

Organ of Federation of Medical And Sales Representatives' Associations of India

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## Digitalization and de-unionization

### Zydus field workers fight twin attack



All India dharna in front of head office of Zydus Healthcare at Mumbai

In Zydus Health Care the management is imposing digital work that tracks the field workers and the customers in the marketplace. Field workers are fighting unilateral imposition of surveillance-enabled digital work. In Biochem (vivo) division field workers are fighting with all might

gross violation of the laws, especially the SPE act. The sole objective of re-designating them as 'Officer' is to hoodwink the field workers and declare that the field workers cease to be workers and they are no longer in the bargainable category nor they covered by SPE act, even if the honorable

Supreme court has made it amply clear that a field worker (a sales promotion employee), in whatever name he or she may be called, is always identified as a field worker (a sales promotion employee) only by the nature of his job. When the 7<sup>th</sup> charter of demand, as placed in 2018, is pending for discussion and settlement, such attempts of fraudulent re-categorization is a blatant attempt of union-busting which is a clear and live instance of unfair labour practice. The management is imposing tracking-enabled digital

work unilaterally upon the individual field workers, not discussing this onerous issue with the union and pretending as if the recognized union (with which six consecutive wage agreements was accomplished) and the committee (of FMRAI) does not exist. The company which boasts with a catchwords like 'Zydus dedicated to life' has retrenched large number of field workers of the Platinox division with the pretext of inadequate sales return. Retaliating against the legitimate demands of the field workers and negatively responding to the call of mutual discussion the management has transferred larger number of field workers of several divisions including sizeable number from Biochem Vivo component to distant places and subsequently terminated services of eight fieldworkers including two committee members. The struggle is for amicable settlement of all the victimization issues and wage settlement. Struggle is for resisting de-categorization, de-unionization and

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## FMRAI delegation meets Union Labour minister



Pursuing the long-pending demands of the field workers before the Central Government, a delegation from FMRAI consisting of R. Ramesh Sundar, the President, FMRAI, Naresh Sharma, the President, DSMRO, along with veteran trade union leader Tapan Sen, the General Secretary, CITU, met Bhupender Yadav, the Union Minister of Labour & Employment, on

September 22<sup>nd</sup> at New Delhi. The delegation submitted a memorandum to the Minister explaining the demands and narrating the current spate of attacks by the employers upon on the mass of field workers across the country. The delegation sought immediate intervention of the Government. The delegation also demanded of holding urgent (and periodic)

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## Wage Settlement in East India Pharmaceuticals



Wage settlement was signed between East India Pharmaceutical Works Limited management and the East India Pharmaceutical Works Employees Union on 16<sup>th</sup> September 2021 for all section of the workers including the sales promotion employees. The wage settlement stands effective from 1<sup>st</sup> April, 2019 for 392 Field workers (as on 1<sup>st</sup> April 2019) and on the day of signing the settlement (16<sup>th</sup> September 2021) it becomes applicable to more than 500 field workers. As per agreement average financial benefits is Rs.744 per month. New seniority benefits of one additional increment will be added on completion of 10, 20 and 30 years of service. It was also agreed through this wage settlement that Privilege Leaves can be accumulated up to 240 days raising it from existing facility for accumulation up to 210 days.

Albert David

## Field workers fight with unity and conviction



Albert David demonstration, Chandigarh, PCMSRU

The glorious and historic fight of Albert David field workers against the atrocities of management continues. They are bravely facing brutal wage blockade five months in a row. The management has tried all tricks up their sleeves to dissociate the union members from FMRAI. Yet, all the field workers- the entire rank- are resisting onslaught with wonderful conviction and strength. Torture or allurements, intimidation or financial deprivation fails to derail the field workers from their struggle for rights.

Management failed to get even a miniscule section to sign the individual settlement floated by the management (with derogatory



Albert David demonstration, Ghaziabad



Albert David demonstration, Chennai, TNMSRA

Determined to fight back, field workers throughout the country, and clench their fists against the unprecedented oppressions of the Albert David management.

service conditions) and their attempt of breaking the rank of the union has been befittingly thwarted. FMRAI salutes this courageous fight

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## Unilateralism of Lupin management

