



KR.HR.ER.3.SC.STRIKE

April 7, 2022

**NOTICE TO : ALL CONCERNED WORKMEN WHO RESORTED TO STRIKE FROM  
7 AM ON 28.03.2022 TO 7 AM ON 30.03.2022 IN KOCHI REFINERY**

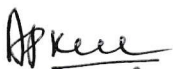
**ILLEGAL STRIKE FROM 7 AM ON 28.03.2022 TO 7 AM ON 30.03.2022**  
**(SHOWCAUSE)**

1. Strike notices were served by Cochin Refineries Workers Association (CRWA) and Cochin Refineries Employees' Association (CREA) operating in Kochi Refinery for two day's strike starting from 0700 AM on 28.03.2022 to 0700 AM on 30.03.2022 in protest against different issues based on the decision of The National Convention of Workers, organized jointly by the Central Trade Unions and Independent National Federations/Associations.
2. The Petroleum Industry is declared as a "Public Utility Service" under the provisions of Section 2 (n) of the Industrial Disputes Act, 1947 and is engaged in manufacturing/processing of hazardous products and the concerted action of strike by workmen impacting the production and the business of the Corporation and also leading to loss of reputation of the Corporation and posed a risk to safe operations.
3. Management issued notice reference No. KR.HR.ER.3.STRIKE dated 21.03.2022, informing the workmen that the demands of the Central trade Unions are entirely extraneous to the terms and conditions of employment of workmen in Kochi Refinery and advised not to proceed on strike.
4. The Strike proposed by the unions were brought to the notice of Regional Labour Commissioner (Central), Cochin. The conciliation proceedings were held by Regional Labour Commissioner on 22.03.2022 and 25.03.2022. Section 22 (1) (d) of the Industrial Disputes Act stipulates that 'no person employed in a public utility service shall go on strike **during the pendency of any conciliation proceedings** before a conciliation officer'.
5. Further, in Writ Petition (C) No. 10271 of 2022 the Hon'ble High Court passed interim order dated 25.03.2022, restraining the unions from resorting to strike from 7 am on 28.03.2022 to 7 am on 30.03.2022.
6. The Management vide its notice reference No.KR.HR.ER.3.STRIKE dated 25.03.2022 had apprised the workmen about the pendency of conciliation proceedings and the aforementioned Order of the Hon'ble High Court in WP (C) No. 10271 of 2022 and appealed to all workmen to ensure normalcy in work and not to participate in the proposed strike from 7 AM on 28.03.2022 to 7 AM on 30.03.2022. In the said notice, the

*Apke*

management also advised that in the event of workmen taking part in the proposed strike, such participation would be illegal and attract deduction of wages and allowances on the principle "No Work - No Pay". It was also unequivocally conveyed that in view of the illegality of the strike, management would be constrained to effect **penal deduction of wages and allowances upto eight days** for every day of the strike as per applicable legal provisions besides initiating appropriate disciplinary action.

7. Meanwhile, Cochin Refineries Employees' Association (CREA) has withdrawn from the strike vide letter dated 27.03.2022.
8. Further, Clause 49 of the LTS signed on 30.05.2013 states that " the workmen agree not to resort to any strike in violation of the provisions of the Certified Standing Orders and the Industrial Disputes Act, 1947".
9. In spite of the advice of the Conciliation Officer as well as the Order passed by Hon'ble High Court and aforesaid notice to workmen, it is observed that the office bearers and members of Cochin Refineries Workers Association (CRWA) and some other workmen proceeded on 'illegal' strike in a concerted manner from 7 am on 28.03.2022 to 7 am on 30.03.2022.
10. Moreover, the concerted action of workmen who participated in 'illegal' strike not only caused heavy tangible and intangible losses to the Corporation; but also caused operational inconvenience in catering to customers including general public at large to whom we supply essential petroleum products.
11. In view of the above, all such workmen who proceeded on strike from 7 am on 28.03.2022 to 7 am on 30.03.2022 are hereby directed to **show cause as to why they should not be subjected to wage deductions at the rate of 8 days (1 day on the on the principles of "No Work No Pay" + 7 days penal wage deduction)** for every day of strike undertaken in accordance with the provisions in the Certified Standing Orders applicable to workmen in Kochi Refinery and with principles enunciated under The Payment of Wages Act, 1936. This is without prejudice to the right to take disciplinary action against the workmen on strike as per the provisions of the Certified Standing Orders. You are advised to consider this notice as an Individual Show-Cause notice.
12. You are further informed that if satisfactory written explanations are not received from the workmen who proceeded on strike, by the undersigned within 7 days of receipt/publication of this notice, deduction as proposed above will be made from the wages and allowances payable for the month of April 2022, without any further notice.



**Kurian P Alapatt**  
Chief General Manager I/C (HR)