Simeen Hossain | Executive Director and
Chief Executive Officer,
Transcom Limited |
| 04. | Mr. M. Azizul Huq | Managing Director,
GlaxoSmithKline Bangladesh Ltd. |
| 05. | Mr. Md. Nurul Islam | Regional Senior Vice President,
Middle East, Africa & South Asia-East,
American Life Insurance Company |
| 06. | Mrs. Sabrina Islam | Director, |



- | | |
|----------------------------------|---|
| 07. Mr. A. S. M. Mainuddin Monem | Osman Textiles Limited
Deputy Managing Director,
Abdul Monem Ltd. |
| 08. Mrs. Rokeya Quader | Chairman,
Desh Garments Limited |
| 09. Ms. Perveen Rasheed | Managing Director,
Social Marketing Company |
| 10. Mr. Sakif Ariff Tabani | Managing Director,
Khadim Ceramics Limited |

Group Members:

- | | |
|-------------------------------|--|
| 01. Mr. Ahmed Hossain | Chairman,
Bangladesh Jute Spinners Association |
| 02. Mr. Ardashir Kabir | Vice-Chairman,
Bangladeshiyo Cha Sangsad |
| 03. Mrs. Sonia Bashir Kabir | Director,
Women Entrepreneurs' Association,
Bangladesh |
| 04. Dr. Muhammad Abdul Moyeen | Director,
Bangladesh Knitwear Manufacturers &
Exporters Association (BKMEA) |
| 05. Mr. Kaihan N. Rahman | Executive Committee Member ,
Bangladesh Jute Mills Association |
| 06. Mr. Khondoker Jamil Uddin | Director,
Bangladesh Garment Manufacturers
and Exporters Association (BGMEA) |

III. SUB-COMMITTEES

As constituted by the Managing Committee, the following 13 (thirteen) Sub-Committees functioned during the term 2009-2010:

1. FINANCE & MEMBERSHIP SUB-COMMITTEE

- | | |
|--|--|
| 1. Mr. Muhammad A. (Rumeel) Ali (Chairman) | BRAC Bank Limited |
| 2. Mr. Kutubuddin Ahmed | Envoy Garments Limited |
| 3. Mr. Najmul Huq | Bangladesh Jute Mills Association |
| 4. Mr. Md. Nurul Islam | American Life Insurance Company |
| 5. Dr. Muhammad Abdul Moyeen | Bangladesh Knitwear Manufacturers
& Exporters Association |
| 6. Mr. Feroz Rahim | Rahimafrooz Batteries Limited |
| 7. Mr. Abdul Hai Sarker | Bangladesh Textile Mills Association |

8. Mr. Khondoker Jamil Uddin Bangladesh Garment Manufacturers & Exporters Association

2. LABOUR RELATIONS SUB-COMMITTEE

- | | |
|-----------------------------------|---|
| 1. Ms. Rokia A. Rahman (Chairman) | R. R. Cold Storage Ltd. |
| 2. Mr. M. Anis Ud Dowl | Advanced Chemical Industries Ltd. |
| 3. Mr. Samson H. Chowdhury | Bangladesh Aushad Shilpa Samity |
| 4. Mr. Syed Manzur Elahi | Apex Adelchi Footwear Limited |
| 5. Mr. Md. Fazlul Hoque | Bangladesh Knitwear Manufacturers & Exporters Association |
| 6. Mrs. Laila Rahman Kabir | Bangladeshiyo Cha Sangsad |
| 7. Mr. Abdus Salam Murshedy | Bangladesh Garment Manufacturers & Exporters Association |
| 8. Mr. Kamran T. Rahman | Pubali Jute Mills Limited |
| 9. Mr. Abdul Hai Sarker | Bangladesh Textile Mills Association |

3. LABOUR LAW SUB-COMMITTEE

- | | |
|--|---|
| 1. Mr. Akhter Matin Chaudhury (Chairman) | Nuvista Pharma Limited |
| 2. Mr. M. Anis Ud Dowl | Advanced Chemical Industries Limited |
| 3. Mr. M. A. Baset | Bangladesh Knitwear Manufacturers & Exporters Association |
| 4. Mrs. Rupali Chowdhury | Berger Paints Bangladesh Limited |
| 5. Mr. M. Azizul Huq | GlaxoSmithKline Bangladesh Limited |
| 6. Mr. Md. Nurul Islam | American Life Insurance Company |
| 7. Mr. Reaz-Bin-Mahmood | Bangladesh Garment Manufacturers & Exporters Association |
| 8. Mr. Golam Mainuddin | British American Tobacco Bangladesh Co. Ltd. |
| 9. Mr. A. S. M. Mainuddin Monem | Abdul Monem Limited |
| 10. Mr. Kamran T. Rahman | Pubali Jute Mills Limited |
| 11. Mr. Abdul Hai Sarker | Bangladesh Textile Mills Association |

4. LABOUR COURTS SUB-COMMITTEE

- | | |
|---------------------------------|---|
| 1. Mr. Ahmed Hossain (Chairman) | Bangladesh Jute Spinners Association |
| 2. Mr. M. A. Baset | Bangladesh Knitwear Manufacturers & Exporters Association |
| 3. Mr. Akhter Matin Chaudhury | Nuvista Pharma Limited |
| 4. Mr. Ardashir Kabir | Bangladeshiyo Cha Sangsad |
| 5. Mr. Syed Nasim Manzur | Apex Adelchi Footwear Limited |

- | | |
|------------------------------|--|
| 6. Mr. Feroz Rahim | Rahimafrooz Batteries Limited |
| 7. Mr. Kaihan N. Rahman | Bangladesh Jute Mills Association |
| 8. Mr. Khondoker Jamil Uddin | Bangladesh Garment Manufacturers & Exporters Association |

5. SELECTION SUB-COMMITTEE

- | | |
|-----------------------------------|-----------------------------------|
| 1. Mr. Md. Nurul Islam (Chairman) | American Life Insurance Company |
| 2. Mr. Akhtar Ahmed | Reliance Insurance Limited |
| 3. Mr. Anjan Chowdhury | Square Toiletries Limited |
| 4. Mr. A.K.M. Rafiqul Islam, FCA | Pragati Insurance Limited |
| 5. Mrs. Sabrina Islam | Osman Textiles Limited |
| 6. Mr. Ashfaque ur Rahman | Novartis (Bangladesh) Limited |
| 7. Mr. Kaihan N. Rahman | Bangladesh Jute Mills Association |
| 8. Ms. Perveen Rasheed | Social Marketing Company |

6. SEMINAR SUB-COMMITTEE

- | | |
|---|---|
| 1. Dr. Muhammad Abdul Moyeen (Chairman) | Bangladesh Knitwear Manufacturers & Exporters Association |
| 2. Mrs. Simeen Hossain | Transcom Limited |
| 3. Mr. Najmul Huq | Bangladesh Jute Mills Association |
| 4. Mr. Ardashir Kabir | Bangladeshiyo Cha Sangsad |
| 5. Mrs. Sonia Bashir Kabir | Women Entrepreneurs' Association, Bangladesh |
| 6. Mr. Habibullah N. Karim | Technohaven Company Limited |
| 7. Mr. A. S. M. Mainuddin Monem | Abdul Monem Limited |
| 8. Mr. Khondoker Jamil Uddin | Bangladesh Garment Manufacturers & Exporters Association |

7. WAGES CONSULTATIVE SUB-COMMITTEE (DHAKA REGION)

- | | |
|---|---|
| 1. Mr. Khondoker Jamil Uddin (Chairman) | Bangladesh Garment Manufacturers & Exporters Association |
| 2. Mr. M. A. Baset | Bangladesh Knitwear Manufacturers & Exporters Association |
| 3. Mr. Akhter Matin Chaudhury | Nuvista Pharma Limited |
| 4. Mr. Md. Nurul Islam | American Life Insurance Company |
| 5. Mr. Syed S. Kaisar Kabir | Renata Limited |
| 6. Mrs. Laila Rahman Kabir | Kedarpur Tea Company Limited |
| 7. Mr. Golam Mainuddin | British American Tobacco Bangladesh Company Limited |
| 8. Mr. A. S. M. Mainuddin Monem | Abdul Monem Limited |

- | | |
|--------------------------------|---------------------------|
| 9. Mr. A. M. Hamim Rahmatullah | Singer Bangladesh Limited |
| 10. Mr. Shafiq Uz Zaman | Coats Bangladesh Limited |

8. MINIMUM WAGES RELATED SUB-COMMITTEE

- | | |
|------------------------------------|---|
| 1. Mr. Kaihan N. Rahman (Chairman) | Bangladesh Jute Mills Association |
| 2. Mr. M. A. Baset | Bangladesh Knitwear Manufacturers & Exporters Association |
| 3. Mr. A. Matin Chowdhury | Malek Spinning Mills Limited |
| 4. Ms. Nahid Hasan | Bangladesh Garment Manufacturers & Exporters Association |
| 5. Mr. Ahmed Hossain | Bangladesh Jute Spinners Association |
| 6. Mrs. Sabrina Islam | Osman Textiles Limited |
| 7. Mr. Ardashir Kabir | Bangladeshiyo Cha Sangsad |
| 8. Mrs. Sonia Bashir Kabir | Women Entrepreneurs' Association, Bangladesh |
| 9. Mr. Abdul Hai Sarker | Bangladesh Textile Mills Association |

9. PUBLIC RELATIONS SUB-COMMITTEE

- | | |
|-------------------------------------|---|
| 1. Mr. Ardashir Kabir (Chairperson) | Bangladeshiyo Cha Sangsad |
| 2. Mr. Akhter Matin Chaudhury | Nuvista Pharma Limited |
| 3. Mr. M. Azizul Huq | GlaxoSmithKline Bangladesh Ltd. |
| 4. Mrs. Sabrina Islam | Osman Textiles Limited |
| 5. Mrs. Sonia Bashir Kabir | Women Entrepreneurs' Association, Bangladesh |
| 6. Dr. Muhammad Abdul Moyeen | Bangladesh Knitwear Manufacturers & Exporters Association |
| 7. Mr. A. S. M. Quasem | Newage Garments Limited |
| 8. Mr. Abdul Hai Sarker | Bangladesh Textile Mills Association |

10. SAFETY AND WORKING CONDITIONS SUB-COMMITTEE

- | | |
|----------------------------------|--|
| 1. Mrs. Rokeya Quader (Chairman) | Desh Garments Limited |
| 2. Mr. Faizun Nabi Chowdhury | Bangladesh Garment Manufacturers & Exporters Association |
| 3. Mrs. Laila Rahman Kabir | Kedarpur Tea Company Limited |
| 4. Mr. Habibullah N. Karim | Technohaven Company Limited |
| 5. Mr. Golam Mainudidn | British American Tobacco Bangladesh Company Limited |
| 6. Mr. Syed Nasim Manzur | Apex Adelchi Footwear Limited |
| 7. Mr. Feroz Rahim | Rahimafrooz Batteries Limited |

8. Mr. Alamgir M. Z. Rahman Consumer Products Ltd.

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

- | | |
|--------------------------------------|---|
| 1. Mr. Sakif Ariff Tabani (Chairman) | Khadim Ceramics Limited |
| 2. Mr. Anjan Chowdhury | Square Toiletries Limited |
| 3. Mr. A. Matin Chowdhury | Malek Spinning Mills Limited |
| 4. Mr. Ahmed Hossain | Bangladesh Jute Spinners Association |
| 5. Mr. Iftexharul Islam | sanofi-aventis Bangladesh Limited |
| 6. Mrs. Sabrina Islam | Osman Textiles Limited |
| 7. Mr. M. Salman Ispahani | Bangladeshiyo Cha Sangsad |
| 8. Dr. Muhammad Abdul Moyeen | Bangladesh Knitwear Manufacturers & Exporters Association |
| 9. Mrs. Rokeya Quader | Desh Garments Limited |

12. WOMEN IN DEVELOPMENT SUB-COMMITTEE

- | | |
|--------------------------------------|--|
| 1. Ms. Perveen Rasheed (Chairperson) | Social Marketing Company |
| 2. Mr. Akhter Matin Chaudhury | Nuvista Pharma Limited |
| 3. Mrs. Simeen Hossain | Transcom Limited |
| 4. Mrs. Sabrina Islam | Osman Textiles Limited |
| 5. Mrs. Sonia Bashir Kabir | Women Entrepreneurs' Association, Bangladesh |
| 6. Ms. Tahniyat A. Karim | BRAC Bank Ltd. |
| 7. Mrs. Rokeya Quader | Desh Garments Limited |
| 8. Mrs. Zeenat Rahim | Rahimafrooz Batteries Limited |

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

- | | |
|--|---|
| 1. Mr. Muhammad A. (Rume) Ali (Chairman) | BRAC Bank Limited |
| 2. Maj.Gen. Amjad Khan Chowdhury (Retd.) | Property Development Limited |
| 3. Mr. A. Matin Chowdhury | Malek Spinning Mills Limited |
| 4. Mr. Md. Fazlul Hoque | Bangladesh Knitwear Manufacturers & Exporters Association |
| 5. Mr. Abdus Salam Murshedy | Bangladesh Garment Manufacturers & |



6. Mrs. Rokeya Quader
7. Mr. Ashfaque ur Rahman
8. Mr. Alamgir M. Z. Rahman
9. Mr. Abdul Hai Sarker

Exporters Association
Desh Garments Limited
Novartis (Bangladesh) Limited
Consumer Products Limited
Bangladesh Textile Mills Association

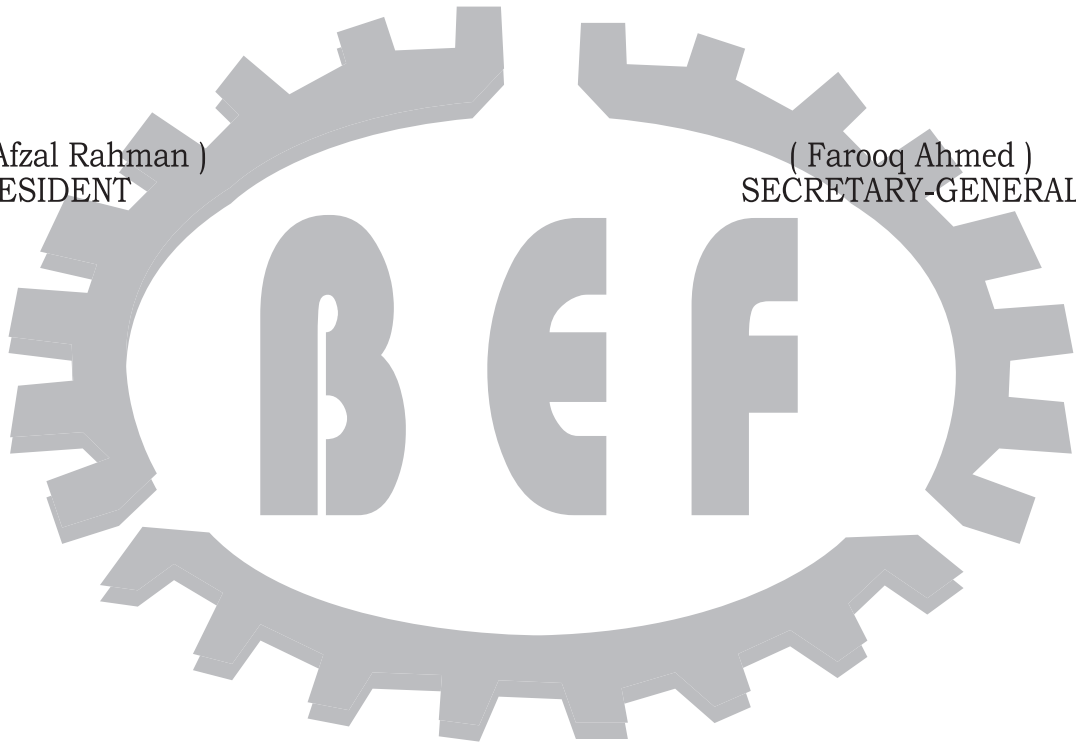
IV. SECRETARIAT

Mr. Farooq Ahmed was appointed as the Secretary-General and the CEO of the Federation from the 1st January, 2009

Mr. C.K. Hyder was appointed as the Adviser to the Federation Committee with effect from the 1st January, 2009.

(Rokia Afzal Rahman)
PRESIDENT

(Farooq Ahmed)
SECRETARY-GENERAL



**YEARLY REPORT ON THE ACTIVITIES OF THE FEDERATION
FOR THE PERIOD FROM THE 1ST JANUARY TO 31ST DECEMBER, 2009**

A. Participation in ITC/NICC/other International Organisation's Training Programmes :

The Federation nominated a number of participants to different training programmes conducted by the Nippon-keidanren International Cooperation Center (NICC) and other international organisations :

Sl. No.	Name of Participant	Designation & Name of Firm	Training Programme	Place & Duration
1.	Mr. Md. Raziur Rahman Khan	Deputy General Manager and Head of HR & Compliance, Bextex Limited	NICC's Training Programme on "Human Resources Development by use of Total Quality Management"	Tokyo, Japan 15th - 18th January, 2009
2.	Ms. Parveen Sulatana Huda	Managing Director Renaissance Consultants Ltd.	"Tackling discrimination at work: From theory to practice"	ITC ILO, Turin, Italy 4th - 15th May 2009
3.	Mr. Md. Aktaruzzaman	Production in-charge, Social Marketing Company	NICC's Programme on "Occupational Safety and Health Management and Work Environment Improvement"	Tokyo, Japan 15th - 27th June 2009
4.	Mr. A B M Yusuf Ali Khan	Manager, IR & Administration, Novartis (Bangladesh) Limited	NICC's Trainers' Training Course on "Management Training Programme (MTP-TT)"	Tokyo, Japan 1st - 17th July 2009
5.	Mr. Santosh Kumar Dutta	Joint Secretary, Bangladesh Employers' Federation	ITC's Training Workshop on "Services by Employers' Organisations: How to set up and expand sustainable training services for members?" in collaboration with Dutch Employers' Organisation	Kuala Lumpur, Malaysia 30th June - 3rd July, 2009
6.	Mr. Sk. Md. Khurshed Alam	Manager, Health, Safety and Environment, Sanofi aventis Limited	ILO's fellowship on "Occupational Safety and Health (OSH)"	Vietnam and Thailand, 12th - 17th July 2009
7.	Mr. Azizul Huq	Managing Director, GlaxoSmithKline Bangladesh Limited	ILO Course A9 70079 on "Economic Crisis and the Global Jobs Pact - Knowledge Sharing and Capacity Building Workshop"	ITC, ILO Turin Center, Italy 2nd - 6th November, 2009
8.	Mt. Matiul Islam Nawshad, FCMI	Human Resource Director, Coats Bangladesh Limited	NICC's Training Programme on "Total Management System (TMS)"	Tokyo, Japan 9th - 21st November, 2009
9.	Mr. Gulam Mustafa	President, Bangladesh Association of International Recruiting Agencies (BAIRA)	ILO Training Course on "Managing Migration for Decent WorkL Understanding Lanour Dimensions of Human Trafficking un the Asia Region"	Beijing, China 22nd - 26th November, 2009

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

Participation in Local Seminars/Workshops / Symposiums:

The Federation participated in various seminars, workshops/symposiums organized by various ministries, national/international organizations, think tanks and development partners. The major events where the Federation's nominee participated were:

(i) Tripartite Seminar on "Freedom of Association and Collective Bargaining" held on the 30th January, 2009 at the Multipurpose hall, BIAM Foundation, Dhaka.

(ii) "2008 Joint GoB/UN Annual Review of UNDAF", held on the 26th February, 2009 in the Bangladesh China Friendship Conference Centre, Dhaka.

(iii) Technical Discussion on the "Current Status and Evolution of Industrial Relations in Bangladesh" held on the 18th March, 2009 in the ILO Office Conference Room, Dhaka.

(iv) Seminar on "Child Labour and Education" held on the 19th March, 2009 at the Pan Pacific Sonargaon Hotel, Dhaka.

(v) Stakeholders' Consultation Meeting on "Findings of the Assessment of Green Jobs in Renewable Energy, Waste Management,

Construction, and Agriculture Sector" held on the 9th April, 2009 at Hotel Purbani International, Dhaka.

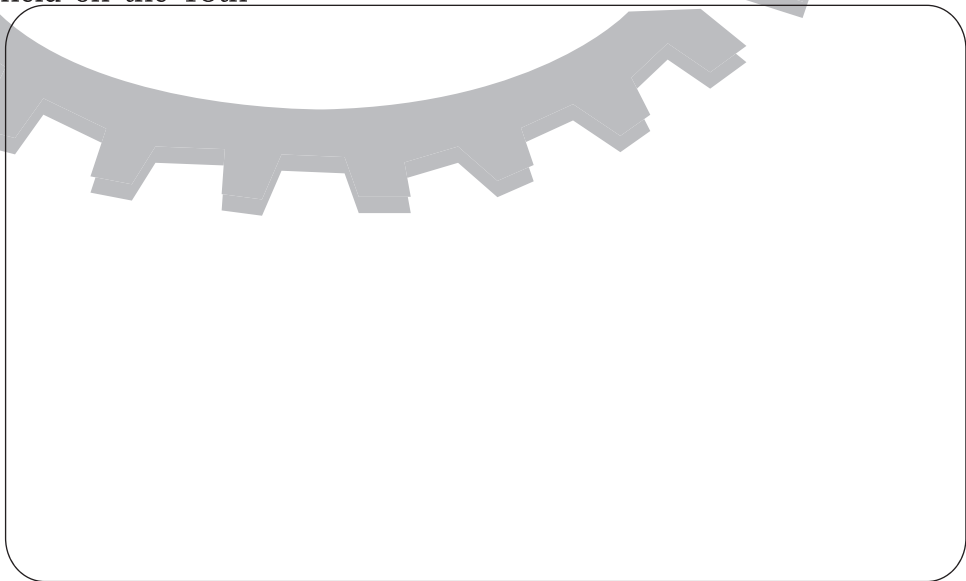
(vi) Seminar on "Child Labour in Bangladesh: Problems and its Solutions" held on the 27th May, 2009 at the BIAM Auditorium, Dhaka.

(vii) Discussion Meeting on "Creation of a New Women's Platform for Upholding Gender Issues at the Workplace" held at the ILO Conference Room on the 8th July, 2009.

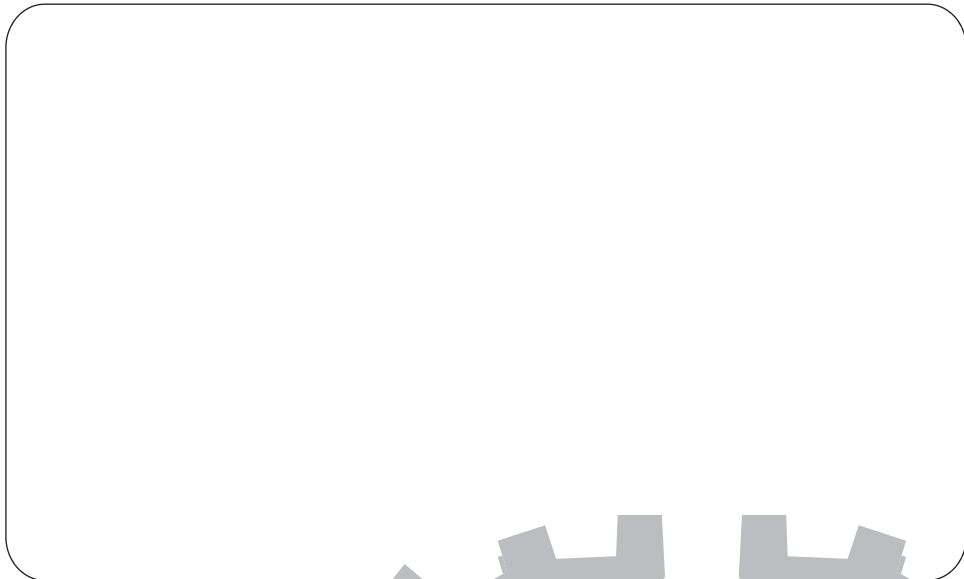
(viii) Stakeholder Meeting on "Review of Bangladesh Decent Work Country Programme (2006-2009)" held on the 14th July, 2009 at Hotel Sonargaon, Dhaka.

(ix) National Workshop on "Occupational Health and Safety" jointly organised by the Ministry of Labour and Employment and International Labour Organization on the 24th August, 2009 at Sonargaon Hotel, Dhaka.

(x) National Training Workshop on "International Labour Standards" organized by



Ms. Rokia Afzal Rahman, President, BEF addressing the participants at the 2nd Consultation Meeting of former NICC participants held on the



Workshop on "Enterprise Restructuring: Strategic Options" held at BEF Conference Hall on the 24th March, 2009 under BEF/ILO joint programme.

Work Country Programme” held at ITC in Turin, Italy, from the 2nd to the 5th February, 2009.

(ii) Mr. M. A. Baset, a Committee Member of the Federation, and also the Vice-President of BKMEA, attended the ILO's workshop on "Responding to the Economic Crises – Coherent Policies for Growth, Employment and Decent Work in Asia and Pacific" held in

Manila, Philippines during the 18th - 20th February, 2009.

the ILO at BRAC CDM, at Rajendrapur, on December 21-22- 2009.