## Field workers prepare for rebuff

Scores of unilateral actions of the Lupin management is forcing the field workers to go up in arms against the misadventures of the management. The most of these actions are arbitrary victimization and movement towards the attempts of de-unionization. The management is imposing work systems and procedure overstepping all agreed understanding between union and the company. They are doing it unilaterally, ignoring the opinion of the field workers and their union, FMRAI and its committee. Even if there has been

some discussion on pending Charter of demands since its submission in July, 2018, the management has not shown any seriousness for its settlement. The management is not honoring past wage agreements to which the company is lawfully bound. The due increments of all Medical representatives have not been paid after expiry of the past agreement on the alibi of payment at a later date when new wage settlement is reached. Agreed (through memorandum of settlement) benevolent fund is not being paid to

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# Focal point of impending struggle

All section of workers goes to work, perform day’s work and earn their wage. Field workers too-all along, since the inception of sales promotion in India - had gone on duty on a working day, performed day’s work and earned their wages. With introduction of reporting through web portal things have been very different for field workers. Now, the field worker earns the wage not consequent to his work but on the strength of the work report posted in the web portal. In some companies these work reports undergoes a process of ‘approval’ by the management. In this situation, in many instances, the management denies wage even after completion of day’s work. Field workers wages are also denied, even after completion of day’s work, if entry to reporting site is barred or if the entry is conditional. Wages are also denied, even after completion of work, if reports are sent through post, through e mail or in an alternative format instead of a given format, device or site. This makes things different for field workers from other section of workers. The management goes with tell-tale lie in the court of law. The management argues that since there have been no cognizable reports of work; therefore the field worker has not worked. Without work wage cannot be claimed. *‘But, I have worked together with my manager and the manager has earned his wage for his day’s work with me’*, argues the field worker. *‘Right to make statement of work (work report) is an inviolable natural right. A statement of fact can never be subject to approval. It is a natural right and as natural right it is self-evident and therefore sacrosanct’*, argues the field worker. Argument continues interminably. Law says, wages are earned through work. Law prohibits non-payment of earned wages. But law, per se, does not make distinction between recorded work and unrecorded work or approved work and unapproved work. Internet, devices and gadgets have opened up new domain of torture for the field workers. The big business and big companies in sales promotion industry are in haste for digitalization, at the cue of the government, for three main reasons. Firstly, the domain of internet is a huge unknown space (terra incognita) mostly undefended and free from predators unlike the landed space or brick and mortar space. Here, smaller players and competitors are unable to tread. Secondly, there is no noteworthy law in India to control this domain and labour laws are mostly insufficient in regulating this vast unfamiliar territory. Thirdly, internet space, GPRS and gadgets help them establish total control on the field workers, customers and the overall market. What is the extent of this ‘total control’? Firstly, field workers and their customers can be tracked, studied, explored and parsed through the continuous stream of data that is being generated. Secondly, as this flow of data is one-way, and the field workers and their customers do not have access (or whereabouts of this, i.e., what is being done with this)

Editorial

to such vast amount of information or knowledge, it creates knowledge inequality. This knowledge inequality helps the companies to establish not only control, but also total control, upon the field workers, customers and the market. Thirdly, through the internet based gadgets they execute changes and modification in the courses of events (like blocking of reporting site). Further and more momentous modification in the courses of events will be possible with the help of artificial intelligence which is indeed a matter of time. Field workers oppose senseless digitalization in this perspective only. Therefore the field workers refuse to go online in the clinic, hospital and doctors chamber with GPRS, camera and sound recorder activated. This ‘digital initiative’ is ethically and morally wrong as it brings the entire marketing activities of the company in the field along with all the people who fall in this network under constant watch and surveillance, without their knowledge or consent. This is being opposed by the field workers despite the threat of Job loss. Instead of looking into the merits of this sensible opposition, some giant pharmaceutical companies are acting like tyrant and tearing apart the peace and equilibrium that hitherto existed in the employer-employee relationship in the companies by way of regular discussion and periodic wage settlements between the union and the management. The combined protest of the field workers against the new methods of individual surveillance and tracking, by using internet, devices, is being responded by the management with punitive actions like non-payment wages and non-reimbursement of incurred expenses. In some instances in recent past some of the employers are revealing their hostility against the field workers with the twin attack of digitalization and de-unionization. Therefore, there are nonstop threats of disciplinary actions and in many instances, unjust disciplinary actions including termination, mala fide transfer and wage blockade. More of work load is imposed upon them. Periodic upward revision of wage and settlement of wage through bilateral discussion between union and management is being denied. The context is reckless liberalization, draconian labour flexibility and easy ‘hire and fire’ regime indulged and encouraged by the present central government. Some of the employers who had hitherto maintained peaceful bilateral relation with FMRAI have gone rouge with the twin stimuli of unprecedented epidemic and the exploitation-friendly government. More specifically, the attempt of repealing SPE act and replace it with a more dilute version also encourage them. Now they want to demonstrate their destructive power with a view to cow down other field workers. They want to enslave the field workers with wholesale imposition and total submission.

