



04.10.2011

NEWSLETTER NO. 37

STOP NOT TILL THE GOAL IS ACHIEVED

Dear Friends,

We take this opportunity to wish you and your families a very happy Durga Puja, Dussehra and Navratri. This period in Hindu mythology is celebrated for victory of good over evil. ASTO wishes all of you and your families to have continuous victories over evil. We also congratulate Sh. Sudhir Vasudeva on taking over as CMD – ONGC. We wish him a very successful tenure at the helm of affairs. His elevation signifies another victory over evil.

We would like to draw your attention to the referendum being organized by ONGC for proving that the officer's community shall continue to be ASTO members. In order to help all of you in taking informed decisions we would like to bring few facts to the notice of all of you, which we feel Chief-ER should have brought to your notice. The facts are as follows:

1. The MOU of 16.09.2010 was signed by five of us (Amit Kumar, Rajan Pillai, S.S. Mayal, Sanjay Goel and Mahipal Singh) under the compelling circumstances where we were informed that charges of major penalty have been proved against all of us and hence some of us were liable to be terminated again. The MOU was submitted to the Hon'ble High Court. It is pertinent to note that our exoneration letters were issued after the order of Hon'ble High Court. The copy of the MOU dated 16.09.2010 is made available along with this newsletter.
2. **Knowing fully well that certain clauses are detrimental to the cause of ONGC and ASTO, we signed under compulsion. Sh. B.V. Sri Hari Rao (President-ASTO-Rajahmundry Unit) challenged the same by a writ petition No. 7473/2010 which is still pending in court (his exoneration letter was not issued). He was joined by few of our other ASTO office bearers. Their main contention was against the draconian clauses 5, 6, 7 and 8 and the code of conduct for recognized officer's association. Counsel for ONGC has already given a verbal assurance in the Delhi High Court, that ONGC shall not conduct the elections till the pendency of the writ petition in the hearing on 25.11.2010. Unfortunately, Sri Hari Rao was again terminated on 02.12.2010 (the reason was mainly because he went to court for his legitimate rights. It is pertinent to note that though he had been transferred around one and half years back under suspension – no action was taken against him. It was only when he went to court, he was terminated again.) The writ petition no. 7473/2010 is still pending in Hon'ble Delhi High Court. Writ petition for reinstatement of Sri Hari Rao is also pending in the same court.**
3. As per byelaws of ASTO – it requires the CEC and at least 50% of the GBMs to agree for any changes to the byelaws. Few leaders of ASTO cannot change the byelaws. Since CEC and the members of ASTO are supreme, CEC has already conveyed its non acceptance of few provisions of MOU.

4. On 10th June, 2011 – present Director (HR) was kind enough to start the process of discussion with us, for recognition of ASTO, by inviting six of us to a meeting. We very clearly brought out the need to revisit certain clauses of MOU and also recognize ASTO, start deduction of membership fees so that immediate elections of ASTO can be held. We were given to understand that the issues were taken up by EC.
5. During this period of turmoil though we had no backup, your ASTO body continued to fight for your rights and kept raising the issues even to the highest administrative power of this country i.e. Hon'ble Prime Minister or through the court of Law. We humbly admit in most of the cases we have been successful so far. Latest has been our successful meeting with Hon'ble Ministers of MOPNG for the issue related to DPE guidelines. All the updates are available on www.astodelhi.com
6. Some people have questioned that ASTO does not exist. It is a misnomer. ASTO shall not and will not exist only because of the recognition by ONGC. ASTO exists because of the principle enshrined in Article 19 of our constitution of India and shall continue to exist. The only sad part is that whenever ONGC shall like they shall derecognize us without giving any reasons or recognize us whenever they require the services of ASTO.
7. One of our dear member has raised the bogey of – “Let us rise above the individual interest” – Today – we pose a simple question to all of us – What individual interest did we have when two of us were dumped in jail and 64 of us were terminated ? What individual interest did we have when we fought for your rights? Does that mean if our efforts do not yield result we start giving it the name of individual interest? Do we leave our colleague Sri Hari Rao in the state that he is in? Is that individual interest? Why is ONGC not recognizing ASTO? Why ONGC derecognized ASTO without any justification? What hitch is there in deduction of Rs. 10 membership fees – when ONGC does the same for unrecognized unions? Why all other associations and other Oil PSUs remained unaffected? Why these officer's associations not subjected to such treatment? Weren't they also part of same strike? Why is it that ONGC recognizes ASTO in court of Law but not for welfare activities? Why ONGC wants to conduct the elections of an autonomous body like ASTO? What is the purpose of the referendum?

Today, as part of ONGC, we have been part of ASTO since the day of our joining, we are connected to this great association with our hearts, we don't need any referendum to prove that. The moment we are saying yes to referendum we are saying **YES to:**

- a) Provisions of MOU that debar all officer's in transfer zone to contest elections, as even if they are elected they shall be transferred and shall not enjoy any immunity. List of few thousands is already available on or.net for AT2012. All the officers on that list may not be eligible for contesting the election.
- b) Provisions of MOU where ONGC can suspend/terminate any leader without assigning any reason and then he/she shall loose the right to represent the officer's community.
- c) Provisions of MOU where we are debarring our present CEC leadership to contest elections.
- d) Provisions of MOU where E7 and above shall not be part of ASTO activities. If so, then how shall they be part of Electoral College to elect the leaders? If they cannot participate in ASTO activities, how can they be eligible to vote for ASTO elections?
- e) If the elections are not held in two year's time, ONGC shall temporarily suspend the recognition of ASTO till the new body is in place.

- f) If any provision of code of conduct are violated – ONGC shall give one month’s notice for derecognition of ASTO.
- g) Provisions of MOU that shall restrict to only 20 office bearers to attend the meetings with the management.
- h) Any violation of MOU or code of conduct shall result in derecognition.

Friends, while all this was going on the then CMD- Sh. R. S. Sharma made a categorical statement that the code of conduct us just for taking back two of our leaders and shall not be enforced. Do we agree to all these undemocratic provisions or do we align ourselves with a spirit – **“MANY IN BODY ONE IN MIND”**.

Friends, we do not want to influence your decisions. We only want all of you to take informed decisions. Today, we have choices in front of us. We have been requesting ONGC to bring about changes in the present MOU. The present writ petition, WP(C) – 7473/2010 is going on and is subjudice in Hon’ble Delhi High Court. Today, it is for all of us to decide whether we shall accept the draconian provisions of MOU or take the other route to ensure justice for all of us. It is for us to decide whether we would like to have a democratic and honest association or an association that shall act only when ONGC wants to.

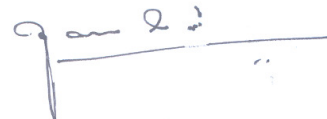
ASTO has always worked for the welfare of the officer’s community at large. We have been totally honest to the cause and have worked with full integrity. We believe that **UNITY** is the biggest factor that shall help us in overcoming all the obstacles. Friends, do let us know about your views and send in your suggestions to us at amitk67@gmail.com/rajankpillai2005@yahoo.co.in. We shall be compiling the same for further necessary action.

With best wishes,

LONG LIVE ASTO



(Amit Kumar)
President –CWC



(Rajan Pillai)
General Secretary- CWC