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

(iii) Mr. Md. Abdul Hamid, General Manager Operation, ACI Formulations Limited and Mr. Tanvirul Islam Khan, Production Manager, Singer Bangladesh Limited attended the ITC,

During the year 2009, representatives of the Federation participated in the following international seminars/ workshops / conferences:

(i) Mr. Alamgir M. Z. Rahman, Vice-President of the Federation, participated at the ILO's workshop on "Maximizing the opportunities for Employers' Organizations in the framework of Decent



Mr. Santosh Kumar Dutta, Joint-Secretary, BEF, (standing extreme right) and other participants in a group photo at International Training Center (ITC) Training Workshop in Kuala Lumpur, Malaysia from the 30th June to the 3rd July, 2009.

ILO's workshop on "Train the Trainers on OSH for line-managers for Employers' Organizations in Sri Lanka, India, Pakistan, Bangladesh and Nepal" held in International Training Centre (ITC) at Turin, Italy from the 5th to the 7th October, 2009.



Participants of an international workshop organized by the ILO on Occupational Safety and Health held at International Training Center (ITC) in Turin, Italy during the 5th to the 7th October, 2009; Mr. Md. Abdul Hamid (second from left) was nominated by the BEF as a participant.

(iv) Mr. Md. Mominul Ahsan, Head of Human Resources, Apex Adelchi Footwear Ltd., participated at the ILO's workshop on "Promoting Effective Skills Policies and Systems" held at ITC, Turin, Italy, from the 21st September to the 2nd October, 2009.

Limited, represented the Federation in the tripartite meeting on "Negotiating for Decent Work in the age of Globalization in South Asia and China" held in Ahungalla, Sri Lanka on October 26-27, 2009.

(v) Mr. Akhter Matin Chaudhury, a Committee Member of the BEF and also the Managing Director of Nuvista Pharma

(vi) Mr. Kaihan N. Rahman, a Committee Member of the BEF and the



Group photo of the participants at an international workshop organized by the ILO on effective skills policies held at International Training Center (ITC) in Turin, Italy during September 21st to October 2nd, 2009; Mr. Md. Mominul Ahsan (back row, fourth from left) was nominated by the BEF as a participant.

Deputy Managing Director of Pubali Jute Mills Limited, attended the Experts' Meeting on "Routes out of the crisis – Strategies for Local Employment Recovery, Skills Development and Social Protection in Asia" held in Malang, Indonesia, from the 1st to the 3rd December, 2009.

D. Bangladesh Employers' Federation - International

labour Organizations (ILO) - Joint programmes :

The following joint activities were undertaken with the ILO :

(1) Bangladesh Employers' Federation, in collaboration with the International Labour Organization (ILO) organized two day-long workshops on "Corporate Social Responsibility and Green Jobs Initiative", (i) on the 9th November, 2009 in Chittagong, and (ii) on the 11th November, 2009 in Khulna.

26-27 OCTOBER 2009, AHUNGALLA, SRI LANKA

The objectives of the workshops were to share the views on the concept and practice of the business enterprise in upholding social justices to meet the changing global business environment and creation of linkages between employment and environmental policies for sustainable development. More than 35 participants attended each of the workshops. The primary purpose of the workshop to create awareness on the new concept of Green Jobs introduced by the ILO was successful, and the participants responded well at both events.

(2) BEF/ILO Training Events on "Strengthening Leadership for Mainstreaming and Scaling Up of the Response to HIV/AIDS in the Workplace"

Bangladesh Employers' Federation (BEF), in collaboration with the ILO organized nine training events on "Strengthening Leadership for Mainstreaming and Scaling Up of the Response to HIV/AIDS in the Workplace" and trained up a total of 257 people of managerial and supervisory ranks on HIV/AIDS issues.

There was one central, regional and training events in each of Dhaka, Chittagong, and Khulna, participated by managers and supervisors of various enterprises engaged in different industrial sectors in these three regions. The rest six training events were organized for managers and supervisors at the enterprise levels at the factory premises of different companies, situated in the industrial belts of Dhaka Division.

The Training Programme was formally launched by Mr. Farooq Ahmed, the Secretary-General of BEF on the 25th November, 2009. The then Deputy Director of ILO Dhaka Office, Mr. Gagan Raj Bhandari was also present and spoke at the launching ceremony. The Secretary-General explained the rational of the training on the HIV/AIDS issues at the time of the event and thanked the ILO for supporting such a program. All the training events took place during the following two months.





Mr. Farooq Ahmed, Secretary-General of BEF, addressing the participants at the workshop on 'Corporate Social Responsibility and Green Jobs Initiative' held in Chittagong on the 9th November, 2009 in presence of Mr. Gagan Rajbhandari, Director A.I., ILO Office in Bangladesh Mr. Gotabaya Desanayaka, Senior Specialist on Employers Activities, ILO Sub-Regional Office, New Delhi, Mr. Vincent Jugault, Senior Specialist on Green Jobs, ILO Regional Office for Asia and the Pacific, and Professor Dr. A.T.M. Nurul Amin, Professor and Chair, Department of Environmental Science and Management, North South University, Bangladesh, were present as resource persons at the workshop.



HIV/AIDS Training at Singer Bangladesh Limited factory premises, Rajafulbari, Savar, Dhaka on December 24, 2009.



HIV/AIDS Training at the factory premises of Apex-Adelchi Footwear Limited on December 12, 2009.



Khulna Regional/Central training program on HIV/AIDS at Royal Hotel International, Khulna on December 27, 2009.



- (3) Mr. Kamran T. Rahman
 (4) Mrs. Laila Rahman Kabir

E. Representative on various Committees/Bodies:

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

1. Executive Committee of International Organisation of Employers, Geneva : Ms. Rokia Afzal Rahman, President.
Substitute: Mr. Farooq Ahmed, Secretary-General.
2. Governing Body of Bangladesh Institute of Management : Ms. Rokia Afzal Rahman, President.
3. Bangladesh Technical Education Board : Mr. Kazi Saifuddin Ahmed, Labour Adviser.
4. Bangladesh Minimum Wages Board : Mr. Kazi Saifuddin Ahmed, Labour Adviser.
5. Tripartite Consultative Council (TCC) on Labour Matters of the Ministry of Labour & Employment : (1) Ms. Rokia Afzal Rahman, President.
(2) Mr. Muhammad A. (Rume) Ali, Vice-President.
(3) Mr. C.K. Hyder, Adviser to the Committee.
(4) Mr. Farooq Ahmed, Secretary-General.
(5) The Chairman, Bangladesh Jute Mills Corporation
(6) Mr. Abdul Hai Sarker, Chairman, Bangladesh Textile Mills Association
(7) The Chairman, Bangladesh Chemical Industries Corporation
(8) The Chairman, Bangladesh Steel and Engineering Corporation
(9) Mr. M. Salman Ispahani, Chairman, Bangladeshiyo Cha Sangsad
(10) Mr. Ahmed Hossain, Chairman, Bangladesh Jute Spinners Association
(11) Mr. Abdus Salam Murshedy,

- President,
Bangladesh Garment Manufacturers and
Exporters Association
- (12) Mr. Md. Fazlul Hoque,
President,
Bangladesh Knitwear Manufacturers and
Exporters Association
- (13) Mr. M. Anis Ud Dowla,
Member of the Committee, BEF.
- (14) Mr. Syed Nasim Manzur,
Managing Director,
Apex Adelchi Footwear Ltd.
- (15) Mr. Samson H. Chowdhury,
Adviser,
Bangladesh Aushad Shilpa Samity
- (16) Mr. Kamran T. Rahman,
Former President, BEF.
- (17) Mr. A.K.M. Rafiqul Islam, FCA,
Managing Director,
Pragati Insurance Limited.
- (18) Mr. M. Azizul Huq,
Managing Director,
GlaxoSmithKline Bangladesh Ltd.
- (19) Mrs. Sabrina Islam,
Director,
Osman Textiles Limited
- (20) Mr. Kazi Saifuddin Ahmed,
Labour Adviser, BEF.

6. Bangladesh University of

Additionally, the Federation nominated representatives on various Committees/Board of Directors/Working Groups formed by the Ministry of Labour and Employment as under:

a. National Council for Industrial Health and Safety:

- (1) Ms. Rokia Afzal Rahman
- (2) Mr. Kamran T. Rahman
- (3) Mrs. Sabrina Islam
- (4) Mr. Kaihan N. Rahman
- (5) Dr. Muhammad Abdul Moyeen
- (6) Mr. Farooq Ahmed
- (7) Mr. Kazi Saifuddin Ahmed

b. Board of Directors - Bangladesh Shramik Kalyan Foundation:

- (1) Ms. Rokia Afzal Rahman
- (2) Mr. Kamran T. Rahman
- (3) Ms. Perveen Rasheed
- (4) Mr. Farooq Ahmed
- (5) Mr. Kazi Saifuddin Ahmed

c. Tripartite Review Committee for amendment of Bangladesh Labour Act 2006:

- (1) Ms. Rokia Afzal Rahman
- (2) Mr. M. Anis Ud Dowla

Engineering & Technology (BUET)
: Mr. A. S. M. Quasem,

Chairman,

- Newage Garments Ltd.
(5) Mr. M.A. Baset
(6) Mr. Akhter Matin Chaudhury
(7) Mr. Md. Nurul Islam
(8) Mrs. Sabrina Islam
(9) Mr. Ahmed Hossain
(10) Mr. Khondoker Jamil Uddin
(11) Mr. Farooq Ahmed
(12) Mr. Kazi Saifuddin Ahmed

**Third Labour Court,
Dhaka**

Mr. Mustafa Abdud Dayan
Mr. Md. Nurul Islam
Mr. Narayan Chandra Lodh
Mr. Md. Momtazur Rahman
Mr. Pulin Bihari Biswas
Mr. Mollah Nurul Islam

**Labour Court,
Rajshahi**

Mr. A. S. M. Wasiq Billah
Mr. Md. Motahar Hossain
Mr. Md. Mortoza Reza
Mr. Md. Alauddin
Mr. Kazi Shamsuddin Ahmed
Mr. K. M. Abdul Mumin

**d. Tripartite Working Group for amendment of
Bangladesh Labour Act 2006**

- (1) Mr. M. Anis Ud Dowla
(2) Mr. Kamran T. Rahman
(3) Mr. M.A. Baset
(4) Mr. Riaz Bin Mahmood
(5) Mr. Farooq Ahmed

**Labour Court,
Khulna**

Mr. Rafiqul Islam
Mr. S M Sudarshan
Mr. Sk. Shamim Ahmed
Mr. S. M. A. Halim
Mr. Bhuiyan Waliur Rahman
Mr. Md. Shah Alam Sikder

**E. Representatives on the Labour Courts
(proposed):**

At the request of the Ministry of Labour & Employment, Government of Bangladesh, the Federation proposed the following names of employers' representatives for inclusion in the panel of members for the seven Labour Courts in the country:

**First Labour Court,
Dhaka**

Mr. A. K. M. Firoz Alam
Mr. Md. Rafiqul Islam
Mr. Md. Monirul Islam
Mr. A K M Samsuzzaman
Mr. Mohammed Serajul Islam
Mr. Abu Taher

**Second Labour Court,
Dhaka**

Mr. Md. Aminur Rahman Khan
Mr. Syed Abdul Aziz
Mr. Md. Jubayer Alam
Mr. Md. Bahar Uddin
Mr. Md. Shariful Azam Chowdhury
Mr. Sultan Mahmud Hosseinee

**First Labour Court,
Chittagong**

Mr. Mohammad Mohshin Chowdhury
Mr. A. M. M. Sajjad
Mr. Tarique Hossain
Mr. Mir Delwar Hossain
Mr. Morshedul Alam Quaderi
Mr. Md. Mosharraf Hossain

**Second Labour Court,
Chittagong**

Mr. Golam Mustafa
Mr. Mohammad A. Jabbar Chowdhury
Mr. Md. Amir Ali
Mr. K. A. M. Khaled
Mr. M. A. Gaffer (Shapon)
Mr. Md. Golam Newaz

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 Confederation of Asia Pacific Employers (CAPE).

IMPORTANT COURT CASE ON LABOUR MATTERS

HIGH COURT DIVISION

(Special Original Jurisdiction)

Judgment

Salma Masud Chowdhury J : This Rule Nisi was issued calling upon the respondent Nos. 1-3 to show cause as to why the departmental proceeding in pursuance of charge sheet vide Memo No.-বিউবো (৩ঃশঃ/২৩১১/৯৫) dated 31-8-96 (as of Annexure-H) and the proceeding in pursuance of charge sheet vide Memo 244. বিউবো (৩ঃশঃ/২৩১১/৯৬) dated 12-4-97 (as of Annexure-K) and the proceeding in pursuance of charge sheet vide Memo No. 183 বিউবো (৩ঃশঃ/এ-২০/৯৬) dated 10-4-2000 (as of Annexure-O) should not be declared to have been made without any lawful authority and is of no legal effect and/or such other or further order or orders passed as this Court may seem fit and proper.

2. The case of the petitioner, as it appears from the Writ petition, is that the petitioner was appointed as Security Officer, which post was redesignated as Assistant Director, Security and Intelligence of the Directorate of Security and Intelligence at Khulna Electric Supply under Power Development Board and after

finding the service of the petitioner satisfactory, he was confirmed in his service with effect from 14-7-80 but on 3-9-95 respondent No. 2 served a show cause notice upon the petitioner bringing in allegation under Rule 138 (A)(B)(C) of the Power Development Board (Employees) Service Rules, 1982, to which the petitioner gave reply on 11-6-95 after which the petitioner was charge sheeted by a memo dated 31-8-96 and an enquiry officer was appointed to enquire into the matter within 14 days and the petitioner submitted reply against the charge sheet to the enquiry officer on 16-9-96 but the enquiry officer did not proceed with the enquiry and thereafter the said officer was changed and another Superintendent Engineer was appointed as Enquiry officer, who recorded the written statement of the petitioner on 12-12-98 and thereafter the petitioner was again served with a show cause notice dated 25-9-96 bringing in allegation against him under section 138(A)(C) of the Bangladesh Power Development Board (Employees) Service Rules, 1982 to which the petitioner gave a reply on 16-10-96 and the petitioner was charge sheeted by a memo dated 12-4-97 and a Deputy General Manager was

appointed as an enquiry officer to inquire within 14 days and in the course of inquiry, the petitioner gave reply on 27-4-97 against the charge sheet and he was asked to present his case before the enquiry officer for personal hearing on 21-7-97 but no inquiry was held and the petitioner was again served with a show cause notice dated 15-9-99 bringing in allegation under section 138(A)(C) of the Bangladesh Power Development Board (Employees) Service Rules, 1982 to which the petitioner gave reply and thereafter, a charge sheet was given against the petitioner dated 10-4-2000 and an enquiry officer was appointed to investigate into the matter within 14 days and the petitioner submitted reply to the charge sheet on 25-4-2000 and the petitioner was directed to be present before the enquiry officer for personal hearing on 19-6-2000 and the proceedings against the petitioner are to be completed within 3 months from the date of framing charge but in the present case the inquiry was not completed within the time frame under the Rules and the petitioner filed Title Suit No. 25 of 1999 before the Senior Assistant Judge, Khulna for declaration and for permanent injunction and subsequently, the suit was withdrawn and the departmental proceedings started along with inquiries.

3. Being aggrieved by the departmental proceedings in pursuance of 3 charge sheets dated 31-8-96, 12-4-97 and 10-4-2000 respectively, the petitioners filed this Writ petition and obtained the present Rule.

4. Mr Abdur Rab Chowdhury, the learned Advocate appearing on behalf of the petitioner, submits that the charges were not framed against the petitioner by the competent authority and the mandatory provision of Rule 143 of the Bangladesh Power Development Board (Employees) Service Rules, 1982 was not complied with and it was incumbent upon

the competent authority itself to consider the statement of defence and only in case it was not satisfactory, the authority was to appoint an Inquiry Officer but in the present case after framing of charges in three departmental cases, the petitioner was asked to submit his statement of defence to the Inquiry Officer and not to the appointing or disciplinary authority which is in violation of the mandatory provision of Rules 143. He next submits that the provisions of Rule 143(2) of the Bangladesh Power Development Board (Employees) Service Rules, 1982 is identical with the provision of Rule 7(1)(a) of the Government Servants (Discipline and Appeal) Rules, 1985 and in a decision as reported in 10 MLR (AD) 74, it was held that the non-compliance of the provision of Rule 7(1)(a) of the Government Servant (Discipline and Appeal) Rules, 1985 vitiates the proceedings and renders the penalty imposed therein not sustainable. He brings to the notice of this Court that although the petitioner submitted his reply within time and inquiry was also held but the respondents, out of malafide intention, kept the proceedings pending for the collateral purpose of denying the petitioner from consideration for promotion. The learned Advocate next points out that Rule 143(4) of the Bangladesh Power Development Board (Employees) Service Rules, 1982 provides that the proceedings under this Rule shall be completed within three months from the date of framing charge against an employee and although the charges against the petitioner was framed on 31-8-96, 12-4-97 and 10-4-2000, the proceedings could not be completed till 18-1-2003, that is till the date of the issuance of the Rule Nisi in the present Writ petition.

5. An affidavit-in-opposition has been submitted on behalf of respondent Nos. 1-3.

6. Ms Sufia Ahmed, the learned Advocate appearing on behalf of the



respondents No. 1-3, submits that three departmental proceedings were initiated against the petitioner by Bangladesh Power Development Board in pursuance to three charge sheets and in all the proceedings the allegations brought against the petitioner were properly investigated by the competent authority by appointing Inquiry Officers and finally inquiry reports were submitted stating that the petitioner is guilty of negligence of duty and also of professional misconduct and committed the offence under section 138(A) and (C) of the Bangladesh Power Development Board (Employees) Service Rules 1982. She also submits that although the departmental proceedings have not been completed within the statutory period of three months, this delay does not vitiate the gravity and legality of the proceedings as well as the inquiry reports. She points out that the provisions of the Rule to complete the departmental proceedings within three months is not mandatory but directory and the entire proceedings against the petitioner was in accordance with law. Lastly, the learned Advocate submits that the petitioner has no reason to feel aggrieved under the facts and circumstances of the case, because the final decision has not yet been passed by the respondents and the grounds taken in the Writ petition are all misconceived and are not tenable either in law or on facts.

7. We have heard the learned Advocates appearing on behalf of the petitioners and respondent Nos. 1-3 and perused the Writ petition and affidavit-in-opposition along with other materials on record. It appears that the petitioner was appointed as a Security Officer and he joined the service on 17-7-80 and subsequently, the post of the petitioner was redesignated as Assistant Director (Security and Intelligence) and thereafter, on three occasions, he was served with show cause notices and three

charged sheets were submitted on him on 31-8-96 (Annexure H), 12-4-97 (Annexure-K) and 10-4-2000 (Annexure-O). The petitioner submitted his statements before the inquiry officers and replied to the show cause notices and the charge sheet and also appeared before the Inquiry Officers for personal hearing.

8. The definite case of the petitioner is that although the petitioner made a positive response to the calls of the Inquiry officers but the Inquiry officers did not conclude the inquiry within the time limit prescribed in Rule 143(4) of the Rules of 1982 i.e. within three months from the date of framing charge, and the proceedings were pending for indefinite period, even though the departmental proceedings and inquiry started long before. The case of the petitioner was that the charges were not framed by the competent authority violating the provision of Rule 143(2) of the Bangladesh Power Development Board (Employees) Service Rules, 1982 and furthermore, the petitioner was asked to submit his defence to the inquiry officer and not to the appointing authority, violating the provision of Rule 143(2) of the Bangladesh Power Development Board (Employees) Service Rules, 1982. Although the charges were framed against the petitioner on 31-8-96, 12-4-97 and 10-4-2000, no final decision was taken and the proceedings were not completed. Rule 143(4) of the Bangladesh Power Development Board (Employees) Service Rules, 1982 provides that the proceedings under this Rule shall be completed within three months from the date of framing charge against an employee but in the Rule, no consequence is provided for not completing the inquiry proceedings within three months. This provision is thus, not mandatory but directory.

The difference between a mandatory rule and a directory rule is that while the

former must be strictly observed, in the case of the latter, substantial compliance may be sufficient to achieve the object regarding which the Rule is enacted. Whenever a statute prescribes that a particular act is to be done in a particular manner and also lays down that a failure to comply with the said requirement leads to a specific consequence, it would be difficult to hold that the requirement is not mandatory and the specific consequence should not follow, but in a case where nothing has been laid down in a statute about the specific consequence on the failure to comply with the particular requirement, in that case, it is safe to hold that the requirement is not mandatory but directory. A procedural rule ordinarily, should not be construed as mandatory. The Bangladesh Power Development Board (Employees) Service Rules, 1982 provides for the procedural matter regarding the employees of the Board. From the plain reading of the Rules it appears that no specific consequence has been mentioned in case of failure to comply with the requirement of the Rules.

9. We are of the view that Rule 143 was only directory and the delay in concluding the departmental proceedings beyond three months necessarily does not vitiate the proceedings. The case referred to be the learned Advocate for the petitioner as reported in 10 MLR (AD) 74, according to us, it not applicable in the present case because in the said case the petitioner came before this Court after the imposition of penal measures and moreover, that case was under Rule 7 of Government Servant's (Discipline and Appeal) Rules 1985 which deals with the inquiry procedure in case of major penalties and in the present case no penalty has been imposed by the authority and no final order has yet been passed.

10. There is nothing on record to show that the authority did not frame the charge

or that the inquiry committee was not properly constituted and the statement made in the affidavit-in-opposition by the respondents to the effect that in all the proceedings, the allegation brought against the petitioner were properly investigated by the competent authority, the inquiry officers and final inquiry reports were submitted, was not controverted by the petitioner either verbally or by submitting affidavit-in-reply. Authority means competent authority according to Rule 2(u) of the Bangladesh Power Development Board (Employees) Service Rules, 1982 and the Deputy Director is the competent authority to deal with the matter by whom the petitioner was appointed in his service (Annexure-B). The petitioner submitted written defence and the authority directed him to submit an application by mentioning time, place and date of personal hearing under Rule 143(2) of the Bangladesh Power Development Board (Employees) Service Rules, 1982 but the petitioner did not submit any application showing his desire to be heard in person and accordingly, the matter was enquired into by the competent authority under Rule 143(3) and no final order has yet been passed by the respondents disposing of the departmental proceedings which started against the petitioner.

11. Under the circumstances, we are inclined to dispose of the Rule with a direction upon the respondents to look into the allegations brought by the petitioners to the effect that Rule 143(2) of the Bangladesh Power Development Board (Employees) Service Rules, 1982 has not been complied with and thereafter dispose of the departmental proceedings accordingly, within a period of 60 days from the date of receipt of this judgment.

Communicate a copy of the judgment and order to the respondents immediately.



Ed.

Source : *The Dhaka Law Reports (May, 2008)*

Judgment

SM Emdadul Hoque J : In the instant writ petition the Rule was issued calling upon the respondent Nos. 1 and 2 to show cause as to why the decision dated 28-5-2003 passed by respondent No. 1 in Complaint Case No. 14 of 2002 shall not be declared to have been passed without lawful authority and is of no legal effect.

2. The short facts of the case is, that the petitioner is the Manager of Jaghcharra Tea Estate, an establishment of the Consolidated Tea and Lands Co (Bangladesh) Limited (Finlays Swore Group), a limited liability company, incorporated in Bangladesh, under the Companies Act, 1913 having its registered office in Bangladesh of Jaghcharra, PS Sreemangal, District-Moulvibazar engaged in production and manufacture of tea, sale and export thereof.

3. The case of the respondent No. 2 is that he was a permanent worker in the

Consolidated Tea and Lands Co. (Bangladesh) Ltd (Finley's Swore Group) and he has rendered his service for 15 years with sincerity acclaiming confidence of the 2nd party and his basic pay is Taka 840. The petitioner company framed charge against the respondent No. 2 on 21-6-2002 alleging that he damaged 10/12 newly transplanted bamboo plants by uprooting the same. Chowkidar Gongaram reported the same to the opposite party No. 4 of the complaint case and the opposite party No. 2 investigated the matter and found that his younger brother Rabindra Robi Das attacked him and assaulted said Chowkidar Gongaram on 19-6-2002. Accordingly, the respondent No. 2 filed his written reply to the concerned authority on 25-6-2002. During the time of

investigation the petitioner denied the allegation brought against him and prayed for mercy for the incident but the opposite party No. 4 expressed his dissatisfaction and directed the complainant to appear before the inquiry officer on 2-7-2002. The inquiry officer neither allowed him to defend the case nor examine any witness in his presence nor gave him any opportunity to cross-examine the witness. Whereas the inquiry officer made him guilty of the charge under section 17(3)(Kha)(Cha) of the Employment of Labour (Standing Orders) Act, 1965 vide order dated 3-9-2002 and consequently



discharged him from the service on the same day while the complainant respondent No. 2 sent his grievance through registered post on 14-3-2002 to the authority praying for reinstating him, but the authority did not pay heed to it.