But a government, whatever authoritarian desire may its rulers have, cannot forget that India is a democratic republic. They must have to act to protect the vulnerable citizens including workers. There has to be explicit law that should protect a field worker from the tyranny, violence and victimization which has arrived through the digital domain. Law cannot close its eyes in instances of atrocities perpetrated in digital space. The field workers job has to be specified and their responsibilities have to be well defined. The meeting of Industrial Tripartite Committee for Sales promotion employees in 2017 has made clear recommendation for statutory working rules specifying the job and defining the responsibilities. There has to be an end to the arbitrary disciplinary actions and punitive measures. In the background of the pandemic and renewed assault upon the field workers, demand for statutory working rules comes to the fore once again. Field workers are fighting bitterly and resisting all attempts of unilateral imposition service conditions and working condition. Councils and united platform of councils along with mass of field workers will resist enslavement, come what may. If farmers are sitting on the street with their demand for ten months, field workers defy hunger through several months of wage blockade and fight unilateralism, attempts of de-unionization and atrocities. This spirit of struggle shows beyond doubt that field workers movement has strength enough to build up powerful movement for realizing the long-pending demands. The field workers are contesting the brutal force and bottomless falsehood of the employers not only for their own narrow end, but also with larger aims that protects the interest of the medical fraternity, the chemists and the patients. In spite of famous privacy judgment of the Supreme Court, surveillance and digital aggression attempts to rob privacy. Besides this, through procurement of unlimited data from the market, the companies are trying to predict and modify, the present and future behavior of the customers (doctors, chemist, and patients) which has very significant repercussion for the whole of society. In case the employers do not take the civilizational path and rational discourse, then all concerned has to be made duly aware. The field workers’ movement has to reach to the doctors, chemist and people and make them aware of such a grave danger which is not ordinarily visible with spectacular detail. In this background only, field workers struggle against digitalization and de-unionization will attract the attention of the medical community and the field workers struggle will attain a larger social significance. With mass support base evil attempts of digitalization and de unionization will be defeated and struggle for working rules will be won by the field workers. There exists no place for resigned cynicism. Rights and gains earned by the field workers’ movement will be protected in the course of intense struggle, today and in days to come.

Sanofi

## Mass victimization following unfair business deal

On 30<sup>th</sup> of September, Sanofi India Limited retrenched 54 Sales Promotion Employees working in the CHC (Nutra) division. These SPEs are members of HAIRC, an internal union of Sanofi which has 50 year old bilateral relationship with Sanofi management. Under the guise of a slump sale the management of Sanofi decided to sale the products of Nutra division to a completely unknown company named as Universal Nutri science with no history of Pharma marketing. With this the unionized field workers were asked to go and join the new company. They were given job transfer letters where violating all provisions of law, the service conditions were changed unilaterally and the Medical Representatives were converted as Sales Executives with supervisory job responsibilities. The members of HAIRC who are also members of FMRAI, rejected the offer and decide to appeal to Sanofi management to retain their employment in the company with their existing job conditions. From the beginning of August to the end of September the management tried all means to coerce and coax the field wokers to accept the offer of derogatory job conditions and accept transfer of services to the new company. In the meantime HAIRC left no stone unturned to pursue the management to retain the employment and held several rounds of discussion with the management. But finally

the corporate arrogance of Sanofi prevailed and the unlawful business deal of employment transfer was defended and upheld and 54 employees have been terminated all over India. The majority of the field workers are from West Bengal. The rest are from Uttar Pradesh, Kerala, Punjab and Andhra Pradesh. HAIRC has decided to fight all out, in all fronts, to bring justice to their members. At the same time having age old fraternal relationship with HAIRC, FMRAI will extend all support to the struggling field workers of Sanofi who are also their members. This is to be noted that decades back, when Universal Medicare was taken over by Sanofi, FMRAI gave a call to all state units to mobilize all members of the company to be members of HAIRC. In spite of Sanofi management unilaterally changing their service conditions by converting them to officer category, the members fought for six long years to regain their bargainable status as workmen under the banner of HAIRC and FMRAI. This struggle is now being totally negated by converting them once again to officer category and selling them off to an unknown entity completely against their wishes and without discussion with their union. Therefore fighting back to regain employment with dignity is the only option left for the unionized field workers of Sanofi.

Civil court, Satna

### Criminal case against Managing Director of Oaknet Healthcare

Virender Singh Rawal, employed as a field worker of Oaknet Healthcare based at Satna HQ, has filed a criminal complaint at CJM Court against the Managing Director RS Raghav and Regional Manager Aditya Gupta for contempt of Labour Court order Satna with the approval of the Madhya Pradesh government. It may be known that Virender Singh Rawal’s salary was deducted by the management during Covid in April and May, 2020. A complaint was raised to the Assistant Labour Commissioner by MPMSRU Satna Unit under the Payment and Wages Act 1936. When conciliation meeting failed between Union and management, a case under the Payment and Wages Act was filed by the Labor Inspector in Labour Court, Satna. Taking vindictive action against this step to claim the rightful wages, the management first issued a show cause and without following law of natural justice, he was transferred from Satna to Bhopal on 12<sup>th</sup> November 2020. A petition was filed by Virendra Rawal against this action of the management at the Labour Court to maintain status quo of the transfer order under Section 33A

of the Industrial Disputes Act, 1947. The Labour Court, Satna, first passed an interim order and after hearing both the sides on 13th January 2021 ordered that this transfer should be kept in abeyance till the final disposal of this case . The management filed a petition against this stay order at High Court, which is pending. The management has not complied with the order and not given any wages since November 2020 , neither allowed him to continue his duties at Satna. For this non-compliance of the orders of the Labor Court, Virendra Rawal sought approval from the Labor Commissioner, Indore Madhya Pradesh, for prosecution against the company’s Managing Director RS Raghav and Regional Manager Aditya Gupta. The approval of filing criminal case for contempt of court was given by the Madhya Pradesh government on 13<sup>th</sup> September 2021. Currently the case has been registered and proceedings have started. Separate cases of recovery of unpaid salary for the past months have also been filed under the Payment of Wages Act at Labour Court Satna. V.S.rawal is state secretary of MPMSRU and a GC members of FMRAI.

Obituary

**Vishal Chaturvedi** a field worker of Astra Zeneca based at Agra and a member of UPMSRA breathed his last on 7<sup>th</sup> September, 2021. FMRAI deeply condoles his death and expresses condolences to the bereaved family.

**Amit Sharma** a field worker of Macleods (Macphar Division) based at Agra and a member of UPMSRA died on 18<sup>th</sup> September, 2021 FMRAI deeply condoles his death and expresses condolences to the family.

FMRAI writes to the Union Labour Minister

Federation Of Medical And Sales Representatives’ Association Of India (FMRAI)  
(Reg. No. 4580 Under Indian Trade Union Act)  
Affiliated to All India Chemical and Pharmaceutical Employees’ Federation]  
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Ref. No. II/24 –114 22<sup>nd</sup>September, 2021

To  
Shri Bhupender Yadav  
The Hon’ble Minister for Labour and Employment,  
Ministry of Labour and Employment,  
Government of India,  
Shram Shakti Bhawan,  
New Delhi – 110 001

Increasing Attacks on Sales Promotion Employees – Request for your urgent intervention.

- 1. Provide relief to the suffering workers
- 2. Hold urgent and periodical Tripartite committee meeting and
- 3. Notify working rules for Sales promotion employees