4. Thus the complainant-respondent No. 2 filed the complaint case before the Second Labour Court, Chittagong. The petitioner company contested the case by filing written statement contending, inter alias, that the respondent No. 2 was the worker under them and on 19-6-2002 he uprooted the bamboo plants 10/12 in number. Chowkidar Gongaram reported the same to the petitioners and the authority settled the matter but at his instigation his younger brother assaulted complainant Gongaram which is undoubtedly a dishonesty on his part which comes under the definition of misconduct and also against the rules of business and customs prevailing in the Tea Garden and is punishable under section 17(3)(b) and (g) of the Employment of Labour (Standing Orders) Act, thus he was asked to explain within 25-6-2002 as to why he should not be proceeded against and was placed under suspension on 21-6-2002 and an inquiry committee was constituted and the said inquiry committee after observing all the formalities submitted the inquiry report to the authority against the respondent No. 2. Consequently, the authority discharged him from his service by his letter dated 3-9-2002.

5. The case was heard by the 2nd Labour Court, Chittagong. The Labour Court after hearing the parties and considering the evidence on record set aside the impugned Memo by his judgment and order dated 28-5-2003 and directed to reinstate the petitioner in his service.

6. Thus the petitioner is constrained to file this writ petition and obtained the present Rule.

7. Mr MA Mannan, learned Advocate appearing on behalf of the petitioner, placed before us the impugned decision, the writ petition, and the annexures thereof. Mr Mannan submits that the decision of the Labour Court is without lawful authority. He further submits that the concerned authority after observing all the formalities found the appellant guilty of the charge leveled against the respondent No. 2 under section 17(3)(b)(g) and consequently discharged him from his service under section 18 of the Employment of Labour (Standing Orders) Act but the Labour Court, without considering the provision of law, illegally set aside the impugned order issued by the petitioner, which is without lawful authority and is of no legal effect. He further submits that the Labour Court is not a Court of Appeal and the Labour Court cannot reassess the evidence of the domestic inquiry where the authority after observing all formalities found respondent No. 2 guilty of the charge leveled against him and, as such, the judgment of the Labour Court is without lawful authority and is of no legal effect. He further submits that respondent No. 2 in his written statement admitted his guilt and begged for mercy but the Labour Court without considering the said aspect illegally set aside the order passed by the petitioner which is illegal and without lawful authority. He further submits that the Labour Court only can see whether the Inquiry Officer acted unfairly or against the principle of natural justice or did not follow the procedure laid down in sub-section (1) of section 18 of the Employment of Labour (Standing Orders) Act, 1965 and if it is found that in holding the inquiry the inquiry officer followed the procedure and the principle of the Rule of natural justice was complied with, in such a case there is no occasion for the Labour Court for interfering with the said finding of the domestic inquiry, as such, the decision



made by the respondent No. 1 is without lawful authority and is of no legal effect. In support of his argument, he referred the case of Superintendent (now General Manager), James Finlay PLC vs Chairman 2nd Labour Court 57 DLR (AD) 196, Bangladesh Supreme Court Reports (1978) 467, 32 DLR 36, 34 DLR 1.

8. Mr Md Khurshid Alam Khan, the learned Advocate appearing on behalf of the respondent No. 2, submits that the findings of the Labour Court cannot be upset by the High Court Division in writ jurisdiction. He further submits that in the instant case the Labour Court clearly found that the charges brought against delinquent worker was not proved and the Labour Court opined that the punishment imposed against him on the basis of the inquiry report wherein the said inquiry committee did not find any guilt of the offence against the petitioner thus the Labour Court set aside the said order which cannot be upset by this Court under writ jurisdiction. He further submits that the charge brought against the petitioner was not proved, even admittedly, there was no participation of the petitioner in the alleged occurrence, and the offence, if any, was done by his brother whereas the domestic inquiry proposed to impose the penalty against the petitioner which is illegal and without lawful authority. As such, he prayed for discharging the Rule. In support of his argument he referred the case of Mostafa Miah vs First Labour Court reported in 46 DLR 373, 44 DLR (AD) 272, 42 DLR 37 and the case of Ayesha

Salahuddin vs Chairman, Second Labour Court reported in 32 DLR (AD) 68.

9. We have heard the learned Advocates of both the sides, perused the writ petition; the impugned decision and the annexures thereof. Admittedly, the respondent No. 2 was the worker of the petitioner Tea Estate and he has been rendering his service since last 15 years

before he was discharged from his service. The occurrence took place on 19-6-2002 and his brother Rabindra Rabi Das assaulted Chowkider Ganga Ram. Thereafter, an enquiry committee was formed and the petitioner filed his written statement in the said inquiry committee denying the allegation and charge leveled against him but the inquiry officer submitted his inquiry report stating that charge leveled against the petitioner was proved. Consequently, the concerned authority discharged the petitioner from his service on 3-9-2002.

Admittedly, in the instant case the petitioner filed his grievance in accordance with law to the concerned authority. But only question raised is that the Labour Court cannot reassess the evidence of the domestic inquiry committee.

10. Charge was framed against the respondent No. 2 under section 17(3)(b)(g) of the Employment of Labour (Standing Orders) Act, 1965 where clause (b) provides the offence of threat and in connection with the employer's business or property. Allegation brought against the respondent that he uprooted the bamboo plant 10/12 in number from his own land, which is situated in the Tea Estate for which Chowkidar Ganga Ram Robi Das reported the same to the concerned authority and the concerned authority settled the matter. But subsequently, brother of the respondent No, 2 Rabindra Robi Das assaulted said Chowkidar Ganga Ram Robi Das on 19-6-2002, even no allegation leveled against the respondent No. 2 that he took part in the said offence which was committed by his brother but the inquiry officer without considering the said facts illegally brought charge and found him guilty of the charge leveled under section 17 of the Employment of Labour (Standing Orders) Act, 1965. Thus the Labour Court found that the offence which was brought against, the respondent

No. 2 was not proved. The Labour Court also considered section 18(6) of the Employment of Labour (Standing Orders) Act, 1965. In this context Mr MA Mannan has drawn our attention that the Labour Court cannot reassess the evidence of the domestic inquiry and, in support, he referred the case of Superintendent (now General Manager), James Finlay PLC vs Chairman, 2nd Labour Court reported in 57 DLR (AD) 196. Wherein their Lordships held that it is not the function of the Labour Court to make any reassessment of the evidence recorded by the Enquiry Committee. The fact that upon the assessment of the evidence a different finding could be arrived at is not a ground to hold that the enquiry was inappropriate or unfair.” Wherein their Lordships further held that “in the instant case, we do not find any such finding regarding the enquiry proceeding held by the domestic Tribunal or that the Authority has exceeded its jurisdiction/power given to it to make it invalid or without lawful authority or that the Authority having initial jurisdiction has acted or exceeded its jurisdiction by doing the act stepping out of its jurisdiction. He further referred the case of Mohd Abdun Noor vs Platinum Jute Mills Limited reported in Bangladesh Supreme Court Reports (1978) 467. Similar view has been taken by their Lordships but in the instant case we find that in the impugned judgment the Labour Court did not reassess the evidence of the domestic inquiry. The Labour Court only held that from the charge it is difficult to treat the alleged conduct of uprooting the root of bamboo plants 10/12 in number to be misconduct within the ambit of theft, fraud or dishonesty in connection with the employers’ business or property. Moreover, another charge for investigation of his brother to beat Gongaram by the 1st party is not moved and the admission of

committing assault by the younger brother of the 1st party upon Gongaram cannot be shifted to the shoulder of the 1st party to prove the charge of his riotous or disorderly behaviour.

11. Furthermore, the Labour Court found that from the evidence the previous service record of the 1st party who served for 15 years under the 2nd party was clean and satisfactory which under section 18(6) of the Act requires to be given due consideration while imposing punishment under the Employment of Labour (Standing Orders) Act was neglectfully ignored by the 2nd parties.

12. In this context, Mr Md Khurshid Alam Khan submits that High Court Division in the writ of certiorari only can interfere in the matter where subordinate tribunal acts without jurisdiction or in excess of jurisdiction or violation of principle of natural justice or refused to exercise jurisdiction vested in them where there is error apparent on the face of the record. In support, he referred the case of Ayesha Salahuddin vs Chairman, Second Labour Court reported in 32 DLR (AD) 68. In the instant case their Lordships observed that it was open to the Labour Tribunal to arrive at its own conclusion on the basis of evidence on record and a case made out to that effect.

13. On careful consideration of the instant case, it is our view that the case cited by Mr MA Mannan, the learned Advocate of the petitioner, is not similar in nature as in the instant case. In the instant case, we have already noticed that Labour Court did not reassess the evidence of the domestic inquiry, it only opined that the charge brought against the petitioner was not proved. The High Court Division cannot upset the said finding of the Labour Court in its extraordinary jurisdiction

HIGH COURT DIVISION

(Special Original Jurisdiction)
Writ Petition No. 4799 of 2005

Md Awlad Ali J
S.M. ABM Khairul Huq J
SM Hossain J

Arif Sultan (Md) Petitioner
vs
Chairman, Dhaka Electric Supply Authority and others Respondents

under Article 102 of the Constitution.

14. Considering the facts and circumstances of the case and the materials placed before us, we do not find any reason to interfere with the findings of the Labour Court.

In the result, the Rule is discharged however, without any order as to cost.

Ed.

Source : *The Dhaka Law Reports (January, 2009)*

Judgment

Syed Mahmud Hossain J : In this 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 the impugned departmental proceedings against the petitioner vide Ref. No. DESCO/ Proshasan/ 2005/1081 dated 23-3-2005 (Annexure-L) purportedly taken under DESCO Service Rules and the impugned Memo No. DESCO/ Admn/ 2005/2037 dated May 30, 2005 issued by respondent No. 3 terminating the service of the petitioner as Deputy Manager (previous

Designation Assistant Manager) under DESCO with effect from May 30, 2005 (Annexure-Q) should not be declared to have been made without lawful authority.

2. This Rule was initially heard by a Division Bench comprising Mr Justice ABM Khairul Huq and Mr Justice Syed Md Ziaul Karim. A preliminary question of law as to maintainability of the writ petition was raised before that Bench. In view of the conflicting decision given by other Benches, the above Bench referred the case to the Hon'ble Chief Justice for constitution of a larger Bench. The Hon'ble Chief Justice constituted this Full Bench in accordance with the provision of Rule 4 of Chapter 7 of the High Court Rules for final decision.

3. The questions formulated by the Court referring the case at the hearing of the Rule are :

১। তর্কিত আদেশ প্রদানকারী কর্তৃপক্ষ যদি শেয়ার দ্বারা সীমাবদ্ধ একটি সংবিধিবদ্ধ কোম্পানী হইয়া থাকে এবং উক্ত শেয়ার যদি সরকারের মালিকানাধীন থাকে তাহা হইলে উক্ত কোম্পানীটির lifting of the veil এর প্রয়োজন আছে কিনা।

২। উপরোক্ত কোম্পানী, যাহার সকল শেয়ার বা কোম্পানীকে নিয়ন্ত্রণ করিবার মত সকল শেয়ার যদি সরকারের মালিকানাধীন থাকে তবে উক্ত কোম্পানী 'স্থানীয় কর্তৃপক্ষ' এর সংজ্ঞার আওতায় আসে কিনা এবং

তৎপরিপ্রেক্ষিতে তর্কিত আদেশ প্রদানকারী প্রতিবাদী কোম্পানীর বিরুদ্ধে সংবিধানের আওতায় রীট মোকাদ্দমা রক্ষণীয় কিনা।

এমতাবস্থায়, উপরোক্ত প্রশ্নদ্বয় সমাধান করিবার লক্ষ্যে একটি বৃহত্তর বেঞ্চ গঠন করিবার জন্য মাননীয় প্রধান বিচারপতি মহোদয়কে বিনীতভাবে অনুরোধ করা হইল।

4. The facts leading to the issuance of the Rule, in brief, are:

The petitioner joined as Technical Service Officer in Dhaka Electric Supply Company Ltd. (in short DESCO) on 14-2-1999 pursuant to an appointment letter contained in memo dated 7-2-1999 (Annexure-A) for a period of one year. He served in that post till 6-8-2001. The petitioner was promoted to the rank of Assistant Manager (Commercial Operation) on 7-8-2001 (Annexure-A-I). His contract service was renewed with effect from 8-8-2002 for a further period of 3 years as evident in the memo dated 15-8-2002 (Annexure-A-2). Until September, 2002 he served in the said post of Assistant Manager (Commercial Operation). From October 2002 to December 2004, the petitioner served as System Assistant Manager (System Operation) in Mirpur and Uttara Sales and Distribution Division under respondent No. 3. The petitioner's post was re-designated as Deputy Manager as evident in the memo dated 1-1-2005 (Annexure-A-3) and he was posted in Uttara Sales and Distribution Division. He served there from 1-1-2005 until the order terminating his service was issued on 30-5-2005.

5. The respondents brought many allegations against the petitioner and the petitioner was charged to have committed various illegalities, irregularities at different times, such as using official pickup, preparing excess bills for the works of painting sub-station and boundary wall, taking bribes from the customers, violating official formalities, etc. On those allegations the respondents served show cause notices upon the

petitioners for taking legal action against him. The petitioner replied to the show cause notices and faced the proceeding on such allegations. Ultimately, the impugned memo dated 30-5-2005 was issued under the signature of respondent No. 3 terminating the service of the petitioner as the Deputy Manager of DESCO with effect from 30-5-2005. The petitioner made a representation on 5-6-2005 to respondent No.3 praying for his reinstatement but that was not considered.

6. Respondent No. 1 filed affidavit-in-opposition controverting all the material allegations made in the writ petition. The respondent has stated that the petitioner was involved in various illegal activities, such as defalcation of money in connection with KV Sub-station and its boundary wall, making excess bill, taking bribes, etc and he was asked to show cause as to why legal action should not be taken against him. His reply to the show cause was not satisfactory. The respondent further contended that the service of petitioner was terminated under clause 8.9 of the DESCO Service Rules and that no law was violated while passing the order terminating the service of the petitioner.

7. In the supplementary affidavit, the petitioner provided additional facts as to the history of generation of electricity and with documents showing control of the Government over DESCO.

8. The electricity supply industry in South Asia started with the commissioning of the first power station in 1890s. Although a number of small stations was constructed over the next twenty (20) years, these stations were isolated, catering to small distribution networks serving the major urban centres. The Indian Electricity Act, 1910, was enacted with a view to giving legal framework for the industry. In 1947, generating capacity



of electricity in the then East Bengal was 21 MW. Electricity was available in the districts and sub-divisional headquarters on a small scale. In 1959, an Ordinance was promulgated creating East Pakistan Water and Power Development Authority. The Ordinance essentially provided for the Government's takeover of all generation, transmission and distribution facilities from private sector and thereby creating a total monopoly of the Government. During 1960 to 1970, the generation capacity of electricity rose from 88 MW to 475 MW.

9. After independence of Bangladesh in 1972, an Ordinance was promulgated creating Bangladesh Power Development Board (BPDB) as the successor of EPWAPDA. During 1972 to 1995, BPDB increased the generating capacity in the country to 2818 MW. In 1982, the eastern and western halves of the country were electrically connected through commissioning of the double circuit 230 KV transmission line across the Jamuna River.

10. In 1977, an Ordinance was promulgated establishing the Rural Electrification Board (REB) as a semi-autonomous agency to intensify the pace of rural electrification. The REB constructed over 46000 Km of distribution lines and provided over 950,000 connections to consumers in the rural areas upto June 1995. In 1990, another Ordinance was promulgated and it was subsequently enacted as an Act transferring 132 KV, 33 KV transmission and distribution system in the greater Dhaka area including the Metropolitan City to the newly created Government agency called the Dhaka Electricity Supply Authority (DESA). This was done to lessen the burden on BPDB's management by relieving it of the burden of managing about 50% of the energy distribution in the entire country. Reportedly, DESA served about 506,000 consumers upto 1995.

11. Mr MK Rahman, learned Advocate for the petitioner, submits that the petition under Article 102 of the Constitution is maintainable because DESCO is a 100% Government-owned company and that the Chairman of DESA (a statutory authority) is the Chairman of the Board of Directors of the company having absolute control over management of the company.

In order to address the reference, the question of maintainability is to be decided first.

12. To begin with, let us see the different decisions of this Court on the question of maintainability of such writ petitions.

13. In the case of Conforce Limited vs Titas Gas Transmission and Distribution Ltd. 42 DLR 33 petitioner challenges the legality of the order of respondent No. 1, Titas Gas Transmission and Distribution Company Ltd, disconnecting gas line to the petitioner's gas field. The question of maintainability of the writ petition against the company arose. The High Court Division found that The Bangladesh Oil and Gas Corporation was a statutory public authority established under section 2(b) of the Bangladesh Petroleum Act, 1974 and, as such, it was a 'person' within the meaning of Article 102 and the company being a subsidiary of the parent corporation was attracted within the jurisdiction of Article 102 of the Constitution. Relying upon the definition of "Local Authority" as defined in the General Clauses Act, their Lordships found that The Bangladesh Oil and Gas Corporation was 'a local authority' and the company being a functionary under it, writ petition under Article 102 of the Constitution was maintainable against the company.

14. In the case of Zakir Hossain Munshi vs Bangladesh 2002 BLD 483 = 55 DLR 130, a subscriber of Grameen Phone impugned the imposition and realisation of

royalty and licence fees every year as unlawful and without jurisdiction under the writ jurisdiction of this Court. Their Lordships have held that in performing its function, Grameen Phone has acted in the affairs of the Government and, as such, 'Grameen Phone' is required to ensure accountability/ transparency and bona fide in performing such functions. The service agreement entered into by and between the Grameen Phone is not an ordinary trading agreement but a contract entered into in this regard for providing mobile telephone services of Grameen Phone as an agent and licensee of the Government. Therefore, any act of Grameen Phone in breach of contract or showing lack or want of transparency and bona fide on its part as complained of by the petitioner is accountable in writ jurisdiction.

15. It is important to note here that Grameen Phone has no relationship at all with the Government whatsoever except that it is a licensee of the Government.

16. In the case of Farzana Moazzem vs Securities and Exchange Commission (SEC) 54 DLR 66, their Lordships, in essence, held that Dhaka Stock Exchange (DSE) has been performing its duties in carrying out its objects and business as an instrumentality or a subordinate functionary of the SEC, a local authority. DSE is thus amenable to the jurisdiction of the High Court Division under Article 102 of the Constitution.

17. In an unreported decision in the case of Md Abdus Sabur vs Rural Electrification Board, the question arose whether an employee of Rural Power Company Limited could maintain a writ petition against his order of dismissal from service.

18. On the question of maintainability, the salient findings of the Court are: Rural Power Company Limited has been created by the direction of the Government under

the provision of statute, Rural Electrification Board Ordinance, 1977. The fund which the company has been using in furthering its object is public fund coming from public exchequer. Government is instrumental to Rural Power Company Limited in power sector and the company has public character and has been discharging public function. Although the company is a juridical person created under the Companies Act, but on the nature of its creation, we have no hesitation to hold that it is a subsidiary of the statutory body, Rural Electrification Board, and thereby its character and function which it carries out made it totally public in nature.

Their Lordships also relies upon the case of Conforce Limited vs Titas Gas and Distribution Company Limited, 42 DLR 33 and found that the writ petition was maintainable.

19. In the case of New Dacca Industries Lid vs Quamrul Huda 31 DLR(AD) 234, it is held that after nationalisation under President's Order No. 27 of 1972 of a private limited company incorporated under the Companies Act, the relationship between the company and the employee under it continues as before as that of a master and servant. It is further held that dismissal of an employee of the company after nationalisation does not entitle the employee to bring an action in civil Court or in the writ jurisdiction of the High Court Division.

20. In the case of Bangladesh Consumers Supplies Co Lid vs Registrar, Joint Stock Company, 46 DLR 552, it is held that while doing commercial business through a company, government does not function as a department or organ of the government in the administrative capacity. Such a company satisfies all the qualifications of a company within the meaning of the Companies Act and the



petition of its winding up is competent

21. In the context of the present case, it is necessary to understand what the terms instrumentality or agency mean before embarking upon the principal issue which arises for our consideration. Black's Law Dictionary (8th Edition) defines "instrumentality" to mean (1) A thing used to achieve an end or purpose. (2) A means or agency through which a function of another entity is accomplished, such as a branch of a governing body. "Agency" is defined as a fiduciary relationship created by express or implied contract or by law, in which one party (the agent) may act on behalf of another party (the principal) and bind that other party by words or actions.

22. Therefore, instrumentality and 'agency' are two terms which, to some extent, overlap in their meaning.

23 "Instrumentality" includes agency also but "agency" does not in its meaning.

24. It is also necessary to have an idea about what is meant by 'local authority' which is defined in section 3 (28) of the General Clauses Act, 1897 as follows:

"Local authority" shall mean and include a Paurashava, Zila Board, Union Panchayet, Board of Trustees of a port or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund or any corporation or other body or authority constituted or established by Government under any law.

Article 152(2) of the Constitution provides as under:

"The General Clauses Act, 1897, shall apply in relation to

(a) this Constitution as it applies in relation to an Act of Parliament;

(b)

25. Mr Mahmudul Islam submits that the question raised in the reference has been authoritatively decided by the Appellate Division in MH Chowdhury vs General Manager, Titas Gas Transmission and Distribution Co Ltd. reported in 1981 BLD (AD) 61. This decision covered two writ petitions. In one, Titas Gas Transmission and Distribution Company (Titas Gas) was involved and in the other Eastern Refinery Limited was involved.

The Appellate Division held that if a company lost its corporate character then the law of master and servant would not apply and the writ petition would be maintainable but where the company retained its corporate character, the writ jurisdiction would not be available against it.

26. Titas Gas was incorporated under the Companies Act, 1913 in 1964 and all its shares held by EPIDC were transferred to the President of Pakistan which vested in the Government of Bangladesh under President's Order 16 of 1972 and the enterprise was placed under Bangladesh Mineral Oil and Gas Corporation (Petro Bangla) under the provisions of President's Order 27 of 1972. Taking into consideration the development of the relevant laws and functioning of Titas Gas, the Appellate Division held

"If in spite of a company or a enterprise being a public enterprise or a nationalised enterprise it is allowed by the Corporation to manage its affairs according to the rules of its Constitution, that is, its Memorandum of Association and Articles of Association or agreement or deed under which it was originally created, it may be said that such company or enterprise has maintained its corporate character. If this is not so and its functioning is seen to be controlled by the Corporation, whatever independent entity it might have before its becoming a nationalised enterprise or company is submerged into that of the



Corporation.

Tracing its history from the creation up to its placement under the corporation and its Constitution and functioning both of which are entirely controlled by the Corporation, there is little doubt as to its real character. Since Titas Gas Transmission and Distribution Co. Ltd, can no longer claim to have retained an autonomous character, the appellant, though serving in the enterprise can legitimately claim to be in the service of the Corporation. This conclusion gets support from the order dated April 5, 1974 of the Corporation placing the services of all officers of various enterprises of the scale of Taka 600 and above, under the administrative control of the Corporation. Consequently, the law of Master and Servant will not apply to him. Being in the service of the Corporation he can invoke the jurisdiction of the High Court Division under Article 102 of the Constitution in appropriate case.” (emphasis supplied)

27. Then taking up the case of Eastern, Refinery Ltd. the Appellate Division considering the submissions made by the learned Counsel of Eastern Refinery Ltd held-

“The learned Counsel for the respondent company also submitted the Annual Report of the company for the year ended June, 1978 for our examination. From this he wanted to show that the affairs of the company are run and managed like any other company incorporated under the Companies Act by its own Board of Directors constituted in the manner laid down in Article 5, as quoted above, and whatever control the Corporation had over the company’s affairs are exercised only through its nominees on the Board of Directors. The Corporation may own the majority of shares in the company, this did not mean that the minority, shareholder holding 30% of the shares of the company had no voice at all

in the running and management of the company. Nor is it the case that the company has lost its independent character as it is evident from the fact that the company appointed its own auditors and such report was placed before the Board of Directors and it declared dividend at the rate of 10% on the paid up capital which is not the position in the other case, Titas Gas Transmission and Distribution Co Ltd.

In view of the submissions as above, which though challenged, but remaining irrefutable, it would be difficult to hold that the company lost its identity as a corporate legal entity. It is true that with the nationalisation of the company and its placement under the Corporation, doubts may arise as to the autonomous and corporate character of the Company concerned, but in order to determine whether such character has been totally destroyed by or under the provisions of President’s Order No. 27 of 1972., the provisions of the Memorandum and Articles of Association and the actual working of each such company have to be examined. There cannot be any hard and fast rule in determining the status and character of a nationalised company or enterprise, which has been placed under one of the corporations created under Article 10 of President’s Order 27 of 1972 except to judge the statutory provision vis-a-vis the Memorandum and Articles of Association of the company and its working”.

(emphasis supplied)

28. From the above case cited by Mr Mahmudul Islam, it appears, if a company is allowed by the corporation to manage its affairs according to the rules of its constitution, that is, its Memorandum of Association and Articles of Association or agreement or deed under which it was originally created, it may be said that such



company has maintained its corporate character. But if the company is controlled by the corporation, the company is submerged into the corporation. Moreover, after thorough consideration, the Appellate Division finds that as Titas Gas Transmission and Distribution Company Limited can no longer claim to have retained an autonomous character, the appellant though serving in the enterprise can legitimately claim to be in the service of the corporation.

29. On the other hand, the Appellate Division, on detailed consideration, finds that the Eastern Refinery Limited retained its corporate character notwithstanding its nationalisation. The Appellate Division also finds that the appellant continued to be an employee of the company and that the conditions of his service are governed by the letter of his appointment and, as such, his petition under Article 102 of the Constitution is not maintainable.