Respected Sir,  
Federation of Medical and Sales Representatives’ Associations of India represents more than One Lakh Sales Promotion Employees working in various industries spread over across the country and dealing with thousands of employers. We wish to bring to your kind notice the developments on the above mentioned subject, which requires your urgent intervention and necessary action by your Ministry to convene the Tripartite Committee meeting in the interest of protecting the livelihood of these employees.  
In recent past, taking advantage of the COVID pandemic situation, many employers have unleashed innumerable attacks on the Sales Promotion Employees. More than 1,000 employees have lost their jobs and many have been victimized through terminations, dismissals, unjustified transfers, stoppage of salaries etc. They are subjected to severe oppressions from the managements on unbearable increase in work load and on sales related matters, which has even led to loss of lives of the SPES’ under immense pressures. We are attaching a list of some of the instances by leading corporates, depicting different types of attacks on the Sales Promotion Employees as an Annexure. We wish to submit many more details in due course of time.  
It’s our strong feeling that the employers are unleashing their atrocities on the Sales Promotion employees mainly due to the proposed repeal of Sales Promotion Employees (Conditions of Service) Act, 1976. This was the only craft act for the Sales promotion employees and was promulgated after the observation of the Supreme Court regarding absence of any laws to protect these sections of workers from the harassment of the employers. Even after the act was enacted the absence of Statutory Working Rules for the sales promotion employees led to immense suffering of these section of workers at the hands of their employers.  
After constant persuasion by our Federation and several tripartite meetings organised by the Ministry of Labour and Employment, Government of India, on 12.11.2010 it was decided to constitute Industrial Tripartite Committee for Sales Promotion employees which was notified through departmental notification Ref. No. Z-13025/15/2010-IR(PL) dated 30<sup>th</sup> May, 2013 and finally the Industrial Tripartite Committee for the Sales Promotion employees was constituted on 31.01.2014 (Ref. no. Z-13025/15/2010-IR(PL) dated 27.10.2014.  
The meeting of Industrial Tripartite Committee for Sales promotion employees which took place on 8<sup>th</sup> August, 2017 under the chairmanship of then Hon’ble Labour Minister, Government of India decided to frame statutory working rules for Sales Promotion employees. However, till this moment neither the statutory working rules have been notified nor the periodical meeting of Industrial Tripartite Committee are taking place. Several delegations from our organisation had met the departmental officials including the erstwhile Hon’ble Minister in the past to facilitate the process on urgent basis, but there is no headway in this regard.  
In this background, **we appeal to your good offices to look into the aforesaid matters with serious note and concern, and advise for immediate holding of urgent and periodical Tripartite Committee meetings and notify statutory working rules for the Sales Promotion employees**, thereby ensuring that lakhs of employees are saved from mindless exploitation by their employers who are adopting unfair labour practices.

Thanking you,  
Yours faithfully,  
for **Federation of Medical and Sales Representatives’ Associations of India (FMRAI)**

(R. Ramesh Sunder)  
**President**  
Encl: As above.

Zydus

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senseless digitalization and carpet surveillance upon the field workers and the customers. The struggle is for retaining the hard-earned trade union rights, legal rights and collective bargaining rights. Demonstrations in front of the establishments of the company, submission of memoranda, strong protest demonstration in front of Biochem executives in the field is continuing in the field throughout the states and union territories of the country. This crucial struggle is being heroically fought by the Zydus field workers. The entire mass of field workers and all levels of the council subcommittee network are giving shoulder to this struggle of the Zydus field workers. Zydus Biochem field workers organized successful Dharna in front of the Head Office of the company in Mumbai on 6<sup>th</sup> September, 2021. Large number of Biochem field wokers from from different part of the country and organized the programme with high spirit even if the plice permission was denied. Memorandum was submitted to the management with intervention of Police. Zydus IR head was also called to police station and FMRAI delegation submitted memorandum there in the police station. Demonstation against Zydus were organized by the state units of FMRAI throughout the length and breadth of the country in the month of September, 2021. In the course of this ongoing struggle the Zydus field workers of all division –across categories- are preparing to go on one day strike action shortly.

Albert David

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and sacrifices of the struggling field workers of Albert David. In relation to the issue of illegal wage stoppage every individual field worker have sent letter by elaborating their dues to the management and marking the copy to the State Labour Commissioner. The dismissed field workers of the company are preparing to file Complaint Petitions in their state Labour Commissioner’s office. FMRAI is engaged with the labour officials of the government and a meeting in presence of the labour minister, Government of West Bengal has already taken place in the mean time. The unlawful activities of the Albert David management fail to attract support from any quarter, including the labour ministry of the governments. The management must have to follow the law of the land and bury the hatchet with field workers. Till that time struggle will continue.