30. Mr Mahmudul Islam concludes his submission, saying that lifting of veil of incorporation is necessary to ascertain whether DESCO assumes its corporate character or not. He, however, submits that the petitioner has not provided all necessary documents for determining the true character of DESCO.

31. But in the course of the argument, Mr Khalilur Rahman, learned Advocate for the petitioner, was provided with all necessary particulars and documents for such determination.

32. Mr Rafiqul Haq also relies upon the case of MH Chowdhury vs General Manager, Titas Gas Transmission and Distribution Co Ltd 1981 BLD (AD) 61. He submits that after offloading of some of the shares DESCO cannot be termed as an instrumentality or agency of the Government or a local authority. He also produced a newspaper showing the shares of DESCO were being traded at Dhaka

Stock Exchange. The learned Advocate, however, did not address the question of what would be character of the company if it was entirely controlled by the Government and not by its Board of Directors according to its Memorandum and Articles of Association.

33. Dr Kamal Hossain made two conflicting lines of argument. First of all, he submits that if any of the fundamental rights guaranteed by Chapter III of the Constitution is violated, an aggrieved party may file a writ petition even against a private individual. He refers to sub-article (i) of Article 102 in particular the words “against any person or authority including any person performing any function in connection with the affairs of the Republic or a local authority”. According to him, “any person” includes even a private individual. He also refers to a few instances in which writ petitions in the form of habeas corpus were filed by the wife against her husband for illegally confining/ detaining her minor children.

34. While defining, the use of “including” occurring in sub-article (i) of Article 102 before the word “person” suggests what follows is not exhaustive. The definition is expansive of the meaning of the term defined. Nevertheless, the expanding dimension of the word “person” through judicial wisdom ought to be accompanied by wise limitations else the expression may go much beyond what even the framers of Article 102 may have thought of.

35. He also submits that if the functions of the company are of public importance and closely related to governmental functions, then writ petition is maintainable against such a company.

36. This submission may be accepted to a certain extent but cannot be the guiding principle in all circumstances. Now-a-days, public limited companies not

created by the Government are also performing the above functions. His another line of argument is that the employees of 'DESCO' are controlled by Government officials who do not have the option to avail of the extraordinary jurisdiction of this Court under Article 102 of the Constitution in view of Article 117 of the Constitution. Therefore, the employees of DESCO should not be allowed to avail of the writ jurisdiction of this Court. We shall address this point in the later portion of the judgment.

37. Mr Fida M Kamal, learned Attorney-General, submits that governmental functions include security, law and order and defending the country. According to him, the other functions cannot be termed as Governmental functions. It is very difficult to concur with the submission because governmental functions cannot be restricted to such a narrow compass. In a welfare state, the Government provides the basic necessities of the citizens. In the modern society electricity is one of the basic necessities. But it is true that mere performance of governmental functions by an organisation will not automatically convert an organisation into a instrumentality or 'agency' of the Government or a local authority.

38. He then submits that shareholding of a company may be offloaded at any time and that holding of the shares of the company by the Government will not change its corporate character at all.

39. In the present case, some of the shares have already been offloaded and those shares are being traded in Dhaka Stock Exchange. Mere holding or offloading of share is of no avail if it is found that the control of the Government over the company is pervasive and that Government is pulling strings from behind the veil.

40. He lastly submits that Government forms companies incorporated under the

Companies Act to employ the most skilled manpower and that if the company is not allowed to hire and fire its employees the very purpose of creation of such a company will be frustrated.

41. In this age of survival of the fittest, the company must have the option to fire its employees in order to hire the most skilled ones. With the advent of the welfare state, it began to be increasingly felt that the framework of civil service was not sufficient to handle the new tasks which are often of specialised and highly technical character. The inadequacy of the civil service to deal with these new problems came to be realised and it became necessary to form companies incorporated under the Companies Act by the Government. But it is important to note that the company must be allowed to determine its own fate according to its Memorandum and Articles of Associations after its incorporation and that so long that is not allowed the company is deemed to be an instrumentality or agency of the government or local authority. The interest of the Government will be taken care of by its nominated directors and not by the Government itself.

42. Mr Ajmalul Hossain, QC submits that Article 102 of the Constitution can, indeed, be invoked in certain factual circumstances to interfere with decisions taken within this type of company. In elaborating his submission, he submits that the factual circumstances in which the High Court Division would be able to interfere is where it is proved that the control of the Government is such that there is no difference between one of its departments and the undertaking concerned. He then submits that if the facts show that the company operates independently of the Government, there should be no interference.

43. The above submissions stand the test of logic and in consonance with the

46. It is important to note that Article 145 of our Constitution is similar to Article 299 of the Indian Constitution. In the case of *Bhikraj vs Union of India*, AIR 1962 (SC) 113, it is held that Article 299 has been enacted so that the State should not be saddled with liability for unauthorised contracts and, with that object, it has been provided that the contracts must show on their face that they were made on behalf of the State, that is, the Head of the State, and executed on his behalf and in the manner prescribed by the person authorised.

47. In the case of *Pradeep Kumar Biswas vs Indian Institute of Chemical Biology*, (2002) 5 Supreme Court Cases III, their Lordships noticed the judgment of *Ramana Dayaram Shelly vs International Airport Authority of India*, (1979) 3 SCC 489 in which six conditions were mentioned for describing a corporation (here the corporation was incorporated under the Companies Act and not created by an Act) as an instrumentality or agency of the Government as under:

1. One thing is clear that if the entire share capital of the corporation is held by Government, it would go a long way towards indicating that the corporation is an instrumentality or agency of Government.
2. Where the financial assistance of the State is so much as to meet almost entire expenditure corporation, it would afford some indication of the corporation being impregnated with governmental character.
3. It may also be a relevant factor whether the corporation enjoys monopoly status which is State-conferred or State/ protected.
4. Existence of deep and pervasive State control may afford an indication that the corporation is a State agency or

instrumentality.

5. If the functions of the corporation are of public importance and closely related to governmental functions, it would be a relevant factor in classifying the corporation as an instrumentality or agency of Government.
6. Specifically, if a department of Government is transferred to a corporation, it would be a strong factor supportive of this inference of the corporation being an instrumentality or agency of Government.

48. In the above case, it is held that company legislation in India permits tearing of the corporate veil in certain cases and looks behind the real legal personality. In short, the materials available must justify holding of the entity wearing a mask or veil worn only legally and outwardly which on piercing fails to obliterate the true character of the State in disguise. Then it is an instrumentality or agency of the State.

49. In the case of *Sam Prakash Rekhi vs Union of India* and another, AIR 1981 SC 212 it is held that a corporation may be created in one of two ways. It may be either established by statute or incorporated under a law such as the Companies Act, 1956 or the Societies Registration Act, 1860.

50. The preponderant considerations for pronouncing an entity as State agency or instrumentality are (i) financial

resources of the State being the chief funding source (ii) functional character being governmental in essence, (iii) plenary control residing in Government, (iv) prior history of the same activity having been carried on by Government and made over to the new body and (v) some element of authority or command.

51. In the case of *Central Inland Water*

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51. In the case of *Central Inland Water*

Transport Corporation Ltd vs Brojo Nath AIR 1986 SC 1571, it is held that the Memorandum of Association and Articles of Association clearly show that not only is the corporation a Government company of which all the shares are owned by the Central Government and two State Governments but is a Government company which is under the complete control and management of the Central Government. It is nothing but the Government operating behind the corporate veil, carrying out a governmental activity and governmental functions of vital public importance. There can thus be no doubt that the corporation is “the State” within the meaning of Article 12 of the Constitution.

52. In the case of Chairman, Prathama Bank vs Vijoy Kumar Goel and another, AIR 1989 SC 1977, it is held that the rule making power dealt with in section 29 of the Regional Rural Bank Act, 1976 is vested in the central Government and the power of the Central Government to give direction to Rural Bank in regard to matters of policy is mentioned in section 24 of the Act. The provisions of the Act thus do not leave any room for doubt that the Regional Banks are under deep and pervasive control of the Central Government and have been established as its instrumentality and, are, therefore ‘State’ within Article 12 of the Constitution. The relief of reinstatement can, therefore, be granted to an employee of the Regional Rural Bank.

53. In (2002) 5 SCC 111, their Lordships summed up the principles enunciated in Ajoy Hasia vs Khaled Mujib Sehravardy (1981) SCC 722 as under:

“Dealing at length with the corporate contrivance, the Court summed up its conclusion saying that if a corporation is found to be a mere agency or surrogate of Government, 3 tests being satisfied viz. (i)

in fact, owned by the Government (ii) in truth, control by the Government, and (iii) in effect, an incarnation of the Government, then the Court would hold the corporation to be Government, and therefore, subject to constitutional limitations including for enforcement of fundamental rights.”

54. From the discussion made before, it has become clear that lifting of veil of incorporation of a company is necessary for determination of facts necessary to conclude whether or not a company incorporated is an instrumentality or agency of the Government or a public authority. The fact-finding exercise must start from before the company has been incorporated. At the pre-incorporation stage, one has to look for the true rationale in setting up the company.

55. The objectives of creation of DESCO at the pre-incorporation stage: Creation of Dhaka Electric Supply Company (DESCO) is the part of the reform initiated by the Government. Because of paucity of financial resources of the Government, there is an urgent need to induct private sector participation in the power sector. Thus, participation will not be forthcoming unless the financial inflows to the sector enables the sector to earn positive return. Since cash inflows to the sector come from the distribution agencies, there is an urgent need to improve their efficiencies, if private sector investments are to be attracted in any part of the power system. The Dhaka area is the largest single distribution territory consuming about 50% of the total electricity sold in Bangladesh. DESA, which is the distribution agency for the Dhaka area, has a poor performance record with respect to system losses and accounts receivables. The current organisational arrangements including management structure, employees compensation, delegation of authority, conduct discipline

and appeal rules and promotion policies are based on civil service rules and arrangements which are not well suited to the functioning of a commercially-oriented sector, such as the power sector. It is, therefore, necessary to create a new organisation with its own rules and regulations more suited to the new business environment being created in power sector.

56. Therefore, it appears that all the pre-incorporation stage, the rationale in setting up the company is to make it independent of the Government and to let it be run as proper business. The above objectives cannot be fulfilled so long a company is functionally and administratively dominated by, or under the control of, the Government. But when the control is merely regulatory whether under a statute or otherwise, it would not serve to make a company an instrumentality or agency of the Government or a local authority.

57. Let us see how far the Government controls the company. In this connection, it is pertinent to have glimpse over Annexure-S, the letter dated 14-11-2000 addressed to the Chairman, DESA and DESCO.

বিদ্যুৎ বিভাগ
বিদ্যুৎ খনিজ ও জ্বালানী মন্ত্রণালয়
বাংলাদেশ সচিবালয়, ঢাকা
গণপ্রজাতন্ত্রী বাংলাদেশ সরকার।
নং-বিজাখস/বিঃউঃ-১/ ডেস্কো/ বিবিধ-১/৯৯/১০৬৩
তারিখ : ১৪-১১-২০০০ইং

বিষয় : ঢাকা বিদ্যুৎ বিতরণ কর্তৃপক্ষ এর আওতায় পাবলিক লিঃ কোম্পানী হিসাবে গঠিত ঢাকা ইলেকট্রিক সাপাই কোম্পানী লিঃ (ডেসকো) এর কর্মকান্ড সুষ্ঠুভাবে পরিচালনা প্রসঙ্গে।

উপরোক্ত বিষয়ে নির্দেশক্রমে জানানো যাচ্ছে যে, ডেসকো সংশ্লিষ্ট কাগজপত্র পর্যালোচনায় নিম্নবর্ণিত বিষয় সমূহ প্রতীয়মান হচ্ছে :

(ক) সরকারী স্বার্থ সংরক্ষণের সুবিধার্থে ডেসার চেয়ারম্যান হিসাবে দায়িত্ব দেয়া হলেও এবং সরকারের প্রতিনিধি হিসেবে ডেসকোর বোর্ড সভার পূর্বেই বিভিন্ন গুরুত্বপূর্ণ মন্ত্রণালয়ের আনুষ্ঠানিক পরামর্শ গ্রহণ এবং সে অনুযায়ী কোম্পানীর বোর্ডে উপস্থাপনের পরিষ্কার নির্দেশনা থাকলেও বিষয়টি পালিত হচ্ছে না।

(খ) বিগত ২৩-১-২০০০ইং তারিখে ডেসকোর ব্যবস্থাপনা পরিচালক (অর্থ) এবং পরিচালক (কারিগরী) কে চাকুরী হতে অপসারণ করা হয়। কিন্তু অপসারণের পূর্বে এমনকি পরে কোম্পানীর চেয়ারম্যান বিষয়টির উপর এ বিভাগের পরামর্শ গ্রহণ অথবা অবহিত করেছেন মর্মে দৃশ্যমান হয় না।

(গ) ডেসকোর কোন বিষয়ে চিঠিপত্র দিয়েও উত্তর পাওয়া যায় না। উদাহরণ স্বরূপ উল্লেখ করা যেতে পারে যে, ডেসকোর পরিচালক (অর্থ) কে অপসারণের বিষয়ে অফিস প্রতিবেদন চাওয়া হলে ডেসাকে তাগিদ দিয়েও কোন প্রতিবেদন পাওয়া যায়নি।

(ঘ) ১৯৯৪ সালের কোম্পানী আইনের তফসীল ১ এর ৫৪ ধারা অনুযায়ী একই ব্যক্তি একই সঙ্গে কোন কোম্পানীর চেয়ারম্যান বা ব্যবস্থাপনা পরিচালকের দায়িত্ব পালন করতে পারে না। এক্ষেত্রে কোম্পানী আইনের বিধি লংঘিত হয়েছে।

(ঙ) ডেসকোর সংশ্লিষ্ট কর্মকর্তাদের দীর্ঘদিন অতিরিক্ত দায়িত্ব অর্পণ করায় ডেসকোর কার্যক্রমে বিঘ্ন সৃষ্টি হয়।

(চ) সম্প্রতি ১৭-৮-২০০০ইং তারিখে ডেসকোর পরিচালক (অর্থ) এবং পরিচালক (কারিগরী) পদে কর্মকর্তা নিয়োগ করা

হয়েছে। কিন্তু এ বিষয়ে মন্ত্রণালয়ের সংগে পরামর্শ করা হয়নি বা মন্ত্রণালয়কে অবহিত করা হয়নি।

বর্ণিত অবস্থায় উপরোক্ত বিষয় সমূহের উপর মতামতসহ প্রতিবেদন প্রদানের জন্য অনুরোধ করা যাচ্ছে।

58. The above Annexure reveals that Government has been dictating the company in each and every affair of the company.

59. A letter under the memo dated 20-5-2001 (Annexure-T) reveals that the



Ministry of Power, Energy and Mineral Resources continued with the control over the affairs of the company. By that letter, the Managing Director and the Regional Managing Director of the company were directed to call for an extraordinary general meeting of the company for the purpose of amendment of Articles of Association.

60. By the proposed amendment contained in Annexure-T the Government has been trying to incorporate an Article providing that the director shall be nominee of the Government and that any director may be removed from the office of the company in the general meeting at the option of the Government.

61. Annexure-'U' to the supplementary affidavit transpires that in the 10th Annual General Meeting of DESCO to be held on 12-2-2007 in the agenda under the caption "Special Business" a resolution as "Special Resolution" was included at the instance of the Power Division, Ministry of Power, Energy and Mineral Resources for deleting Article 73 to be replaced by a new one.

Annexure-4 runs as under :

"Notice is hereby given that the 10th Annual General Meeting of Dhaka Electric Supply Company Lid (DESCO) will be held on Monday, the 12th February, 2007 at 11-00 AM at Bashundhara Residential Area, Baridhara, Dhaka to transact the following business :

Agenda

Ordinary Business:

Special Business:

To consider and pass the following resolution as 'Special Resolution' with a view to reconstituting the Board of Directors of DESCO in accordance with the directive of Power Division, Ministry of Power, Energy and Mineral Resources. (emphasis supplied).

RESOLVED that article 73 of the Articles of Association of the company be deleted and the following be substituted in its place:

Until otherwise determined by the company in General Meeting the number of directors shall be 9 (nine) of which 2 (two) from the Power Division, Ministry of Power, Energy & Mineral Resources (MPEMR) represented by Secretary and the Joint Secretary (Admin): 1(one) from Dhaka Electric Supply Authority represented by the Chairman DESA: 1(one) from Institute of Engineers of Bangladesh represented by the Vice President (Admin & Finance): 1 (one) from Federation of Bangladesh Chambers of Commerce & Industry (FBCCI) represented by a Director, Director (Technical) and Director (Finance).

62. Therefore, it appears the control of the concerned Ministry over DESCO is absolute.

63. The Managing Director of the company vide memo No. ডেসকো/এমডি/২০০৭/১৩৫ তারিখ জানুয়ারী ২০০৫ Bs (Annexure-V) addressed to the Secretary, Power Division, Ministry of Power and Energy and Mineral Resources informed about conclusion report of Greater Dhaka Power Distribution Project, phase-iv (DESCO component).

64. The Managing Director of the company, vide memo No. ডেসকো/এমডি/০১/২০০৭ /৪৬১৬ dated 7-8-2007 (Annexure-V(l) addressed to the Private Secretary, Energy Adviser, Power Division, Ministry of Power, Energy and Mineral Resources informed about the details of electricity disconnection and collection of arrear bills.

65. The above facts go to show that the Managing Director of the company is responsible to the Ministry and not the Board of Directors of the company.

66. In the light of the discussion made

before, we can conclude that the following conditions will determine whether company is an 'instrumentality' or 'agency' of the Government or a 'local authority':

(1) If the entire share capital of the company is held by the Government, it will go a long way towards indicating that the company is an instrumentality or agency of the Government.

(2) Existence of deep and extensive control of the Government.

(3) The true rationale in setting up the company.

(4) The company is fully dependent on the financial assistance of the Government.

(5) The company is not run by its Memorandum of Association and Articles of Association.

67. The conclusion is reached when the cumulative effect of all the relevant facts above set out is assessed and once the company is found to be an instrument or agency of the Government, the further conclusion emerges that the company is subject to the same constitutional limitation as the Government.

68. Before issuance of the Rule Nisi the entire share capital of DESCO was held by the Government and it was fully dependent on the Government for its finance. After offloading some of its shares DESCO has started generating its own finance. Still the Government has deep and

pervasive control over DESCO and as a result the objectives for which it was created could not be achieved. Therefore, DESCO is an instrumentality or agency of the Government or, in other words, DESCO and the Government are treated as one and the same notwithstanding the facts that some of its shares have already been offloaded. As a result the instant writ petition on the date of its filing was maintainable.

69. Let us see how far order of termination of the petitioner from service is justified.

70. The petitioner joined as Technical Service Officer in DESCO on February 14, 1999. His appointment was made on contract basis for one year. In the letter of appointment it was stipulated that the contract might be extended for a further period and that the contract might be terminated by giving notice of two months from either side or two months salary in lieu of notice. Pursuant to his application dated 6-3-2006 for the position of Assistant Manager (Commercial Operation) and subsequent interviews the petitioner was appointed to that post on 7-8-2001 on contract basis for a period of 1 year as evident in Annexure-A (1). By an office order dated 15-8-2002 the contract service of the petitioner as Assistant Manager (Commercial Operation) DESCO was renewed for a further period of 3 (three) years with effect from 8-8-2002 as evident in Annexure-A (2). The post of the petitioner was re-designated as Deputy Manager on 1-1-2002 as evident in Annexure-A (3). The petitioner's contract service was supposed to expire on 7-8-2005. The service of the petitioner was, however, terminated on

30-5-2005 as evident in impugned Annexure-Q.

71. Rule 4.2 of DESCO's Service Rules provides that all contractual posts of officers and other employees shall be created by the company with approval of its Board of Directors while temporary posts will be sanctioned by the Managing Director of the company.

72. Rule 4.3.1 provides that a permanent employee is an employee who has been engaged on contract basis.

73. Rule 8.9. of the Rules provides that termination is used when removal of an employee by other means is not

appropriate. It is permanent separation from employment rather than a temporary lay-off or retrenchment with re-employment rights.

74. Rule 8.9.2 of the Rules provides that the reason for termination must not be given in any termination letter.

75. It appears that the service of the petitioner was terminated on 30-5-2005, that is, during the subsistence of the contract. The petitioner obtained this Rule Nisi on 11-7-2005. The petitioner's contract service came to an end on 7-8-2005. The petitioner being in contract service, his cause of action no longer subsists after expiry of his contract service on 7-8-2005. Since the petitioner was appointed on contractual basis, he could not ask for renewal of contract after its expiry on 7-8-2005. Moreover, DESCO's Service Rules provides for termination from service and termination simpliciter being without any stigma, the petitioner cannot have any relief against such order.

76. Mr AJ Mohammad Ali, learned Advocate appearing on behalf of the respondent No. 1, submits that the reference is not in form as it is not in conformity with Chapter VII of the High Court Rules.

77. While recommending the reference to the Hon'ble Chief Justice, their Lordships observed that in view of the conflicting decisions of the High Court Division on the question of maintainability of the present writ petition, a larger Bench should be constituted to resolve the dispute. Their Lordships also observed that similar disputes were likely to crop up in respect of other Public Limited Companies established by the Government.

78. Rule 1 of Chapter VII of the High Court Rules provides that whenever a Division Court differs from another

Division Court upon a point of law or usage having the force of law, the case shall be referred for decision by a Full Bench.

79. In this connection, reliance may be placed on the case of Pubali Bank vs Chairman, First Labour Court, Dhaka, 1992 BLD (AD) 72 = 44 DLR (AD) 40 in which it is held:

“As the law declared by the High Court Division is binding on all Courts subordinate to it, the High Court Division is to avoid making conflicting decision on a substantial question of law so that subordinate Courts may not suffer from uncertainty or lack of guidance. If a Single Bench or a Division Bench intends to differ from another Single Bench then the matter should be referred to the Chief Justice for constituting an appropriate Bench for resolving the dispute.”

80. Therefore, it cannot be said that the reference is not in form. As a result, the submission of Mr AJ Mohammad Ali is misconceived and does not stand the test of logic.

81. In the light of the discussions made before, the answers to the two questions of the reference are:

(1) Yes, the veil of incorporation must be lifted to determine the true factual position between the Government and the company.

(2) Resolution of the second question requires determination of fact with reference to a particular company. In the context of the present case, DESCO is an instrumentality or agency of the Government, that is, DESCO and the Government are treated as the one and the same. Therefore, the present writ petition is maintainable.

HIGH COURT DIVISION

The learned Judge found that the (Civil Revisional Jurisdiction) not call for Civil Revision because the contract service of the petitioner came to an end on 7-8-2005. Sakma Masud Chowdhury. Accordingly, the Rule is discharged without any order as to costs.

Chairman, Bangladesh Water Development Board vs Md. Abdur Rahman. Before parting with the record, we would like to record our note of appreciation for the learned amici curiae who spent their invaluable time making learned arguments before this Court.

Ed.

(Concluded)

Source : *The Dhaka Law Reports (July, 2008)*

Judgment

This Rule was issued calling upon the opposite party No. 1 to show cause as to why the impugned judgment and decree dated 19-8-2001 passed by the Subordinate Judge, Second Court, Kurigram in Other Appeal No. 2 of 2001 affirming the judgment and decree dated 26-9-2000 passed by the Assistant Judge, Sadar, Kurigram in Other Suit No. 35 of 1999 should not be set aside and, or, such other or further order or orders pass as to this Court may seem fit and proper.

2. Opposite Party No. 1 as plaintiff filed Other Suit No. 35 of 1999 in the Court of Assistant Judge, Sadar, Kurigram impleading the petitioner Nos. 1-4 as defendant Nos. 1-4 and prayed for a decree for declaration that he is entitled to get gratuity, pension and other service benefit as a regular Government employee.

3. The case of the plaintiff is that he joined the then West Pakistan Water and Power Development Board on 15-12-1961

as Regulator Khalashi and on attaining the age of 57 years on 5-1-1996 he retired from service and defendant No. 4 issued a letter for treating him as an irregular employee on retirement and the plaintiff has enjoyed all the service benefits as permanent employee while he was in service and it was the duty of defendant No. 1 to make the plaintiff a permanent employee but due to the issuance of a letter dated 5-12-1995 by the defendant No. 4 for treating the plaintiff as a temporary employee, the plaintiff suffered serious loss against which he preferred appeal before the concerned authority to which no reply was given and thereafter the plaintiff served two reminders and since the name of Water Development Board was not included in the schedule of Administrative Tribunal, the plaintiff had to institute the present suit for simple declaration.

4. Defendant Nos. 1-4 contested the suit by filing joint written statement denying the case of the plaintiff and according to them the suit is not maintainable in its present form and barred by the principle of estoppel, waiver and acquiescence and that Water Development Board is a semi- Government Autonomous Body and the post of the plaintiff is an irregular temporary post.

5. The trial Court decreed the suit.

6. Being aggrieved thereby, the defendants preferred appeal before the District Judge, Kurigram, which was transferred to the Court of the Subordinate Judge, Second Court, Kurigram which dismissed the appeal and affirmed the judgment and decree passed by the trial Court.

7. Being aggrieved thereby, the defendants as petitioners filed an

application under section 115(1) of the Code of Civil Procedure before this Court and obtained the present Rule.

8. Mr Mir Md Joynal Abedin, the learned Advocate for the petitioners, submits that the Courts below have committed error of law resulting in an error in the decision occasioning failure of justice and erroneously decreed the suit. He next submits that the Courts below wrongly treated the plaintiff as a regular Government employee and accordingly, decreed the suit without considering the Bangladesh Water Development Board is an autonomous semi-Government Organisation and its employees are not Government employees. He also submits that the plaintiff is a casual employee and got temporary appointment to the post of regulator Khalashi, a labour, under the defendants and his grievance can only be adjudicated by the competent Labour Court and not by a Civil Court and, as such, the suit is liable to be dismissed. He next submits that the plaintiff filed a suit for simple declaration and did not pray for any consequential relief and thus the decree which has been passed by the Courts below is not an executable one. The learned Advocate referred an unreported decision, as passed in a Writ Petition and submits that a worker who has been retired would seek redress under the provisions of Payment of Wages Act for realisation of his benefits consequent upon retirement. He submits that if a remedy has been provided under any other law, it created an implied bar to a proceeding under the Code of Civil Procedure, before the Civil Court. In support to his contention, the learned Advocate has referred a decision as reported in 30 DLR 219. Lastly, the learned Advocate submits that the suit filed by the plaintiff was not maintainable as the plaintiff was a worker

and had remedy before the Labour Court and the suit is hit by section 42 of the Specific Relief Act in the absence of any prayer for consequential relief. In support of his contention the learned Advocate has referred a decision as reported in 40 DLR (AD) 45.

9. Mr Md Khalilur Rahman, the learned Advocate for the opposite party, files a counter-affidavit and submits that the plaintiff has succeeded to prove his case before the Courts below and considering the facts, circumstance and evidence on record, the trial Court decreed the suit and the lower appellate Court affirmed the judgment passed by the trial Court on the basis of materials on record and there being no error in the decision and more so, no failure of justice being occasioned to the defendant-petitioners, the Rule is liable to be discharged.

He submits that though defendants submitted written statement before the said Court, they did not adduce any witness in support to their written statement for which it can be said that the suit was not contested by the defendants before the Courts below. He points out that in the written statement the defendants did not challenge the claim of the plaintiff that he is a regular employee and the defendants also did not challenge the authority of the Court holding the trial and that the Labour Court only has exclusive jurisdiction to try the grievances of the plaintiff. The learned Advocate referred Exhibit 4 and submits that the plaintiff as Regulator Khalashi joined service on 15-12-1961 and thereafter his service book was opened by the authority as an employee and his pay was fixed as per national pay scale introduced by the Government and he got increment and time-scale from time to time. He also submits that another Regulator Khalashi

Md Abdus Sattar by the order dated 23-10-2001 was considered as a regular employee and was given his gratuity benefits. The learned Advocate submits that the defendant being a statutory Corporation, there is no reason to believe that such Corporation will not implement the decision of the Courts. In support of his contention the learned Advocate has referred a decision as reported in 50 DLR 411. He also submits that suit for negative declaration, under section 42 of the Specific Relief Act, is maintainable. In support of his contention, the learned Advocate has referred decisions as reported in 40 DLR 226, 37 DLR 49 and 42 DLR 211. He also submits that exclusion of jurisdiction of a Civil Court should not be readily inferred and the Court shall retain its jurisdiction unless the order passed is without jurisdiction or malafide or not in accordance with law.

10. In support of his contention, the learned Advocate has referred decisions as reported in 43 DLR 407 and 45 DLR 727. He points out that the concurrent findings of the Courts below based on materials on record may not be interfered in the absence of error of law or procedure affecting the merit of the case. In support to his contention the learned Advocate has referred the decisions as reported in 11 MLR 99, 12 MLR (AD) 207.

11. I have heard the learned Advocates appearing on behalf of the petitioners and the opposite party and perused the revisional application and the counter-affidavit along with other materials on record. It appears that the plaintiff, who is the present opposite party No. 1 filed Other Suit No. 35 of 1999 against the present petitioners for a declaration that he is entitled to get gratuity, pension and other service benefits being a regular Government employee. The present

petitioners as defendants Nos. 1-4 filed written statement but did not adduce any evidence, either oral or documentary, before the Courts below. It appears from Exhibit 4, service book opened by the authority, that the plaintiff opposite party No. 1 is an employee and his pay was fixed and he was given increment and time-scale from time to time. Attention of this Court was drawn to the fact that another Regulator Khalashi Md Abdus Sattar, like the present petitioner, after his retirement, was given gratuity and allowances as a regular employee and the present opposite party, even after having judgments in his favour by the Courts below, was not given the gratuity and allowances.

12. It is a settled principle that exclusion of jurisdiction of a Civil Court should not be readily inferred. It is also well settled that even if jurisdiction is so excluded, the Civil Courts have jurisdiction to examine cases whether the provisions of any Act have not been complied with when there is allegation of violation of the rules or procedures, malafide and arbitrariness. Civil Court under section 9 of the Code of Civil Procedure is competent to entertain a suit and can well investigate the propriety of the order or action complained of as in the present case. Civil Courts always can assume jurisdiction to consider the malafide action of the authority even if there is ouster section or clause of any law made for special purpose. Merely because negative declaration has been sought that can be no ground to hold that the suit does not come within the ambit of section 42 of the Specific Relief Act.

13. It appears that in the written statement no claim was made to the effect that the plaintiff is not an employee and the plaintiff's case should be dismissed being hit by the proviso of section 42 of the

Specific Relief Act and the defendant cannot now on revision be allowed to make out a new case, which he did not make in his written statement. The ground of maintainability needs to be agitated at the earliest possible opportunity, which cannot be done in a belated revisional state, as in the present case. It appears that the facts whether the suit is hit by section 42 of the Specific Relief Act and that whether the plaintiff is an employee or not were decided by the Courts below and these findings of facts already arrived by the Courts below initially, would not be interfered by the revisional Court. The question whether the plaintiff was a worker under the labour law or is an employee of the Board is covered by service rule, which was determined by the Courts below. The defendants did not make any statement in the written statement that the plaintiff is not an employee. Defendant also did not adduce any evidence against the claim of the plaintiff before the Courts below. Retirement is not covered under any of the provisions of any law as grievance and the retirement benefits cannot be claimed by filing complaint case before the Labour Court. In the present case, the plaintiff claiming himself to be an employee of the Board, not being challenged by the defendants before the Courts below filed a suit for declaration before the competent court that he is entitled to get gratuity and other benefits after retirement.

14. The trial Court decreed the suit and the Court of appeal below affirmed the judgment and decree passed by the trial Court. It appears that the trial Court as well as the lower appellate Court considered all aspects thoroughly and concurrently found that the plaintiff succeeded to prove his case. The decision of both the Courts below, being based on fact, circumstances and evidence on record

and there being concurrent findings over the points in issue and there being found no error of law or fact in passing the impugned judgment, I am of the opinion that the impugned judgments and decrees do not warrant any interference by this Court. Since both the Courts below on proper assessment of the evidence on record came to a concurrent finding, this finding is binding upon this Court, unless it is shown that there are misreading or non consideration of material evidence on record in arriving at such finding. The judgments of the Courts below are not tainted with legal infirmity and perversity justifying interference by this Court. After examining the record of the case and hearing the learned Advocates of both the parties, I am of the view that there is sufficient evidence and materials on record to come to the decisions which have been arrived at by the Courts below.

15. In the result, the Rule is discharged without any order as to cost. The judgment of the Courts below stand maintained.

Send down the lower Court's record and a copy of the judgment and order to the Court concerned.

Ed.

Source : *The Dhaka Law Reports (January, 2009)*

Judgment

Md Muzammel Hossain J : Rules in Writ Petition Nos. 1405 to 1410 of 2004, 1696-1697 & 1699-1700 of 2004, 1695 and 1698 of 2004 have arisen out of a single judgment and decision dated



3-3-2004 passed by the Chairman, 3rd Labour Court, Dhaka in IRO Case Nos. 23 of 2001, 24 of 2001, 25 of 2001, 22 of 2001, 26 of 2001, 27 of 2001, 30 of 2001, 33 of 2001, 32 of 2001, 29 of 2001, 28 of 2001 and 31 of 2001 respectively and accordingly, these matters are taken up together and are being disposed of by this single judgment.

2. In the aforesaid Writ petitions, Rules were issued in identical terms calling upon the respondents to show cause as to why the aforesaid decision and order dated 3-3-2004 passed by the Chairman, 3rd Labour Court, Dhaka respondent No. 1, in the IRO cases, shall not be declared to have been made without lawful authority and to be of no legal effect and or such other or further order or orders passed as to this Court may seem fit and proper.

3. For the sake of brevity and convenience we would like to discuss, in brief, the respective petitioner's cases separately. In Writ Petition No. 1405 of 2004 arising out of IRQ Case No. 23 of 2001 the 1st party petitioner Hasmat Ali along with other colleagues initially was appointed Aircraft Mechanic on casual basis for 90 days against permanent posts in the Engineering Division of Bangladesh

Biman Corporation, Zia International Airport, Dhaka, with effect from 14th July, 1996 which was extended for another 90 days on 14-10-1996 and then the petitioner was again appointed in the same post and the same place out of practical necessity and in the interest of Biman in terms of Administrative Order No. 12/86 and thereafter he was appointed for another 90 days on 18-1-1997 and then he was also appointed continuously on 13-3-2001 till 22-3-2004 when the service was discontinued after the decision of the 3rd Labour Court, Dhaka passed on 3-3-2004. It is stated that on 18-12-2000 there was an internal transfer whereby the first party petitioner was transferred to Line Maintenance until 13-3-2001 when he was again transferred to Base Maintenance wherein he was working till date. The first party was paid wages @ Taka 65.00 per day for the first term of 90 days and Taka 65.00 again per day for the second term of 90 days as a casual worker on casual basis and payments were made by the Engineering Department. The first party-petitioner worked for 270 days in the first 3 terms and after a short gap he was working continuously since 13-6-2001 till date. Thus he was entitled to be made permanent as he has put in a period of

service of 8 years. Though the first party-petitioner was engaged in causal service against vacant permanent posts and has been working continuously for many years and thereby the first party-petitioner is entitled to a permanent post. In this circumstance the opposite party No. 1 in order to regularise those posts made advertisement in National Dailies. The petitioner passed SSC examination in Science Group in the 2nd Division and HSC examination in Science Group in the 2nd Division and, as such, there is no scope to hold that the petitioner had no requisite qualification to get appointment to the post of Aircraft Mechanic. In this way the first party-petitioner was deprived of his right of being appointed to the permanent post. The petitioner made several representations to the Higher Authorities of Bangladesh Biman Corporation without any success. It is further stated that the petitioner was appointed for 90 days on 14-7-1996 and thereafter his tenure was extended for another two terms and after a gap of 3 days he has been working continuously since 13-3-2001 till date. First party was initially appointed as a skilled worker having completed or deemed to have completed his period of probation after the expiry of 6 months.

4. In Writ Petition No. 1406 of 2004 arising out of IRO Case No. 24 of 2001 the first party-petitioner Md Abdul Kader along with other colleagues was initially appointed Aircraft Mechanic on causal basis for 90 days against permanent posts in the Engineering Division of Bangladesh Biman Corporation, Zia International Airport, Dhaka with effect from 14th July, 1996 which was extended for another 90 days on 14-10-1996 and then petitioner was again appointed to the same post and the same place out of practical necessity and in the interest of Biman in terms of Administrative Order No. 12/86 and thereafter he was appointed for another 90

days on 18-1-1997 and then he was also appointed on 13-3-2001 continuously till 22-3-2004 when the service was discontinued after the decision of the 3rd Labour Court, Dhaka which was passed on 3-3-2004. It is stated that on 18-12-2000 there was an internal transfer whereby the first party-petitioner was transferred to Line Maintenance until 13-3-2001 when he was again transferred to Base Maintenance wherein he was working till date. The first party was paid wages @ Taka 65 per day for the first term of 90 days and Taka 65 again per day for the second term of 90 days as casual worker on casual basis and payments were made by Engineering Department. The petitioner worked for 270 days in the first 3 terms and after a short gap he was working continuously since 13-3-2001 till date. Thus he was entitled to be made permanent though he has put in a period of service of 8 years. While the first party was engaged in causal service against vacant permanent posts, the opposite party No. 1 respondent No. 2 in order to regularise those posts made advertisements in the National Dailies. The petitioner passed SSC examination Science Group in the 2nd Division and HSC examination in Science Group in 2nd Division in 1984 and, as such, there is no scope to hold that the petitioner had no requisite qualification to get appointed to the post of Aircraft Mechanic. In this way the first party petitioner was deprived of his legal claim of being appointed to the permanent post. The petitioner made several representations to the higher authorities and Bangladesh Biman Corporation without any success. It is further stated that the petitioner was appointed for 90 days on 14-7-1996 and then extended for another two terms of 180 days and the 4th appointment dated 18-3-1997 was indefinite and continuous days with an intentional break of 3 days. Thus the first party petitioner was initially appointed as a skilled worker having

completed or deemed to have completed his period of probation after the expiry of 6 months.

5. In Writ Petition No. 1407 of 2004 arising out of IRQ Case No. 25 of 2001 the first party-petitioner BUM Mohin along with other colleagues was initially appointed Aircraft Mechanic on casual basis for 90 days against permanent posts in the Engineering Division of Bangladesh Biman Corporation, Zia International Airport, Dhaka with effect from 14th July, 1996 which was extended for another 90 days on 14-10-1996 and then the petitioner was again appointed to the same post and the same place out of practical necessity and in the interest of Biman in terms of Administrative Order No. 12/86 and thereafter he was appointed for another 90 days on 18-1-1997 and then he was also appointed on 13-3-2001 continuously till 22-3-2004 when the service was discontinued after the decision of the 3rd Labour Court, Dhaka passed on 3-3-2004. It is stated that on 18-12-2000 there was an internal transfer whereby the first party petitioner was transferred to Line Maintenance until 13-3-2001 when he was again transferred to Base Maintenance wherein he was working till date. The first party petitioner was paid wages @ Taka 65 per day for the first term of 90 days and Taka 65 again per day for the second term of 90 days as casual worker on casual basis and payments were made by Engineering Department. The petitioner worked for 270 days in the first 3 terms and after a short gap he was working continuously since 13-3-2001 till date. Thus he was entitled to be made permanent though he has put in period of service of 8 years. While the first party was engaged in casual service against vacant permanent posts, the opposite party No. 1 respondent No. 2 in order to regularise those posts made advertisements in the National Dailies. The petitioner passed SSC examination in Science Group in the

1st Division and HSC examination in Science Group in the 2nd Division and, as such, there is no scope to hold that the petitioner had no requisite qualifications to get appointed to the post of Aircraft Mechanic. In this way the first party petitioner was deprived of his legal claim of being appointed to the permanent post. The petitioner made several representations to the Higher Authorities of Bangladesh Biman Corporation without any success. It is further stated that the petitioner was appointed for 90 days on 14-7-1996 and his tenure was extended with same terms and conditions as stated in respect of the petitioner in WP No. 1405 of 2004. Thus the first party petitioner was initially appointed as a skilled worker having completed or deemed to have completed his period of probation after the expiry of 6 months.

6. In Writ Petition No. 1408 of 2004 arising out of IRQ Case No.22 of 2001 the first party-petitioner Md Shah Alam along with other colleagues initially was appointed Aircraft Mechanic on casual basis for 90 days against permanent posts in the Engineering Division of Bangladesh Biman Corporation, Zia International Airport, Dhaka with effect from 14th July, 1996 which was extended for another 90 days on 14-10-1996 and then petitioner was again appointed to the same post and the same place out of practical necessity and in the interest of Biman in terms of Administrative Order No.12 of 1986 and thereafter he was appointed for another 90 days on 18-1-1997 and then he was also appointed on 13-3-2001 continuously till 22-3-2004 when the service was discontinued after the decision of the 3rd Court, Dhaka passed on 3-3-2004. It is stated that on 18-12-2000 there was an internal transfer whereby the first party was transferred to Line Maintenance until 13-3-2001 when he was again transferred to Base Maintenance wherein he was working till date. The first party-petitioner

was paid wages @ Taka 65 per day for the first term of 90 days and Taka 65 again per day for the second term of 90 days as casual worker on casual basis and payments were made by Engineering Department. The petitioner worked for 270 days in the first 3 terms and after a short gap he was working continuously since 13-3-2001 till date. Thus he was entitled to be made permanent though he has put in a period of service of 8 years. While the first party was engaged in causal service against vacant permanent posts, the opposite party No. 1 respondent in order to regularise those posts made advertisements in the National Dailies. The petitioner passed SSC examination in Science Group in the 2nd Division and HSC examination in Science Group in the 3rd Division and, as such, there is no scope to hold that the petitioner had no requisite qualification to be appointed to the post of Aircraft Mechanic. In this way the first party-petitioner was deprived of his legal claim of being appointed to the permanent post. The petitioner made several representations to the Higher Authorities of Bangladesh Biman Corporation without any success. It is further stated that the petitioner was appointed for 90 days on 14-7-1996 and his tenure was extended with the same terms and conditions as stated in WP No. 1405 of 2004. Thus the first party petitioner was initially appointed as a skilled worker having completed or deemed to have completed his period of probation after the expiry of 6 months.

7. In Writ Petition No.1409 of 2004 arising out of IRO Case No.26 of 2001 the first party-petitioner Md Abdul Matin along with other colleagues initially was appointed Aircraft Mechanic on casual basis for 90 days against permanent posts in the Engineering Division of Bangladesh Biman Corporation, Zia International Airport, Dhaka with effect from 14th July, 1996 which was extended for another 90

days on 14-10-1996 and then petitioner was again appointed to the same post and the same place out of practical necessity and the interest of Biman in terms of Administrative Order No. 12 of 86 and thereafter he was appointed for another 90 days on 18-1-1997 and then he was also appointed on 13-3-2001 continuously till 22-3-2004 when the service was discontinued after the decision of the 3rd Labour Court, Dhaka passed on 3-3-2004. It is stated that on 18-12-2000 there was an internal transfer whereby the first party-petitioner was transferred to Line Maintenance until 13-3-2001 when he was again transferred to Base Maintenance wherein he was working till date. The petitioner was paid wages @ Taka 65 per day for the first term of 90 days and Taka 65 again per day for the second term of 90 days as casual worker on casual basis and payments were made by Engineering Department. The petitioner worked for 270 days in the first 3 terms and after a short gap he was working continuously since 13-3-2001 till date. Thus he was entitled to be made permanent though he has put in a period of service of 8 years. While the petitioner was engaged in causal service against vacant permanent posts, the opposite party No. 1 respondent in order to regularise those posts made advertisements in the National Dailies. The petitioner passed SSC examination in Science Group in the 2nd Division and HSC examination in Science Group in the 2nd Division and as such there is no scope to hold that the petitioner had no requisite qualification to be appointed to the post of Aircraft Mechanic. In this way the first party petitioner was deprived of his legal right of being appointed to the permanent post. The petitioner made several representations to the Higher Authorities of Bangladesh Biman Corporation without any success. It is further stated that the petitioner was appointed for 90 days on 14-7-1996 and his tenure was extended

HSC examination in Science Group in the 2nd Division and as such there is no scope to hold that the petitioner had no requisite qualification to be appointed to the post of Aircraft Mechanic. In this way the first party petitioner was deprived of his legal right of being appointed to the permanent post. The petitioner made several representations to the Higher Authorities of Bangladesh Biman Corporation without any success. It is further stated that the petitioner was appointed for 90 days on 14-7-1996 and his tenure was extended with the same terms and conditions as stated in WP No.1405 of 2004. Thus the first party petitioner was initially appointed as a skilled worker having completed or deemed to have been completed his period of probation after the expiry of 6 months.

8. In Writ Petition No. 1410 of 2004 arising out of IRO Case No.27 of 2001 the petitioner Md Maksudul Haque along with other colleagues initially was appointed as Aircraft Mechanic on causal basis for 90 days against permanent posts in the Engineering Division of Bangladesh Biman Corporation, Zia International Airport, Dhaka with effect from 14th July, 1996 which was extended for another 90 days on 14-10-1996 and then petitioner was again appointed to the same post and the same place out of practical necessity and in the interest of Biman in terms of Administrative Order No.12 of 1986 and thereafter he was appointed for another 90 days on 18-1-1997 and then he was also appointed on 13-3-2001 continuously till 22-3-2004 when the service was discontinued after the decision of the 3rd Labour Court, Dhaka passed on 3-3-2004. It is slated that on 18-12-2000 there was an internal transfer whereby the first party-petitioner was transferred to Line Maintenance until 3-3-2001 when he was again transferred to Base Maintenance wherein he was working till date. The petitioner was paid wages @ Taka 65 per day for the first term of 90 days and Taka 65 again per day for the second term of 90 days as casual worker on casual basis and payments were made by the Engineering Department. The petitioner worked for 270 days in the first 3 terms and after a short gap he was working continuously since 13-6-2001 till date. Thus he was entitled to be made permanent though he has put in a period

of service of 8 years. While the first party was engaged in causal service against vacant permanent posts, the 2nd party No.1 respondent No.2 in order to regularise those posts made advertisements in the National Dailies. The petitioner passed SSC examination in Science Group in the 1st Division and HSC examination in Science Group in the 2nd Division and, as such, there is no scope to hold that the petitioner had no requisite qualification to be appointed to the post of Aircraft Mechanic. In this way the first party petitioner was deprived of his legal right of being appointed to the permanent post. The petitioner made several representations to the Higher Authorities of Bangladesh Biman Corporation without any success. It is further stated that the petitioner was appointed for 90 days on 14-7-1996 and his tenure was extended with the same terms and conditions as stated in WP No.1 405 of 2004 thus the party petitioner was initially appointed as a skilled worker having completed or deemed to have been completed this period of probation after the expiry of 6 months.

9. In Writ Petition No.16% of 2004 arising out of IRO Case No.30 of 2001 the petitioner KM Anisur Rahman along with other colleagues was initially appointed Aircraft Mechanic on causal basis for 90 days against the permanent posts in the Sheet Metal Shop, Engineering Department of Bangladesh Biman Corporation, Zia International Airport, Dhaka with effect from 1st June 1996 which was extended for another 90 days on 12-8-1996 and then petitioner was again appointed to the same post and the same place out of practical necessity and in the interest of Biman in terms and thereafter he was appointed for 3rd term of another 90 days on 23-11-1996 and then he was appointed for 4th term on 5-2-1997 to the same post and the same place and after expiry of the 4th term he was again appointed on 14-5-1997 to the same post and since then he has been performing his duties to the full satisfaction of his superiors. The petitioner continuously worked for more than 90 days without any break as is evident from the pay slips (Annexure-C) series and, as such, he is entitled to be a permanent worker and all financial and other benefits permissible as per rules and regulations of

the Bangladesh Biman Corporation. In spite of repeated demands made on several occasions the respondent Nos. 2-6 did not make the petitioner's service permanent and finding no other alternative remedy the present petitioner instituted present IRQ Case No. 30 of 2001.

10. In Writ Petition No.1697 of 2004 arising out of IRO Case No.33 of 2001 the petitioner Md Iktar Farazi along with another colleague initially was appointed Cleaner on causal basis for 90 days against the permanent posts in the Industrial Shop, Engineering Department of Bangladesh Biman Corporation, Zia International Airport, Dhaka with effect from 1st June, 1996 which was extended for another 90 days on 12-8-1996 and then the petitioner was appointed for the 2nd term for another 90 days on 23-11-1996 to the same post and the same place out of practical necessity and in the interest of Biman in terms and thereafter he was appointed for 3rd term and then he was appointed for 4th term on 5-2-1997 to the same post and the same place and after expiry of 4th term he was again appointed on 14-5-1997 to the same post since then he has been performing his duties to the full satisfaction of his superiors. The petitioner continuously worked for more than 90 days without any break as is evident from the pay slips (Annexure-C series) and, as such, he is entitled to be permanently absorbed and all financial and other benefits permissible as per rules and regulations for the Bangladesh Biman Corporation. In spite of demands made on several occasions the respondent Nos. 2-6 did not make the petitioner's service permanent and finding no other alternative remedy the present petitioner instituted present IRQ Case No. 33 of 2001.

11. In Writ Petition No.1699 of 2004 arising out of IRQ Case No.32 of 2001 the petitioner Sk Ali Ahmed along with his

colleague initially was appointed as Cleaner on causal basis for 90 days against permanent posts in the Industrial Shop, Engineering Department of Bangladesh Biman Corporation, Zia International Airport, Dhaka with effect from 1st June, 1996 which was extended for another 90 days on 12-8-1996 and then petitioner was appointed for another 90 days on 23-11-1996 in the same post and the same place out of practical necessity and in the interest of Biman in terms and thereafter he was appointed for 3rd term and again he was appointed for 4th term on 5-2-1997 to the same post and the same place and after expiry of 4th term he was again appointed on 14-5-1997 in the same post since then he had been performing his duties to the full satisfaction of his superiors. The petitioner continuously worked for more than 90 days without any break as is evident from the pay slips (Annexure-C series) and, as such, he is entitled to be a permanent worker and all financial and other benefits permissible as per rules and regulations of the Bangladesh Biman Corporation. In spite of demands made on several occasions the respondent Nos.2-6 did not make the petitioner's service permanent and finding no other alternative remedy the 1st party petitioner instituted IRO Case No.32 of 2001.

12. In Writ Petition No. 1700 of 2004 arising out of IRO Case No.29 of 2001 the 1st party petitioner Md Shafiqul Islam along with other colleagues initially was appointed Aircraft Mechanic on causal basis for 90 days against permanent posts in the Sheet Metal Shop, Engineering Department of Bangladesh Biman Corporation, Zia International Airport, Dhaka with effect from 1st June, 1996 which was extended for another 90 days 12-8-1996 and then the petitioner was again appointed in the same post and the same place out of practical necessity and in the interest of Biman and thereafter the

was appointed for 3rd term of another 90 days on 23-11-1996 and then he was appointed for 4th term on 5-2-1997 in the same post and the same place and after expiry of 4th term he was again appointed on 14-5-1997 in the same post and since then he has been performing his duties to the full satisfaction of his superior. The petitioner continuously worked for more than 90 days without any break as is evident from the pay slips (Annexure-C series) and, as such, he is entitled to be a permanent worker and all financial and other benefits permissible as per rules and regulations of the Bangladesh Biman Corporation. In spite of demand made on several occasions the respondent Nos.2-6 did not make the petitioner's service permanent and finding no other alternative remedy the present petitioner instituted IRO Case No. 29 of 2001.

13. In Writ Petition No.1695 of 2004 arising out of IRO Case No.28 of 2001 the 1st party petitioner Lakhida Khanam was initially appointed Data Entry Assistant on causal basis for 90 days against permanent post in the Central Engineering Department of Bangladesh Biman Corporation, Zia International Airport, Dhaka with effect from 11th August, 1996 which was extended for another 90 days on 29-10-1996 and then the petitioner was again appointed to the same post and the same place out of practical necessity and in the interest of Biman and thereafter she was appointed for 3rd term for another 90 days on 27-4-1997 and then she was appointed for 4th term on 26-2-1998 to the same post and the same place and after expiry of 4th term she was again appointed on 24-4-1999 to the same post and since then she has been performing her duties to the full satisfaction of her superiors. The petitioner continuously worked for more than 120 days without any break as is evident from the pay slips (Annexure-C series) and, as such, she is entitled to be a permanent worker and all financial and

other benefits permissible as per rules and regulations of the Bangladesh Biman Corporation. The petitioner passed SSC examination in the 2nd Division and HSC examination in the 2nd Division and Graduated in the 3rd Division and as such there is no scope to hold that the petitioner had no requisite qualification to get appointment to the post of Data Entry Assistant. In spite of demands made on several occasions the respondent Nos. 2-6 did not make the petitioner's service permanent and finding no other alternative remedy the present petitioner instituted IRO Case No. 28 of 2001.

14. In Writ Petition No. 1698 of 2004 arising out of IRO Case No. 31 of 2001 the petitioner Md Zahangir Farazi along with other colleagues initially was appointed Aircraft Mechanic on causal basis for 90 days against permanent posts in the Sheet Metal Shop, Engineering Department of Bangladesh Biman Corporation, Zia International Airport, Dhaka with effect from 1st June, 1996 which was extended for another 90 days on 12-8-1996 and then the petitioner was again appointed to the same post and the same place out of practical necessity and in the interest of Biman and thereafter he was appointed for the 3rd term of another 90 days on 23-11-1996 and then he was appointed for 4th term on 5-2-1997 to the same post and the same place and after expiry of 4th term he was again appointed on 14-5-1997 to the same post and since then he has been performing his duties to the full satisfaction of his superiors. The petitioner continuously worked more than 90 days without any break as it would be evident from the pay slips (Annexure-C series) and, as such, he is entitled to be a permanent worker and all financial and other benefits permissible as per rules and regulations of the Bangladesh Biman Corporation. The petitioner passed SSC examination in Science Group in the 1st Division and HSC examination in Science Group in the 2nd

Division and, as such, there is no scope to hold that the petitioner had no requisite qualifications to get appointment to the post of Aircraft Mechanic. In spite of repeated demands made on several occasions the respondent Nos. 2-6 did not make the petitioner's service permanent and finding to other alternative remedy the present petitioner instituted IROCaseNo.31 of 2001.

15. All the petitioners were appointed to different posts as Aircraft Mechanic (appointed on 14-7-1996), Cleaners (appointed on 1-6-1996) and Data Entry Assistant (appointed on 11-8-1996) on causal basis initially for 90 days against permanent posts in the Engineering Division of Bangladesh Biman Corporation, Zia International Airport, Dhaka with effect from different dates in 1996 which were extended for the 2nd term for another 90 days in the same posts and the same place out of practical necessity and in the interest of Biman in terms and thereafter they were appointed for 3rd term and again 4th term to the same posts and since then they have been performing their duties to the full satisfaction of their superiors. The petitioner continuously worked for more than 90 days without any break as is evident from the pay slips (Annexure-C series) till 18-4-2004 and after the judgment and decision in the IRO cases on 3-3-2004 they were directed to discontinue their services. It is stated that on 18-12-2000 there was an internal transfer to Line Maintenance Department wherein they worked until 13-3-2001 and then they were again transferred to the Base Maintenance Department wherein they have been working till date. All these petitioners were paid @ Taka 65 per day as casual workers on casual basis and payments were made by the Engineering Department, Time Officer, Bangladesh Biman Corporation. These petitioners were appointed on the basis of the decision taken by Biman on 13-10-1996 as

appeared in the office note slated in Paragraph 3 of the writ petitions and subsequently their service were extended from time to time on the basis of the decisions taken by the Authority of Biman Corporation. All these petitioners initially worked for 270 days in the first 3 terms and after a short gap for 3 days they have been continuously working till 13-10-1996 and then till date, as such, they are entitled to be absorbed permanently. But they were not made permanent after they have put in a period of 8 years' service. The petitioners were appointed on causal basis for several terms and they have been working continuously for so many years and so many months whereby they are entitled to be appointed to the permanent posts. Where the petitioners were engaged in causal service against vacant posts the opposite party No. 1-respondent No. 2 in order to regularise those posts made advertisements in the National Dailies and thus the petitioners were deprived of their legal rights of being appointed to the permanent posts. The petitioners have been successfully performing their duties in the service of the corporation to the satisfaction of the Authorities and received testimonials from the superior officers on various occasions. They made several representations to the Higher Authorities without success. It is stated that the petitioners were initially appointed for 90 days which were extended for another 90 days and after the expiry of the 2nd term they were appointed again for 90 days for the third term and again their services were extended for indefinite period and some of the employees unintentionally broke 3 days since the petitioner was working till 18-4-2004. After filing the IRO cases by the petitioners Bangladesh Biman Corporation with malafide intention issued notice vide reference No. ঢাক এম ডবিউ/০১/২০০১/ ২৯৯ dated 10-10-2001 whereby the Biman Management directed that in the case of casual workers working

in different sections of Biman, attendance for more than 29 days cannot be shown. Before the issuance of the aforesaid notice dated 10-10-2001 the petitioners used to work on all days of the month and year although with malafide intention the petitioners were not shown the days they had worked in the Biman Corporation. The petitioner in Writ Petition No. 1405 of 2004 had continuously worked for 342 days in 1997, petitioner in Writ Petition No. 1406 of 2004 had continuously worked for 347 days in 1997, petitioner in Writ Petition No. 1407 of 2004 had continuously worked for 320 days in 1997, petitioner in Writ Petition No. 1408 of 2004 had continuously worked for 328 days in 1997, petitioner in Writ Petition No. 1996 of 2004 had continuously worked for 322 days in 1997, petitioner in Writ Petition No. 1410 of 2004 had continuously worked for 312 days in 1997, petitioner in Writ Petition No. 1696 of 2004 had continuously worked for 365 days in 1997, petitioner in Writ Petition No. 1697 of 2004 had continuously worked for 306 days in 1998, petitioner in Writ Petition No. 1699 of 2004 had continuously worked for 359 days in 1998, petitioner in Writ Petition No. 1700 of 2004 had continuously worked for 365 days in 1997, petitioner in Writ Petition No. 1695 of 2004 had continuously worked for 365 days in 1997, petitioner in Writ Petition No. 1698 of 2004 had continuously worked for 365 days in 1997 which are very much evident from the Annexure-C series of the respective writ petitions. All these petitioners attended the office throughout the whole year and signed Attendance Registers but the Bangladesh Biman did not place Attendance Registers. The petitioners stated that they are all working against permanent posts in the Engineering Directorate Maintenance Overhaul Workshop. Though all these petitioners have put in a period of service of 8 years of Biman yet they are not made permanent

and they gave several representations before the higher authorities but they are unsuccessful and, as such, they are entitled to be made permanent under the Employment of Labour (Standing Orders) Act, 1965 with effect from 14-7-1996 when they were initially appointed as workers and were deemed to have completed their probation period. These petitioners filed IRO cases being (IRO Case Nos. 22-33 of 2001) before the 3rd Labour Court, Dhaka which were heard analogously by the Chairman, 3rd Labour Court on the deposition of witnesses. The Labour Court by judgment and decision dated 3-3-2004 dismissed the cases of the petitioners.

16. The respondent Nos. 2-5 Bangladesh Biman Corporation and others contested the case before the Labour Court by filing written statements denying the allegations made in petition stating, inter alia, that cases are not maintainable and the first party has no cause of action. There is no rules and regulations for direct recruitment of Biman Aircraft Mechanic and Apprentice Mechanic and after completion of 2 years training in Bangladesh Airlines Training Institute and on successful result they were given appointment as Aircraft Mechanic. Their minimum educational qualifications should be SSC (Science) and HSC (Science) having minimum 2nd Division in both the examinations. The petitioners of IRO Case Nos. 22 of 2001 and 27 of 2001 have no requisite minimum qualification for appointment to the post of Aircraft Mechanic. All these petitioners are not trainees of Bangladesh Airlines Training Institute. These petitioners are engaged as casual workers on no work no pay basis and no appointment was issued to them. These petitioners did not perform their duties continuously for 90 days. They used to get wages @ Taka 65 per day and worked for certain period with gaps from time to time and they were not made permanent as per the Bangladesh Biman

Corporation Service Regulations. They are not transferred as claimed but they were placed at different places as causal workers to work and, as such, these petitioners are not entitled to any relief. These cases were analogously heard with other IRO cases by the 3rd Labour Court on the prayer of 12 petitioners and considering all the documents showing approval of the petitioners and other parties by the impugned judgment and decisions dated 3-3-2004 dismissed the cases on contest against the 2nd party Bangladesh Biman.

17. Being aggrieved by the impugned judgment and decision dated 3-3-2004 passed by the Chairman, 3rd Labour Court, Dhaka these petitioners Hasmat Ali in Writ Petition No. 1405 of 2004, Md Abdul Kader in Writ Petition No. 1406 of 2004, BHM Mohsin in Writ Petition No. 1407 of 2004, Md Shah Alam in Writ Petition No. 1408 of 2004, Md Abdul Matin in Writ Petition No. 1409 of 2004, Md Maksudul Haque in Writ Petition No. 1410 of 2004, FM Anisur Rahman in Writ Petition No. 1696 of 2004, Md Iktiar Farazi in Writ Petition No. 1697 of 2004, SK Ali Ahmed in Writ Petition No. 1699 of 2004, Md Shafiqul Islam in Writ Petition No. 1700 of 2004, Lakhida Khanan in Writ Petition No. 1695 of 2004 and Md Zahangir Farazi in Writ Petition No. 1698 of 2004 obtained the respective Rules in identical terms.

18. All these petitioners filed Supplementary-Affidavits stating, inter alia, that initially they were appointed against permanent posts as Aircraft Mechanics, Cleaners and Data Entry Assistants for 90 days and subsequently they are extended 4lh/5th lime and lastly extended until 18-4-2004. It is also stated that the petitioners have quoted the relevant provisions in respect of Academic Qualification for the overhaul and other trades, it is stated that the issue No. 4 of General Engineering Manual of Biman

Bangladesh Airlines provides as follows:

“Volume-1.

Chapter-14

Section-14.7

Page-5

Date-27-4-1988

“14.7.7 Academic Qualification for Granting Inspection Permit in the Overhaul/ Work Shop/Support Shop/All Trade)

- i. HSC (Science) or
- ii. Diploma in Aircraft Maintenance Engineering or
- iii. Diploma from Polytechnic Institute or
- iv. Holder of Approval Permit of AME Licence.

Note : Individuals who are currently employed in Biman and having Matric or SSC as minimum educational qualifications with basic Aeronautical Course done from Korangi Creek in Pakistan may be considered for grant of Inspection Approval”

19. It is further stated that after the delivery of the judgment in IRO cases on 3-3-2004, the writ petitioners filed these writ petitions on 24-3-2004 and the Rules Nisi were issued upon the Bangladesh Biman Corporation on

29-3-2004 but they did not continue service from 11-4-2004. The writ petitioners' service were not extended and no formal order was passed. Biman Recruitment Policy executed by Biman placed before Labour Court in undated recent which did not apply to the writ petitioners. General Employment Manual of Bangladesh Biman Airlines would be applicable in all these cases.

20. Mr AKM Nazrul Islam, the learned Advocate appearing for the petitioners in all the Rules having placed the writ petitions with annexures and Supplementary-Affidavit, submits that the impugned judgment and decision is not sustainable inasmuch as the judgment conflicts with the provisions of section 4(2) of the Employment of Labour (Standing Orders) Act, 1965 which provides for the period of probation for worker whose function is clerical in nature for 6 months and other such workers for 3 months including break due to leave and illegal lock up in the shop, commercial or industrial establishment providing that in the case of skilled workers the period of probation may be extended for another period of 3 months although the petitioners put in service of 8 years' and, as such, the impugned decision is without lawful authority and is of no legal effect. He then submits that the Labour Court committed an error of law and facts apparent on the face of the record in holding that there is no scope to declare the service of the petitioners as permanent although they have put in a period of 8 years' service and, as such, the impugned decision is without lawful authority and is of no legal effect. He then contends that impugned judgment and decision suffers from errors of law and facts apparent on the face of the record in holding that the petitioners were not appointed against permanent posts and they have never worked for 120 days continuously and, as such, it cannot be said that the petitioners have completed the period of probation according to section 4(1) and (2) of the Employment of Labour (SO) Act, 1965. He then submits that the Labour Court failed to appreciate and consider the facts and circumstances of the cases and the evidence on record and consequently there is a miscarriage of justice leading to arbitrary, malafide and illegal decision and order and, as such, the same is passed

without lawful authority. He further submits that the Labour Court ought to have passed an order declaring the service of the petitioners permanent in accordance with the provisions of section 4(2) of the Employment of Labour (SO) Act, 1965 with effect from 14-7-1996 when the petitioners were initially appointed as skilled workers. It is also submitted on behalf of the petitioners that the petitioners having put in 8 years' satisfactory service have reasonable expectation of being absorbed in the service and, in all fairness, they should have been absorbed permanently in their service. He finally submits that the Labour Court misconstrued the unreported decision of a Division Bench of this Hon'ble Court in Writ Petition No. 2476 of 1999 as being not applicable in the present cases though there are observations that the first party of the present cases are casual workers but other facts are totally different and thereby misconstrued the decision of the Appellate Division and, as such, the impugned decision is without lawful authority and is of no legal effect. In support of his contention Mr AKM Nazrul Islam has referred to the case of Rupali Bank Ltd vs Md Nazrul Islam Patwary reported in 48 DLR (AD) 62, the case of Rupali Bank Ltd vs Chairman, 1st Labour Court reported in 46 DLR 143.

21. Mr Abdul Wadud Bhuiyan, the learned Advocate appearing for the respondent Bangladesh Biman Corporation has placed the Affidavit-in-Opposition on behalf of the respondent Nos. 2-5 and submits that the petitioners were employed as casual workers on purely casual and temporary and "no work no pay basis" and they did not perform continuously for 90 days with a gap from time to time and they were paid wages @ Taka 65 per day on basis of "No work no pay" system without any scale of pay and other facilities of the Bangladesh Biman Corporation. He then submits that the petitioners never were engaged in permanent or regular posts

and, as such, they are not entitled to become permanent and the Rule is liable to be discharged. He then referred to the Internal Notes of Approval of Biman for most temporary and casual engagement as contained in paragraph 3 of the writ petition which shows that the approval was given for casual engagement of the petitioners at wages @ Taka 65 per day, therefore, section 4 of the Employment of Labour (SO) Act, 1965 has no manner of application in the instant cases. He submits that the petitioners have no right to be permanent in view of the record of the office note of Bangladesh Biman Airlines. In support of his contention he has referred to the case of Al-hajAbul Basher vs Bangladesh reported in 50 DLR (AD)11. He then submits that the petitioners were engaged as casual workers on the basis of “No work no pay” and since they are not appointed against permanent posts their service cannot be governed under section 4 of the Employment of Labour (SO) Act 1965. He has asserted that since the petitioners employed as casual workers they did not have any requisite qualifications and they are simply casual workers whereas for the appointment of Overhaul Mechanic under the recruitment rules they are not entitled to be permanent in the aforesaid posts. He also submits that there is no rules and regulations for direct appointment of Aircraft Mechanic. He submits that the impugned judgment and decision passed by the Labour Court are not in conformity since the petitioners worked as casual workers at daily wages on “no work no pay” basis and they never worked continuously for 90 days. He also submits that the petitioners have no legitimate expectation to be appointed under the Bangladesh Biman Corporation as because they are not appointed against permanent posts and no such assurance was given to them by the respondent authority and, as such, the plea of legitimate expectation cannot be sustained.

He refers in the case of Bangladesh Textile Mills Corporation vs Nasir Ahmed Chowdhury reported in 2002 BLD (AD) 199 = 7 BLC (AD) 144. He finally submits that the jurisdiction of the High Court Division in exercise of jurisdiction in nature of certiorari is not so wide as to enable the High Court Division to convert itself into a court of appeal and examine itself materials to come to a new finding and substantiate findings of the Tribunal and, as such, in the instant case this Court cannot examine any materials to come to a new finding and to substantiate the findings of the Tribunal. In support of his contention he has cited the case of Bangladesh Tobacco Company Limited vs Md Azizul Huq reported in 2002 BLD (AD) 184 =7 BLC (AD) 119. He finally submits that since all the petitioners were engaged as casual workers on the basis of “No work no pay” and no assurance was given by the authority to absorb them permanently, the unreported decision of this Court in Writ Petition No. 2476 of 1999 is quite distinguishable from the facts and circumstances of the present cases and the Labour Court having considered the aforesaid judgment and decision rightly decided the present case and, as such, there is no scope to interfere by this Court and the Rule is liable to be discharged.

22. In Writ Petition Nos. 1696 of 2004, 1697 of 2004, 1699 of 2004 and 1700 of 2004 Mr. Abul Kalam Mainuddin, the learned Advocate, has appeared on behalf of the petitioners and submits that in all the writ petitions the petitioners were appointed in their respective posts initially for a period of 90 days on casual basis and thereafter on several periods their appointments were extended for 90 days and ultimately, till the discontinuance of their service on 18-4-2004. They worked for more than 8 years without any interruption and that the petitioners have acquired qualifications and they worked in their respective posts for more than 90

days in Bangladesh Biman Corporation continuously without any break and according to section 4(1) and 4(2) of Employment of Labour (Standing Orders) Act, 1965, the petitioners are entitled to be permanent workers but the respondent No.1 Labour Court, without considering the petitioners' contentions as evident from pay slips and other documents and without considering individual cases of the petitioners, made general statement that "Besides, most of them had no requisite qualifications to get appointment to the post of Aircraft Mechanic" thereby failed to consider the materials on record which is very much apparent on the face of the record and, as such, the impugned decision and order in respect of these petitioners is liable to be declared without lawful authority and is of no legal effect. He then submits that the petitioners in Writ Petition No. 1696 of 2004 (Aircraft) and No. 1700 of 2004 (Aircraft) have requisite qualifications as evidenced from the official note and the petitioners of Writ Petition No. 1699 of 2004 (Cleaner) and No. 1700 of 2004 (Cleaner) being cleaners also have requisite qualifications and accordingly the Authority approved the appointment with full satisfaction and at this stage, it cannot be said that there is no requisite qualifications for the aforesaid posts when they have worked for more than 8 years continuously. He further submits that the respondent No.1 wrongly found that the petitioners were not appointed on casual basis against permanent posts as is evident from Annexure-B series. He then submits that the pay slips (Annexure-C series) of the petitioners show continuous service for more than 120 days and, as such, the finding of the respondent No.1 Labour Court to the effect that the petitioners have not served for more than 90 days is not correct and, as such, there is an error apparent on the face of the order which is liable to be declared to have been passed without any

lawful authority and to be of no legal effect. He finally submits that all the petitioners have requisite qualifications and also gained enough experience in the Bangladesh Biman and have legitimate expectations to be absorbed in the service of the Biman Corporation. The authority having been satisfied extended their service from time to time since 14-5-1997 continuously without any break and they have legitimate expectation that their services will be observed permanently and, as such, the Rule is liable to be made absolute.

23. In Writ Petition Nos. 1695 of 2004 and 1698 of 2004 Mr Garib Newaz, the learned Advocate on behalf of the petitioners, has adopted the submissions made by the learned Advocate Mr AKM Nazrul Islam and further submits that the petitioner Lakhida Khanam in Writ Petition No.1695 of 2004 has requisite qualifications as per requirement of Bangladesh Biman as evident from the advertisement Annexure-D(3). Though initially she was appointed on casual basis for 90 days as Data Entry Assistant, Central Engineering Department of Bangladesh Biman Corporation at Zia International Airport with effect from 11-8-1996 and thereafter her service was extended on different terms of 90 days and finally she was appointed on 21-4-1999 to the same post and since then she has been performing her duties to the full satisfaction of the Biman Authority and wages were paid to her as evidenced by the pay slips Annexure-C series. He then submits that as per office note advertisement Annexure-D(3). Considering her requisite qualifications the Biman Authority appointed her on casual basis and accordingly, the tenure of appointment was extended for different terms and, as such, it does not lie in the mouth of the Biman that she does not have requisite qualifications whereas she has been continuously working for about 8 years. He then submits that the conduct of the

Biman is malafide since she was working as Data Entry Assistant without having any permanent job in the Bangladesh Biman with requisite qualifications of HSC and SSC in 2nd Division. The Bangladesh Biman published an advertisement inviting applications for the post of Data Entry Assistant but she has not been absorbed though she has got requisite qualifications. In that view of the matter impugned decision and order to the effect that the petitioner did not have any requisite qualification has no legal basis and, as such, the Rule is liable to be made absolute. Mr Garib Newaz, the learned Advocate for the petitioner in Writ Petition Nos. 1695 of 2004 and 1698 of 2004, submits that the petitioners having requisite qualifications were appointed on casual basis as Aircraft Mechanic against permanent posts for 90 days and thereafter his tenure of service was extended time to time and finally, on 14-5-1997, the service of the petitioners along with others were extended until permanent posting was made in the respective posts as evident from Annexure-B at page 42 of the writ petition. He finally submits that all these petitioners having requisite qualifications and gathered experience in their respective posts worked to the satisfaction of the Bangladesh Biman Authority without having any adverse remark and finally on 14-7-1997 their service tenure was extended for unlimited period against permanent posts and thereby a legitimate expectation has arisen in their minds that they would be appointed to the permanent post but the Biman discontinued the service with effect from 18-4-2004 and the respondent No.1, without considering the material evidence on record and the respective cases of the petitioners, made vague statements that they did not have requisite qualification and experience and, as such, there is an error on the face of the record and the impugned decision and

order is liable to be declared to be made without lawful authority and the Rule is liable to be made absolute.

24. Out of these 12 writ petitioners 9 are Aircraft Mechanics who were appointed initially and the petitioner in Writ Petition No. 1695 of 2004 was appointed as Data Entry Assistant and petitioners in Writ Petition Nos. 1697 and 1699 of 2004 were appointed as Cleaners.

25. We have perused the Writ Petitions, Supplementary-Affidavits, Affidavits-in-Reply and Affidavits-in-Opposition filed by the respondent Nos.2 to 6. It appears that the petitioners in Writ Petition Nos. 1405 to 1410 of 2004, 1696, 1698 and 1700 of 2004 were initially appointed on ad-hoc basis as Aircraft Mechanics against permanent posts initially for 90 days and subsequently their services were extended for different terms of 90 days and finally they were appointed on 12-4-1997 and the service of the petitioners were extended till the appointment against the permanent posts were filled up. The petitioners in Writ Petition Nos. 1696, 1699 and 1700 of 2004 were appointed on 14-5-1997 on casual basis for the period till appointment against permanent posts were filled up. The petitioners in Writ Petition Nos. 1697 of 2004 and 1699 of 2004 were appointed finally on 14-5-1997 on casual basis for the period till appointment against permanent posts were made. The petitioner in Writ Petition No.1695 of 2004 was finally appointed on 26-2-1998 and she was transferred from the Central Engineering Division to the Engineering Planning Division on casual basis as Data Entry Assistant against permanent post since she has been working in the Engineering Planning Division. On a careful perusal of the decision and order dated 3-3-2004 passed by the respondent No. 1. Third Labour Court, Dhaka it appears that all the IRO cases of these

petitioners were dismissed on the following grounds:

(1) The petitioners were not appointed against permanent posts.

(2) They never worked 120 days continuously.

(3) They were not appointed in the respective posts against permanent vacancy on casual basis.

(4) The petitioners have no requisite qualifications and there is no provision for direct recruitment as Aircraft Mechanic of Bangladesh Biman.

26. We have gone through the writ petitions, Affidavits-in-Opposition and Supplementary-Affidavits with annexures and the impugned order and decision. On perusal of the internal note sheets of Biman Corporation it appears that all these petitioners were appointed on casual basis initially for a period of 90 days against permanent posts and subsequently their services were extended time to time for 90 days without any gap. From note sheets of the Biman Corporation it appears that the names of the petitioners were mentioned for recruitment by the Higher Authority for appointment as Aircraft Mechanics. Fourteen persons having requisite qualifications HSC (Science) were appointed in the respective posts. After having considered their qualifications suitable for the posts they were recruited for appointment on casual basis with daily wages @ Taka 65. It also appears from the note sheets and the Memo dated 18-3-1997 that the Authority was very much satisfied with the performance of the petitioners and extended their services for indefinite periods till final appointment will be made against the permanent posts. Mr Abdul Wadud Bhuiyan, the learned Advocate, for the respondents, submits that the petitioners did not have requisite qualifications and accordingly, respondent

No. 1, Labour Court rightly decided that they are not the suitable candidates for the posts. We do not find any substance in his submission because in the note sheets the respondent-Biman Authority stated that these petitioners having passed SSC and HSC (Science) examinations are suitable candidates for the posts of Aircraft Mechanics. As regards Cleaner, they also have requisite qualifications HSC (Science) as reflected in the office note. We also find that in Writ Petition No. 7695 of 2004 that the qualification of the petitioner as Data Entry Assistant is SSC and HSC passed in the 2nd Division without any 3rd Division. From the Annexure-D(3) in Writ Petition No. 1695 of 2004 the advertisement published by the Biman Authority and also from the note sheet it appears that the Authority wanted HSC in the 2nd Division as the requisite qualification for appointment as Data Entry Assistant. But Mr Bhuiyan has contended that Bangladesh Biman Airlines Recruitment Rules prescribe different qualifications for different posts and these petitioners have no requisite qualifications as per Recruitment Rules. When we have asked Mr Bhuiyan, the learned Advocate for the respondent Nos. 2-6 to supply the Recruitment Rules he has submitted a photocopy of a document said to have been the “নিয়োগ বিধি” which was marked as Annexure-1 to the Supplementary-Affidavit filed on behalf of the respondent Nos.2-6. We have gone through the said photocopy of the documents and find it difficult to understand who framed the so-called “নিয়োগ বিধি” and how the order was granted by the authority. In reply to our query, Mr Shamsur Rahman, the learned Advocate for the respondent-Biman, has placed before us some documents said to have been the Recruitment Rules. We have gone through these papers and found that there is no date of framing the “নিয়োগ বিধি” nor the name of the authority who framed the

“নিয়োগ বিধি”. These are some loose papers which cannot be recognised as “নিয়োগ বিধি”.

27. In the Supplementary-Affidavit the petitioners denied the authenticity of the Recruitment Rules and stated that there was no basis of these “নিয়োগ বিধি”. It has not been framed by any competent authority nor published in the official Gazette. The respondents failed to give the date when it came into effect. In the Affidavit-in-Reply filed on behalf of the respondent Nos.2-6 it has been stated that the so-called “নিয়োগ বিধি” was duly framed by the competent Authority of the Bangladesh Biman Corporation. But we find contradictory provisions in the so-called “নিয়োগ বিধি” and the note of advertisement published by the Bangladesh Biman in respect of recruitment. Facts remain, that all the petitioners were initially appointed on casual basis in the respective posts against the permanent vacancies initially for a period of 90 days and thereafter their service periods were extended for different periods from time to time for 90 days and finally (heir services were extended till the filling up of the permanent posts by regular appointments and thereby these petitioners were appointed in their respective posts for 90 days in between terms and finally till the time when their extensions were refused on 18-4-2004 though all of them served continuously. From the Annexure-C series it appears that petitioner Hasmat Ali in Writ Petition No. 1405 of 2004 continuously served in total 153 days from May 1997 to September 1997 without any gap. Similarly, Md Abdul Kader in Writ petition No. 1406 of 2004 continuously served in total 184 days from May 1997 to October 1997 without any gap. Similarly BHM Mohin in Writ Petition No. 1407 of 2004 continuously served in total 122 days from June 1997 to September 1997 without any gap. Similarly Md Shah Alam in Writ Petition No. 1408 of 2004 continuously

served in total 122 days from June 1997 to September 1997 without any gap. Md Abdul Matin in Writ Petition No. 1409 of 2004 continuously served in total 153 days from May 1997 to September 1997 without any gap. Md Maksudul Haque in Writ Petition No- 1410 of 2004 continuously served in total 122 days from June 1997 to September 1997 without any gap. FM Anisur Rahman in Writ Petition No. 1696 of 2004 continuously served in total 911 days from September 1996 to February 1999 without any gap. Md Iktiar Farazi in Writ Petition No. 1697 of 2004 continuously served in total 365 days from March 1998 to February 1999 without any gap. SK. Ali Ahmed in Writ Petition No. 1699 of 2004 continuously served in total 490 days from August 1997 to February 1999 without any gap. Md Shafiqul Islam in Writ Petition No. 1700 of 2004 continuously served in total 637 days from September 1996 to May 1998 without any gap. Md Zahangir Farazi in Writ Petition No. 1698 of 2004 continuously served from 1-9-1996 to 31-10-1998 in total 791 days without any gap. Lakhida Khanam in Writ Petition No. 1695 of 2004 continuously served in total 789 days from January 1997 to February 1999 without any gap.

From the materials on record it appears that all these petitioners continuously worked for more than 90 days many times and finally they were appointed as workers for an unlimited period till the final vacancies be filled up and all of them served the Bangladesh Biman for about 8 years. It also appears from the office note that the Bangladesh Biman was very much satisfied with the work of the petitioners and they have also noted with approval the performance of the petitioners as competent workers in their respective posts for their appointments and extension till the final vacancies would be filled up and thereby the petitioners were given the understanding to be made permanent in the respective posts. It also

appears from the record that there is no adverse remark in their service records rather the authority for their satisfactory service records, finally extended their service till the vacancies be filled up with permanent appointments and the Authority recognised them as the competent workers in the respective posts. Thus, it appears that the petitioners have worked continuously for more than 90 days without any gap according to the provisions of section 4(1) and 4(2) of the Employment of Labour (SO) Act 1965 and the petitioners are entitled to get appointment as permanent workers. Sub-sections (1) and (2) of section 4 of the Employment of Labour (SO) Act, 1965 read as follows:

“Classification of workers and period of probation-(1) A worker employed in any shop or commercial or industrial establishment shall be classified in any of the following cases according to the nature and condition of work and in the manner provided in this Act-

(a) apprentices (b) badlis (c) casual (d) permanent (e) probationer and (f) temporary.

(2) The period of probation for a worker whose function is of clerical nature, shall be six months and for other workers such period shall be three months, including breaks due to leave, illegal lock-out or strike (not being an illegal strike) in the shop or commercial or industrial establishment:

28. Provided that in the case of a skilled worker, the period of probation may be extended by an additional period of three months if, for any circumstances, it has not been possible to determine the quality of his work within three months’ period of his probation.”

29. According to sub-section (1) and (2) of section 4 a worker employed in any

shop or commercial or industrial establishment shall be classified in any of the following classes according to the nature and condition of work and in the manner provided in this Act-

(a) apprentices (b) badlis (c) casual (d) permanent (e) probationer and (f) temporary.

30. Sub-section (2) of section 4 provides that the period of probation for a worker whose function is clerical in nature, shall be six months and for other workers such period shall be three months, including breaks due to leave, illegal lock-out or strike (not being an illegal strike) in the shop or commercial or industrial establishment:

31. Proviso to the said sub-section (2) contemplates that in the case of a skilled worker, the period of probation may be extended by an additional period of three months if, for any circumstance, it has not been possible to determine the quality of his work within three months’ period of his probation.

32. In the instant case, it appears that all the petitioners initially were appointed as casual workers in their respective posts against the permanent posts initially for 90 days and thereafter for some terms till the filling up of the permanent posts. We have already noticed that all the workers served some years continuously without any gap and the respondent No. 1 failed to consider this aspect of the matter. It also appears that respondent No. 1 Labour Court without considering the respective cases of the petitioners and the documents produced before it passed the impugned decision and order finding that petitioners did not continuously work, which is not correct. We have already noticed that all the petitioners worked for more than 90 days. Being the workers of Bangladesh Biman Corporation these petitioners completed their probation periods under

sub-section (2) of section 4 of the aforesaid Act of 1965 and thereby these petitioners have become entitled to be appointed permanently in the respective vacant posts. It has been contended by the respondent Nos. 2-5 that these appointments were on casual basis i.e. no work no pay and they did not perform their work continuously and they are not entitled to be appointed permanently. We have found from the note sheets that all the petitioners worked in the permanent posts as appears in Annexure-D series. It also appears that these petitioners were appointed as against permanent posts and in the case of Secretary, Internal Resources Division, Ministry of Finance and Chairman, NBR, Dhaka vs Nasrin Banu reported in 48 DLR (AD) 171, it has been held that "Inter-ministerial/ Divisional communications made in the process of reaching a decision, uncommunicated to the affected persons, do not create a legal right in their favour." But the facts and circumstances of these two decisions are distinguishable from the facts and circumstances of the present case. The petitioners' case is that the official note of the Bangladesh Biman recommended the names of the candidates whose qualifications and experience were recognised by the Biman Authority and accordingly, the Authority approved their appointments and these were communicated to them. On the basis of internal notes they were appointed as casual workers against the permanent posts.

33. It has been contended on behalf of the respondents that by the internal note sheets no right has accrued to the petitioners to collect the note sheets. On this point, Mr Bhuiyan, the learned Advocate for the respondent Nos. 2-6, has relied on the decision in the case of Al-haj Abul Basher vs Bangladesh reported in 50 DLR (AD) 11, where it has been held, that "Inter-Ministerial Communications are merely policy guidelines in respect of

certain matters concerning the business of the Government. These do not create any legal right in favour of any person to ask for return of unutilised land validly acquired under the law."

34. In the case of Secretary, Internal Resources Division, Ministry of Finance and Chairman, NBR, Dhaka vs Nasrin Bonn reported in 48 DLR (AD) 171 Mr Justice Mustafa Kamal, as he then was, observed that "having left the issue of surplus public servants undecided, the High Court Division made a revoking and rambling journey through Annexures E, F and G to give not only the writ petitioners but also the 'concerned employees' a relief on some reasoning which do not seem to have been canvassed by the writ petitioners themselves. The learned Additional Attorney-General submits that Annexures E, F and G are Inter-Ministerial/ Divisional communications. The various Ministries/ Divisions were thinking aloud, within themselves, as to what to do with the erstwhile employees of the Tribunals. None of these Annexures were communicated to the writ petitioners. No specific decision was taken by the appellant Ministry in favour of the respondents after these correspondences ended. No legal right can be founded on these inter-ministerial/ divisional communications. He has cited the observation of the Appellate Division in the decision of the case of Bangladesh vs Dhaka Steel Works Ltd 45 DLR (AD) 69, paragraph 83 which is as follows:

"83. We must however sustain the further contention of the learned Additional Attorney-General that the Government's notings dated 20-1-1976 and 28-1-1976 as furnished in Annexure-Y to the writ petition, are not enforceable, because those were internal exercises of

the Government and were never communicated to the respondents. No legal right can be founded on those notings. The respondents are not also supposed to obtain a copy thereof. Consequently we are unable to uphold that part of the order of the High Court Division which directs the appellants to implement the order dated 20-1-1976 and 28-1-76 and to release the property of the respondents "in terms of the said order."

35. Mr Amirul Islam made no specific submission to counter the above submission of the learned Additional Attorney-General and we hold, consistent to what we held before, that inter-ministerial/divisional communications made in the process of reaching a decision, uncommunicated to the affected persons, do not create a legal right in their favour. The affected persons are not supposed to get even copies of them. But if the contents thereof are not denied by the respondents the Court can draw such conclusions therefrom as it thinks fit in the facts and circumstances of each case."

36. From the aforesaid observations of the Appellate Division, it appears that the Appellate Division have observed that interministerial communication cannot create any legal right. Herein the affected person is not entitled to get any relief if the contents of the documents is not communicated to the respondents. The Court can draw any conclusion as it thinks fit in the facts and circumstances of each case if such contention is not denied by the respondent-Biman. So whether any right is accrued to any person on the basis of internal official note depends on the facts and circumstances of each case. In the instant case before us, the official notes of Bangladesh Biman Airlines Corporation were issued in connection with the petitioners. Accordingly, they were appointed on a casual basis, in other

words, the respondent Biman Authority gave effect to the internal communication in the official notes of Biman and accordingly, petitioners were also appointed on casual basis against the permanent posts. So, the facts and circumstances in these two reported decisions are distinguishable, from the facts and circumstances of present cases before us.

The respondent-Biman Corporation has given effect to the internal communication in the form of official notes. They connected the petitioners and accordingly, the said internal communication was acted upon by both the parties i.e. the petitioners were appointed by Bangladesh Biman initially for 90 days and the petitioners joined there and subsequently their services were extended from time to time and finally till the filling up of the permanent posts and thus they worked for more than 8 years on the basis of internal communication. The respondent No. 1 Labour Court passed the decision without applying its judicial mind in the facts and circumstances of the case. We have initially gone through the judgment of the petitioners and subsequently we called for the case records of Writ Petition No. 2476 of 1999 and perused the case records. In the said case the petitioner was appointed on a casual basis for 90 days and subsequently the period of service was extended from time to time continuously and they were appointed till the filling up of the permanent posts. Though respondent No. 1 found that both the petitioners of Writ Petition No. 2476 of 1999 and the present petitioners before us are casual workers but he wrongly found that "but other facts are totally different" but respondent No. 1 failed to state which are the other facts being totally different and what are the facts of the present case. We are of the view that these cases are quite similar, so we find that the respondent No. 1 wrongly distinguished

the unreported decision cited, relied on and referred to by the petitioners. We are of the view that the facts and circumstances of Writ Petition No. 2476 of 1999 are similar with that of the present cases. We are not satisfied as to the authenticity of “wbꞑvM wewa” and the respondent No. 2 failed to satisfy the court as to the authenticity of “wbꞑvM wewa” even they failed to show who, when and how the same was framed and given into effect. We find substance in the submission of the learned Advocates for the petitioners to this effect. We have accepted the submissions advanced on behalf of the petitioners and the unreported decision in Writ Petition No. 2476 of 1999 and are of the view that once a casual worker is appointed against a permanent post in a shop or commercial or industrial establishment for a period of 90 days and subsequently that period was extended for some more terms of 90 days and the workers continuously worked without any gap for more than 90 days for years together on casual basis for more than 90 days or even a longer period as in the present case till the permanent posts are filled up, these workers called casual workers have completed the status of a probationer against permanent posts. In that view of the matter we hold that these petitioners having served Biman Airlines in their respective positions and posts continuously for more than 90 days and they have continuously served for more than 8 years and thereby they have served the period of probation under section 4(2) of the Employment of Labour (SO) Act 1965 and they have become entitled to be absorbed in the permanent posts. We also find substance in the submissions of the learned Advocates for the petitioners that respondents with a malafide intention extended the period of service of the petitioners with 2/3 days gap in a year because all the petitioners continuously served for more than 90 days and finally

before the refusal of extension of their service on 18-4-2004 all the petitioners continuously worked for more than a few years without any gap. In the case of Bangladesh Film Development Corporation vs Chairman, 1st Labour Court, Dhaka reported in 49 DLR 396, it has been held that a service regulation, even if a statutory one, cannot exclude or supersede the Employment of Labour (SO) Act. The FDC may have its own Service Regulations but it cannot be beyond the ambit of Employment of Labour (SO) Act. If any provision of the Service Regulations of the FDC is less favourable to the express provision of the Standing Orders Act that provision, is void ab initio.

37. In the aforesaid decision reported 49 DLR 396 at 399 it has been observed that “the probationary period referred to here is the statutory probationary period. Therefore, the parties concerned have to make their decision, whatever may be, within the period provided in section 4(2) of Standing Orders Act and not after that. The period of probation is for a particular period provided in the Standing Orders Act and cannot be extended unless in cases allowed by the Standing Orders Act. In the instant case, the decision has been made one year, one month and twenty-two days after the appointment. According to Mr. Hannan, there is nothing wrong in it as the Service Regulations of the FDC being applicable has been followed and the service of the respondent No. 2 has been dispensed with within the probationary period provided in the said Service Regulations. This submission is however, not acceptable to us. The FDC may have its own Service Regulations but it cannot be beyond the ambit of the Employment of Labour (SO) Act. A service Regulations, even if a statutory one, cannot exclude or supersede the Employment of Labour (SO) Act. Therefore, if any provision of the Service Regulations of the FDC is less favourable to the express provision of the

Standing Orders Act that provision, in our view, is void ab initio.”

38. We are in respectful agreement with the aforesaid decision and relying with the said decision we are of the view that in the instant case the provisions of section 4(2) of the Employment of Labour (SO) Act 1965 can exclude the less favourable provision of the so-called “wbꞑvM wewa” of Bangladesh Biman if it is legally in existence.

39. In the instant case before us the petitioners have requisite qualification as per Bangladesh Biman office note and also in the advertisement in respect of Data Entry Assistant Annexure-D(3). But the contention of the respondent Nos. 2-6 that the petitioners have no requisite qualifications as per “নিয়োগ বিধি” has no legal basis. We have discussed at length that the respondent-Biman failed to show when, how and by whom the so-called “নিয়োগ বিধি” has been framed and published. Conceding for argument’s sake even if the Bangladesh Biman has a Recruitment Rules with different provisions that will not supersede the provisions of section 4(2) of the Act of 1965. This “নিয়োগ বিধি” in no way shall take preference over section 4 of the Act since the section 4(2) provides that the period of probation for a worker whose function is of clerical nature, shall be six months and for other workers such period shall be three months. In this context, we also refer to the decision of the case of Azizul Huq vs Chairman, Labour Court, Khulna reported in 48 DLR 527 where it has been held that “Labour Court has been set up to do justice to the worker-complainants and not to throw out the cases filed by the workers on technical grounds. The Labour Court having found the order of dismissal of the petitioner not tenable in law had no option but to do justice to the petitioner.” In this reported case the Court referred to section 25(1)(d) of the Employment of Labour (SO) Act,

1965 which reads as follows :

“(d) in deciding the matter the Court may pass such order including orders regarding cost, as it may deem just and proper and it may, in appropriate cases, require, by such order, reinstatement of complainant thereof and such order shall be final.

Provided that any complaint under this section shall not amount to prosecution under section 27 of this Act.”

40. It has been observed in the aforesaid decision reported in 48 DLR 527 para 5 in the following terms:

“From the above it appears that Labour Court is competent to pass an appropriate order deciding the case on receipt of a complaint under clause (b) of section 25 of the Act, after notice and hearing of the parties. Thus it is clear that Labour Court’s power is not restricted to the grant of relief of reinstatement only. It can pass any order deemed just and proper in the facts and circumstances of the case. Labour Court has been set up to do justice to the worker complainants and not to throw out the cases filed by the workers on technical grounds. The Labour Court having found the order of dismissal of the petitioner not tenable in law had no option but to do justice to the petitioner.”

41. In the reported case having considered the prayer portion of the petition of complaint the Labour Court observed (48 DLR 527 para 7) “Though above reliefs prayed in the above manner have been couched in a declaratory form, in essence the prayer was for reinstatement of the petitioner in service with full back wages as would appear from prayer (b) for declaring him still in service. A court or tribunal is constituted to do justice to the parties and not throw away a case on technical ground. We are shocked to see that the chairman of the Labour

Court who is an experienced and senior judicial officer failed to do justice to the petitioner though he found the order of dismissal of the petitioner not tenable in law. Labour Court acted illegally in refusing the real relief sought by the petitioner for reinstatement in service with back wages though couched in a different language. Defective drafting of the petition of complaint filed before the Labour Court which is a tribunal for giving relief to the workers, most of whom are illiterate persons, should not stand in the way of giving relief to a worker when his complaint is found correct by the Labour Court.”

Having considered the aforesaid decision reported in 48 DLR 527 we are of

the view that the Labour Court should have individually and separately considered the respective cases of petitioners without making any lump observation that petitioners not having any requisite qualification nor serving 120 days continuously have not come within the provision of section 4(2) of the Act of 1965. We have already noticed that all the petitioners continuously worked for more than 90 days as per requirement of section 4(2) of the Act, 1965 and have, in fact, continuously worked for 7/8 years. In other words we find that all of them served a period which is more than a few years. So we are of the view that impugned decision and order has not been passed in accordance with law which requires



DISTRIBUTION OF POPULATION BY ECONOMIC ACTIVITIES

(In million)

Major occupation	1999 – 2000			2002-2003			2005 – 06 (*)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Professional, technical	1.19	0.37	1.57	1.32	0.40	1.72	1.74	0.49	2.23
Administrative, managerial	0.17	0.02	0.19	0.09	-	0.09	0.20	0.02	0.22
Clerical workers	1.08	0.13	1.21	1.34	0.18	1.52	0.87	0.14	1.02
Sales workers	5.32	0.44	5.76	6.26	0.29	6.55	6.48	0.23	6.71
Service workers	0.99	1.24	2.24	1.03	0.95	1.98	1.89	0.87	2.78
Agriculture, forestry & fisheries	15.58	3.77	19.34	16.99	5.77	22.76	9.68	1.81	22.93
Production & transport labourers and others	6.74	1.93	8.67	7.45	2.24	9.69	9.68	1.81	11.49
Total	31.09	7.89	38.98	34.48	9.84	44.32	36.08	11.28	47.36

Note: (* Provisional) indicates population 15 years and above as per Labour Force Survey 2005 – 06

Source: Labour Force Survey 1999 – 2000, 2002 – 03 and 2005-06 Bangladesh Bureau of Statistics.

DISTRIBUTION OF POPULATION BY ECONOMIC ACTIVITIES

(In percent of total)

Major occupation	1999 – 2000			2002-2003			2005 – 06 (*)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Professional, technical	3.8	4.7	4.0	3.8	4.1	3.9	4.8	4.4	4.7
Administrative, managerial	0.6	0.2	0.5	0.3	0.0	0.2	0.6	0.2	0.5
Clerical workers	3.5	1.7	3.1	3.9	1.9	3.4	2.4	1.3	2.1
Sales workers	17.1	5.6	14.8	18.2	2.9	14.8	5.2	7.7	5.8
Service workers	3.2	15.7	5.7	3.0	9.7	4.5	18.0	2.1	14.2
Agriculture, forestry & fisheries	50.1	47.7	49.6	49.3	58.6	51.4	42.2	68.3	48.4
Production & transport labourers and others	21.7	24.4	22.3	21.6	22.8	21.9	26.8	16.0	24.3
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(* Provisional) indicates population 15 years and above as per Labour Force Survey 2005 – 06

Source: Labour Force Survey 1999 – 2000, 2002 – 03 and 2005-06 Bangladesh Bureau of Statistics.

POPULATION AGED 15 YEARS AND ABOVE BY MAJOR INDUSTRY

(In million)

Major Industry	1999 – 2000			2002-2003			2005 – 06 (*)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Agriculture, forestry & fisheries	16.14	3.65	19.79	17.16	5.77	22.93	15.08	7.68	22.77
Mining and quarrying	0.09	0.08	0.17	0.08	0.00	0.08	0.04	0.01	0.05
Manufacturing	2.33	1.39	3.72	2.64	1.71	4.34	3.93	1.29	5.22
Electricity, Gas and water	0.12	0.02	0.13	0.09	0.01	0.09	0.07	0.00	0.08
Construction	0.99	0.09	1.09	1.45	0.09	1.54	1.42	0.10	1.53
Trade, hotel and restaurant	5.63	0.50	6.15	6.42	0.25	6.67	7.37	0.45	7.82
Transport, storage & communication	2.43	0.05	2.47	2.99	0.03	3.02	3.91	0.07	3.98
Finance & business services and real estate	0.36	0.05	0.40	0.39	0.03	0.42	0.62	0.13	0.75
Health, education, public administration & defense	1.74	0.38	2.12	2.13	0.55	2.68	1.98	0.57	2.55
Community and personal services	1.23	1.69	2.92	1.14	1.41	2.55	1.65	0.97	2.62
Total	31.09	7.89	38.98	34.48	9.84	44.32	36.08	11.28	47.34

(* Provisional) indicates population 15 years and above as per Labour Force Survey 2005 – 06

Source: Labour Force Survey 1999 – 2000, 2002 – 03 and 2005-06, Bangladesh Bureau of Statistics.

POPULATION AGED 15 YEARS AND ABOVE BY MAJOR INDUSTRY

(In percent of total)

Major Industry	1999 – 2000			2002-2003			2005 – 06 (*)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Agriculture, forestry & fisheries	51.9	46.2	50.8	49.8	58.7	51.8	41.8	68.1	48.1
Mining and quarrying	0.3	1.0	0.4	0.2	0.0	0.2	0.1	0.1	0.1
Manufacturing	7.5	17.6	9.5	7.6	17.3	9.8	10.9	11.5	11.0
Electricity, Gas and water	0.4	0.2	0.3	0.3	0.1	0.2	0.2	0.0	0.2
Construction	3.2	1.2	2.8	4.2	1.0	3.5	4.0	0.9	3.2
Trade, hotel and restaurant	18.1	6.3	15.8	18.6	2.5	15.1	20.4	4.0	16.5
Transport, storage & communication	7.8	0.6	6.3	8.7	0.3	6.8	10.8	0.6	8.4
Finance & business services and real estate	1.1	0.6	1.0	1.1	0.3	0.9	1.7	1.1	1.6
Health, education, public administration & defense	5.6	4.8	5.4	6.1	5.6	6.0	5.5	5.1	5.4
Community and personal services	4.0	21.4	7.5	3.3	14.4	5.8	4.6	8.6	5.6
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(* Provisional) indicates population 15 years and above as per Labour Force Survey 2005 – 06

Source: Labour Force Survey 1999 – 2000, 2002 – 03 and 2005-06, 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
Regular paid employee	5.25	1.32	6.57	2.62	0.89	3.50	2.63	0.43	3.06
Employer	0.12	0.01	0.13	0.03	0.00	0.03	0.09	0.01	0.09
Self-employed	18.06	1.79	19.85	3.88	0.08	4.67	14.18	0.99	15.17
Unpaid family worker	3.49	6.78	10.27	0.48	0.59	1.07	3.01	6.19	9.19
Irregular paid worker	0.78	0.16	0.95	0.23	0.04	0.26	0.55	0.13	0.68
Day labour (agri.)	4.79	0.28	5.07	0.23	0.02	0.25	4.57	0.26	4.83
Day labour (non agri.)	3.09	0.45	3.54	0.97	0.16	1.13	2.13	0.29	2.41
Domestic worker/maid servant	0.07	0.26	0.33	0.01	0.09	0.10	0.06	0.17	0.23
Paid/unpaid apprentice	0.21	0.03	0.24	0.07	0.01	0.08	0.14	0.03	0.16
Others	0.23	0.19	0.42	0.06	0.06	0.13	0.17	0.12	0.29
Total	16.08	11.28	47.36	8.57	2.66	11.22	27.51	8.62	36.13

(* Provisional) indicates population 15 years and above as per Labour Force Survey 2005 – 06

Source: Labour Force Survey 1999 – 2000, 2002 – 03 and 2005 - 06, Bangladesh Bureau of Statistics.

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

(In percent of total)

Employment Status	National			Urban			Rural		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Regular paid employee	14.6	11.7	13.9	30.5	33.3	31.2	9.6	5.0	8.5
Employer	0.3	0.1	0.3	0.3	0.1	0.3	0.3	0.1	0.3
Self-employed	50.0	15.9	42.0	45.3	29.9	41.7	51.5	1.6	42.0
Unpaid family worker	9.7	60.1	21.7	5.6	22.3	9.5	11.0	71.8	25.5
Irregular paid worker	2.2	1.5	1.9	2.7	1.3	2.3	2.0	1.5	1.9
Day labour (agri.)	13.3	2.5	10.7	2.7	0.7	2.2	16.6	3.0	13.4
Day labour (non agri.)	8.5	4.0	7.5	11.3	6.1	10.1	7.7	3.3	6.6
Domestic worker/ maid servant	0.2	2.3	0.7	0.1	3.6	0.9	0.2	2.0	0.6
Paid/unpaid apprentice	0.6	0.3	0.5	0.8	0.3	0.7	0.5	0.3	0.4
Others	0.6	1.6	0.8	0.7	2.4	1.1	0.6	1.4	0.8
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(* Provisional) indicates population 15 years and above as per Labour Force Survey 2005 – 06

Source: Labour Force Survey 1999 – 2000, 2002 – 03 and 2005-06, Bangladesh Bureau of Statistics.

EMPLOYMENT INDICES OF INDUSTRIAL WORKERS IN SELECTED INDUSTRIES

(Base: 1988 – 89 = 100)

Period	Jute		Cotton		Paper	
	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees
2001-02	52.58	69.88	71.79	71.87	67.17	52.53
2002-03	68.19	66.46	71.66	71.77	37.75	42.82
2003-04	69.07	66.56	71.69	71.81	29.47	34.19
2004-05	65.46	62.58	71.76	71.78	26.72	30.38
2005-06	65.87	63.12	71.90	71.97	29.86	31.42
2006-07	65.14	59.06	72.47	72.49	27.11	30.59
2007-08	64.35	57.81	72.56	72.62	24.91	28.22
2008-09	64.59	58.04	72.69	72.62	22.87	26.18
2009						
January	64.55	57.99	72.69	72.76	22.85	26.10
February	64.55	58.00	72.69	72.76	22.85	26.13
March	64.56	58.01	72.70	72.35	23.03	26.35
April	64.56	58.02	72.71	72.36	23.03	26.35
May	64.72	58.17	72.73	72.38	23.18	26.43
June	64.90	58.34	72.73	72.38	23.22	26.47
July	64.91	58.33	74.39	73.76	23.47	26.71
August	65.02	58.43	74.65	74.00	23.39	26.58
September	65.03	58.44	74.67	74.00	23.37	26.53
October	65.05	58.46	74.95	73.37	23.41	26.62
November	65.60	58.46	74.95	74.37	23.41	26.62
December	65.06	58.48	75.00	74.41	23.50	26.76

Period	Cement		Fertilizer		Petroleum		Paints & Varnishes	
	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees
2001-02	145.87	128.71	100.56	105.24	92.91	115.76	166.84	152.09
2002-03	143.00	127.06	99.90	104.30	95.00	114.90	168.00	155.62
2003-04	143.96	127.82	95.45	100.28	99.46	116.44	167.91	155.35
2004-05	145.05	128.64	92.22	96.25	109.26	118.55	167.37	156.27
2005-06	146.56	130.23	89.69	94.57	110.35	121.13	193.58	155.80
2006-07	148.62	132.79	89.13	94.16	107.90	118.71	185.56	152.32
2007-08	150.13	134.46	85.14	89.62	101.90	118.04	177.00	147.20
2008-09	154.93	139.40	80.30	86.53	105.58	121.07	180.75	150.52
2009								
January	154.53	139.23	80.04	86.21	101.09	117.57	179.68	149.77
February	154.53	139.23	80.04	86.39	103.81	119.02	179.68	149.77
March	156.18	140.82	80.49	86.71	106.81	122.13	183.42	152.79
April	156.32	140.97	80.53	86.71	107.63	123.10	186.10	154.19
May	157.42	141.72	80.39	86.65	107.90	123.42	182.89	151.63
June	157.83	142.18	80.56	86.74	108.45	124.07	181.82	150.70
July	162.91	149.36	82.33	87.83	110.35	126.66	197.33	161.63
August	164.01	150.57	82.47	87.92	109.54	126.00	200.53	163.72
September	164.56	150.72	82.37	87.83	110.90	127.46	202.67	164.88
October	164.70	151.25	82.44	87.99	113.62	130.37	205.88	166.74
November	165.93	152.15	82.51	88.08	114.99	131.50	208.02	168.83
December	167.17	152.99	82.71	88.14	115.80	132.31	208.56	170.23

Source: Monthly Statistical Bulletin, Bangladesh Bureau of Statistics.

PRODUCTIVITY INDICES OF INDUSTRIAL WORKERS IN SELECTED INDUSTRIES

(Base: 1988 – 89 = 100)

Period	Jute		Cotton		Paper	
	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees
2001-02	94.66	98.32	142.48	142.32	69.85	64.69
2002-03	89.79	92.13	152.48	152.25	93.54	69.93
2003-04	80.99	84.04	201.92	201.59	114.49	98.68
2004-05	82.55	86.35	251.28	246.96	113.10	99.47
2005-06	76.02	79.34	287.38	287.10	107.68	95.48
2006-07	79.32	87.48	366.28	366.18	98.56	87.34
2007-08	89.83	100.00	400.06	399.74	112.80	99.57
2008-09	84.66	94.22	412.46	412.88	123.56	107.80
2009						
January	78.39	87.26	410.59	410.20	154.18	134.82
February	75.66	84.21	413.83	413.43	138.18	119.25
March	73.36	81.64	414.79	416.79	146.72	128.23
April	69.67	77.52	417.00	419.00	144.03	125.88
May	65.51	72.89	417.09	419.11	134.86	118.27
June	148.55	165.26	418.56	420.59	123.26	108.12
July	90.34	100.53	406.82	410.26	125.31	110.11
August	86.62	96.39	410.46	414.07	123.47	108.65
September	77.66	86.41	412.40	415.63	110.31	97.17
October	95.83	106.62	411.58	414.79	108.59	95.49
November	95.51	106.29	412.75	416.02	113.82	99.93
December	83.71	93.12	413.15	416.42	110.46	97.01

Period	Cement		Fertilizer		Petroleum		Paints & Varnishes	
	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees	Production Workers	All Employees
2001-02	335.10	379.67	106.96	104.23	144.25	115.78	380.65	417.57
2002-03	353.00	379.13	143.00	105.76	136.00	112.00	411.00	444.00
2003-04	362.82	408.64	144.11	137.17	132.72	113.92	473.17	511.39
2004-05	413.94	466.74	142.62	136.64	106.99	98.63	617.39	661.24
2005-06	435.50	490.11	134.38	127.45	115.78	105.48	577.40	717.41
2006-07	454.46	508.63	139.13	131.70	118.96	108.03	663.97	808.86
2007-08	469.84	524.59	116.22	110.41	113.49	97.98	672.13	808.20
2008-09	535.18	594.61	104.99	97.38	94.63	82.16	623.40	740.45
2009								
January	534.54	593.28	98.15	91.13	87.32	75.08	639.54	767.25
February	537.21	596.24	123.64	114.55	81.25	70.87	666.55	799.67
March	536.85	595.40	120.36	111.73	129.10	112.90	655.19	786.54
April	540.39	599.23	103.86	94.43	107.79	94.24	655.81	791.54
May	540.62	600.51	79.59	73.84	81.57	71.31	721.75	870.85
June	543.86	603.72	76.61	71.16	82.82	72.39	747.80	902.22
July	507.39	553.46	67.13	62.93	105.17	91.63	703.84	859.30
August	506.02	551.19	78.19	73.34	93.13	80.79	719.73	881.55
September	501.83	547.91	99.73	93.53	92.54	80.52	718.48	883.15
October	508.18	553.38	77.79	72.88	103.87	90.53	709.55	876.10
November	506.94	552.86	80.60	75.50	94.79	83.41	713.21	878.77
December	509.03	556.22	140.02	131.39	95.09	83.22	705.48	864.33

Source: Monthly Statistical Bulletin, Bangladesh Bureau of Statistics.

AVERAGE DAILY WAGE RATES OF CONSTRUCTION LABOUR IN PRINCIPAL TOWNS

(Value in Taka)

Types of Labour	Town	2005 - 06	2006 - 07	2007 - 08	2008-09	2009		
						October	November	December
Mason (Skilled)	Chittagong	210.00	221.50	240.75	270.83	291.00	300.00	300.00
	Dhaka	210.83	228.00	250.92	286.33	300.00	300.00	300.00
	Khulna	175.00	188.00	206.42	254.00	270.00	275.00	275.00
	Narayanganj	209.16	225.00	247.08	250.00	250.00	300.00	300.00
	Rajshahi	170.00	184.50	204.92	230.58	265.00	265.00	265.00
	Rangpur	175.00	192.08	248.18	250.00	230.00	230.00	230.00
	Sylhet	185.00	200.00	-	300.00	300.00	-	-
Helper to Mason	Chittagong	106.00	118.00	136.57	216.67	175.00	200.00	200.00
	Dhaka	112.25	131.00	150.00	200.00	200.00	200.00	200.00
	Khulna	90.00	98.67	116.57	180.00	170.00	170.00	170.00
	Narayanganj	112.10	121.25	151.66	190.83	190.00	140.00	190.00
	Rajshahi	90.00	96.83	109.17	186.25	164.00	165.00	165.00
	Rangpur	85.00	98.18	104.55	180.00	150.00	150.00	150.00
	Sylhet	127.27	150.00	-	182.50	160.00	-	-
Carpenter (Skilled)	Chittagong	226.00	280.00	280.00	310.83	350.00	350.00	350.00
	Dhaka	200.00	250.00	287.00	300.00	300.00	350.00	350.00
	Khulna	150.00	150.00	117.50	226.92	270.00	260.00	260.00
	Narayanganj	200.00	250.00	265.83	300.00	300.00	300.00	300.00
	Rajshahi	128.00	143.33	165.83	209.58	200.00	200.00	200.00
	Rangpur	152.00	153.33	170.00	210.00	270.00	270.00	270.00
	Sylhet	185.45	200.00	-	220.83	300.00	-	-
Plumber (Sanitary fitter)	Chittagong	250.00	250.00	262.50	310.42	350.00	350.00	350.00
	Dhaka	200.00	258.33	250.00	333.33	350.00	350.00	350.00
	Khulna	151.00	154.58	195.25	243.33	280.00	280.00	280.00
	Narayanganj	200.00	250.00	275.00	296.67	300.00	300.00	300.00
	Rajshahi	200.00	200.00	175.00	211.67	220.00	220.00	220.00
	Rangpur	177.00	178.75	238.18	250.10	270.00	270.00	270.00
	Sylhet	185.45	200.00	-	300.00	300.00	-	-
Painter	Chittagong	209.00	217.50	255.83	307.08	300.00	300.00	300.00
	Dhaka	200.00	218.33	267.00	310.42	350.00	350.00	350.00
	Khulna	149.00	157.08	183.33	220.67	280.00	280.00	280.00
	Narayanganj	200.00	227.00	234.17	256.67	300.00	300.00	300.00
	Rajshahi	127.00	150.00	172.50	210.00	220.00	220.00	220.00
	Rangpur	176.00	160.91	195.00	248.33	270.00	270.00	270.00
	Sylhet	185.45	200.00	-	300.00	300.00	-	-
Electrician	Chittagong	250.00	250.00	300.00	325.00	350.00	350.00	350.00
	Dhaka	200.00	258.33	272.00	333.33	300.00	350.00	350.00
	Khulna	149.00	152.50	181.67	234.17	260.00	260.00	260.00
	Narayanganj	200.00	250.00	304.00	392.50	300.00	300.00	300.00
	Rajshahi	127.00	200.00	187.50	221.67	200.00	200.00	200.00
	Rangpur	181.00	182.28	213.18	248.33	200.00	200.00	200.00
	Sylhet	185.45	200.00	-	300.00	300.00	-	-
Brick Breaking 1"size khua per 100 cft	Chittagong	875.00	775.00	720.83	837.50	900.00	900.00	900.00
	Dhaka	983.33	800.00	1020.00	1066.67	1000.00	1000.00	1000.00
	Khulna	622.00	617.25	579.17	670.83	650.00	650.00	650.00
	Narayanganj	953.33	800.00	1000.00	920.83	900.00	900.00	900.00
	Rajshahi	490.00	733.33	820.83	991.67	900.00	900.00	900.00
	Rangpur	670.00	714.55	758.18	1000.00	1000.00	1000.00	1000.00
	Sylhet	120.00	800.00	-	800.00	1000.00	-	-
Situ Mosaic per sft. (fitting charge)	Dhaka	18.83	25.82	25.00	25.83	25.00	25.00	25.00
Glazed Tile per sft (fitting charge)	Dhaka	18.00	20.17	25.00	25.83	25.00	25.00	25.00
Floor Tile Per sft (fitting charge)	Dhaka	18.00	20.17	25.00	25.83	25.00	25.00	25.00

Source: Monthly Statistical Bulletin, Bangladesh Bureau of Statistics.

AVERAGE WAGE RATES FOR INDUSTRIAL WORKERS IN BANGLADESH

(Nominal wages in Taka)

Industry	Types of Labour	2004-05	2005 - 06	2006 - 07	2007 - 08	2008-09	2009		
							October	November	December
Medium & Large Scale Industry									
	(i) Cotton Textile								
	Skilled	129.67	129.67	129.67	164.89	228.25	248.00	248.00	248.00
	Unskilled	109.94	109.94	109.94	120.53	156.46	169.75	169.75	170.50
(ii) Jute Textile	Skilled	129.67	129.67	129.67	163.55	224.08	243.25	244.00	244.25
	Unskilled	109.94	109.94	109.94	-	141.85	157.75	158.25	159.25
(iii) Match	Skilled	129.67	129.67	129.67	158.98	210.83	228.50	228.50	228.50
	Unskilled	109.94	109.94	109.94	117.81	142.31	153.50	153.75	154.75
(iv) Engineering (fitter)	Skilled	245.17	262.38	280.06	304.96	329.44	346.25	346.25	346.25
	Unskilled	142.71	146.00	164.67	192.46	216.90	223.50	223.50	224.25
(v) Edible Oils	Skilled	123.56	126.50	163.34	145.69	226.13	241.25	241.25	241.25
	Unskilled	104.48	107.67	120.29	185.91	172.50	180.50	180.25	181.25
(vi) Small & Cottage Industry (weaver)	Skilled	139.44	152.61	169.54	185.02	204.71	220.75	220.75	221.75
	Unskilled	-	-	-	-	-	-	-	-
(vii) Construction	Skilled	177.63	191.49	205.50	225.75	265.04	183.50	281.75	282.25
	Unskilled	99.50	99.56	111.12	128.13	163.25	148.75	174.50	176.00

Source: Monthly Statistical Bulletin, Bangladesh Bureau of Statistics.

WAGE RATE INDICES BY MAJOR SECTORS IN BANGLADESH

(Base: 1969 – 70 = 100)

Period	General	Nominal Indices			
		Agriculture	Fishery	Manufacturing	Construction
2003-04	3111.00	2582.00	2775.00	3764.00	2669.00
2004-05	3293.00	2719.00	2957.00	4015.00	2758.00
2005-06	3906.00	2925.00	3133.00	4293.00	2889.00
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					
January	5070.64	4296.02	4364.29	6203.86	4285.19
February	5078.26	4308.62	4377.92	6204.04	4296.71
March	5132.70	4405.38	4273.44	6250.07	4330.54
April	5170.25	4463.22	4475.26	6285.13	4342.51
May	5203.34	4483.10	4505.16	6319.70	4367.76
June	5232.55	4529.36	4539.15	6350.05	4374.47
July	5320.49	4629.00	4633.67	6407.76	4526.73
August	5382.80	4707.86	4682.15	6472.81	4578.37
September	5410.92	4745.03	4697.74	6505.30	4593.72
October	5422.66	4777.73	4709.14	6509.13	4608.16
November	5431.69	4792.72	4718.62	6511.60	4624.51
December	5453.86	4820.71	4733.11	6535.25	4644.99

Source: Monthly Statistical Bulletin, Bangladesh Bureau of Statistics

CONSUMER PRICE INDEX: NATIONAL

(Base: 1995 – 96 = 100)

Period	General	Food, Beverage & Tobacco	Non-food	Clothing & Foot-wear	Gross rent fuel & lighting	Furniture House hold Equip	Medical care & health expense	Transport	Recreation Education	Misc goods & services
2004-05	153.23	158.08	147.14	142.15	141.43	143.18	162.67	179.94	150.24	137.78
2005-06	164.21	170.34	156.56	148.35	152.02	151.21	169.62	191.66	165.42	143.25
2006-07	176.06	184.18	165.79	156.79	162.32	162.61	178.49	201.15	171.47	151.44
2007-08	193.54	206.79	176.26	164.53	174.70	178.56	185.66	211.01	174.86	166.69
2008-09	206.43	221.64	186.67	173.10	184.46	194.75	189.25	222.12	181.44	188.84
2009-10	221.53	240.55	196.84	181.29	191.49	215.04	199.22	234.09	192.46	208.40
2009-10										
July	214.01	231.42	191.33	177.20	185.27	208.21	193.35	227.44	186.37	204.24
August	216.99	234.80	194.16	177.99	189.34	210.21	197.40	231.53	189.00	205.36
September	219.80	239.00	195.10	180.20	189.70	211.93	198.44	232.17	189.84	206.43
October	223.36	244.54	195.56	179.64	190.03	212.79	199.04	233.15	191.63	207.54
November	222.14	241.55	196.87	181.51	191.65	214.68	199.55	233.95	191.75	208.75
December	222.33	241.55	197.26	181.80	191.93	215.53	199.80	234.71	192.35	208.97
January	222.38	241.65	197.29	181.83	191.95	215.61	199.80	234.75	192.38	208.99
February	222.50	241.70	197.53	182.08	192.12	216.15	199.94	235.18	192.70	209.07
March	222.61	241.49	198.09	182.58	192.33	217.26	200.42	235.89	194.49	209.69
April	222.49	240.48	199.31	183.46	194.05	218.81	200.86	236.62	196.00	210.20
May	223.59	242.09	199.69	183.51	194.64	219.19	201.01	236.73	196.46	210.69
June	226.11	246.29	199.94	183.68	194.88	220.16	201.05	237.02	196.58	210.90

Source : Bangladesh Bureau of Statistics

CONSUMER PRICE INDEX: ALL RURAL

(Base: 1995 – 96 = 100)

Period	General	Food, Beverage & Tobacco	Non-food	Clothing & Foot-wear	Gross rent fuel & lighting	Furniture House hold Equip	Medical care & health expense	Transport	Recreation Education	Misc goods & services
2004-05	154.03	156.82	149.29	141.73	147.64	141.90	166.56	178.92	153.78	134.90
2005-06	165.37	168.77	159.59	148.19	160.63	149.45	175.03	191.31	168.85	139.40
2006-07	177.42	182.18	169.33	155.88	172.14	160.38	185.41	201.06	174.74	147.95
2007-08	195.14	203.93	180.19	162.08	185.85	174.31	191.72	211.49	178.03	164.03
2008-09	208.46	218.38	191.59	169.68	199.33	189.12	194.47	219.63	184.66	184.85
2009-10	223.39	235.76	202.36	177.40	207.47	207.48	203.27	232.19	197.23	204.47
2009-10										
July	215.71	227.20	196.17	173.47	199.79	203.21	197.57	224.43	189.30	200.86
August	218.43	229.50	199.62	174.20	205.02	203.42	202.22	229.88	192.95	202.02
September	221.21	233.39	200.66	176.97	205.44	204.53	202.37	230.49	194.10	203.18
October	225.58	239.95	201.15	175.99	205.89	204.71	203.08	231.86	196.28	204.46
November	224.16	236.93	202.43	177.28	207.69	206.97	203.66	232.39	196.43	205.07
December	224.31	236.99	202.76	177.57	207.89	207.91	203.97	232.99	197.09	205.10
January	224.37	237.06	202.78	177.57	207.91	207.92	203.97	233.05	197.12	205.12
February	224.49	237.11	203.06	177.91	208.12	208.48	204.02	233.55	197.52	205.19
March	224.53	236.87	203.55	178.53	208.28	209.33	204.11	233.95	199.79	205.36
April	224.39	235.77	205.03	179.68	210.58	210.42	204.60	234.44	201.89	205.57
May	225.58	237.43	205.44	179.73	211.35	210.87	204.79	234.52	202.16	205.72
June	227.97	241.05	205.72	179.91	211.68	211.93	204.84	234.73	202.16	205.93

Source : Bangladesh Bureau of Statistics

CONSUMER PRICE INDEX: ALL URBAN

(Base: 1995 – 96 = 100)

Period	General	Food, Beverage & Tobacco	Non-food	Clothing & Foot-wear	Gross rent fuel & lighting	Furniture House hold Equip	Medical care & health expense	Transport	Recreation Education	Misc goods & services
2004-05	151.29	161.14	141.90	143.18	126.31	146.30	152.49	182.41	141.60	144.80
2005-06	161.39	174.18	149.20	148.72	131.07	155.49	156.47	192.53	157.05	152.62
2006-07	172.73	189.06	157.17	159.02	138.41	163.05	161.64	201.38	163.51	159.93
2007-08	189.65	213.73	166.69	170.51	147.54	188.92	170.90	209.84	167.16	173.16
2008-09	201.49	229.60	174.69	181.42	148.24	208.46	176.54	228.18	173.59	198.58
2009-10	216.98	252.21	183.40	190.76	152.58	233.48	189.38	238.73	180.85	217.99
2009-10										
July	209.87	241.71	179.53	186.30	149.91	220.39	183.08	234.77	179.22	212.48
August	213.48	247.71	180.85	287.23	151.16	226.75	185.66	235.54	179.37	213.51
September	216.38	252.91	181.57	188.06	151.37	229.96	188.87	236.25	179.48	214.35
October	217.95	255.72	181.95	188.52	151.42	232.45	189.21	236.29	180.31	215.03
November	217.22	252.76	183.34	191.81	152.60	233.46	189.55	237.74	180.34	217.71
December	217.50	252.78	183.87	192.09	153.05	234.09	189.63	238.89	180.80	218.41
January	217.54	252.82	183.92	192.19	153.09	234.34	189.64	238.89	180.84	218.43
February	217.64	252.89	184.05	192.22	153.16	234.84	190.02	239.15	180.96	218.51
March	217.95	252.75	184.78	192.45	153.49	236.57	191.45	240.60	181.59	220.24
April	217.86	251.95	185.38	192.65	153.81	239.24	191.76	241.94	181.67	221.46
May	218.75	253.45	185.68	192.73	153.94	239.45	191.81	242.12	182.59	222.81
June	221.58	259.05	185.87	192.87	153.96	240.19	191.83	242.60	182.98	222.99

Source : Bangladesh Bureau of Statistics