Field workers prepare for rebuff

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the family of the deceased employee creating lowly example. Wages and other emoluments of the field workers have been deducted during the pandemic lockdown. Several field workers are being transferred arbitrarily to distant places with mala fide motif. Several field workers have been summarily terminated in violation of the process of natural justice. Adding insult to injury, the management is actively organizing de-categorization of field workers converting Medical Representatives (MR) to so-called marketing executives (ME) with a view to reduce the number of bargainable section of the field workers. It was mutually agreed between the management and the union in the past that the

number of Medical Representatives (bargainable category) will not go below 850, but with the motive of de-unionization of the field force the number is reduced to around 200. In this perspective only Lupin field workers were preparing for bigger struggle. Various agitation programmes including one-day strike was planned on 30 September, 2021. Demonstrations in front of the company’s establishments have been organized in several states. In the mean time all the field workers of the company across the category (M.R. and M.E.) have sent SMS to the President of the company on 15<sup>th</sup> September, 2021. Through these SMS field workers demanded making end to unilateral

imposition of work norms, resolution of issues and grievances through bilateral with the committee of FMRAI. More than three thousand field workers(MR and ME) who are members of CRU, BSSRU, OSRU, WBMSRU, UPMSRA, RMSRU, DSMRO, MPMSRU, Goa MRA , MSMRA, AMSRU, TMSRU, TNMSRA, KMSRA, and KSM&SRA have sent the demand message on that day. A tripartite meeting was held in the office of the Labour department, Government of Maharashtra on 29 September, 2021. The labour official advised the management to settle all issues through discussion with the union committee within one month and in this background the strike programme was kept in abeyance.

FMRAI delegation

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meeting of the Industrial Tripartite Committee . The delegation also demanded notification of the Statutory Working Rules for the field workers, as agreed upon by all parties present and as finalized in the last Tripartite Committee meeting held in 2017. A list containing some employers who are spearheading in perpetration of brutal attacks on the field workers was annexed with the memorandum of FMRAI. It was pointed out that the employers are unleashing atrocious attacks on the field workers as they perceive that the Central Government is going to repeal The Sales Promotion Employees (Conditions of Service) Act, 1976. Further to this, in absence of Statutory Working Rules

defining and specifying the job and the responsibility, the field workers are facing arbitrary imposition of newer and newer work systems and work procedures causing immense suffering at the hands of their employers. The Minister gave a patient hearing to the delegation and assured that a meeting of the Tripartite Committee will be scheduled soon. Delegation also requested the minister to take up the victimization issues with concerned companies and the State Governments. FMRAI looks forward for a tripartite Committee meeting, in which grievances and demands of the field workers will be discussed in specific and concrete manner with the involvement of the industry. 3



# Bharat Bandh at the call of Samyukta Kisan Morcha



Bharat Bandh, Bhopal, MPMSRU

## Field workers takes to street in solidarity actions

On 27<sup>th</sup> September, 2021, all the state and sub units of FMRAI expressed solidarity and

posing a valiant struggle for the past several months to oppose this anti farmer, anti-people laws

people of India. The Joint Platform of Trade Unions completely supported the call of Bharat



Bharat Bandh, Balia, UPMSRA

participated in various programmes of CITU and Central Trade Unions jointly or

which will squarely lead to a situation where the food security of the country will be withered

Bandh and asked its constituent unions and sector wise federations and associations to



Bharat Bandh, Orai, UPMSRA

independently in 'Bharat Bandh' called by Samyukta Kisan Morcha in pursuance of their demands to repeal three farm bills, withdrawal of the Electricity Amendment Bill, 2021 and legally guaranteed minimum support price for the farmers. The farmers under the banner of Samyukta Kisan Morcha are

away in the lap of the corporates, aided by the policies of the Central Government. The wide support to the farmers agitation from the Trade Unions, along with other sections of the toiling people, the agricultural labour, students, youth and women has become a movement representing broad democratic aspirations of the



Bharat Bandh, Hyderabad, TMSRU

extend full solidarity actions. FMRAI, being an integral part of the joint platform extended total solidarity with the call of 'Bharat Bandh'. The members of FMRAI participated in all meetings and programmes in states and sub units and aligned themselves with the Bandh in a spirited way to make it a grand success.

Over eight years of legal battle

## Terminated women field worker of Astra Zeneca reinstated with full back wages

Sarmistha Chatterjee, a field worker of Astra Zeneca Pharma (India) Limited based at Kolkata, fought a long battle in the court of Law to get justice in her arbitrary termination from service in December, 2012. On 26<sup>th</sup> March, 2021 Hon'ble Judge of 2<sup>nd</sup> Industrial Tribunal, Kolkata pronounced the judgment and announced that the petitioner (Sarmistha Chatterjee) is entitled to be reinstated in her service with status as on 20<sup>th</sup> December, 2012 with full back wages. The management of the company was directed to pay the full back wages to the petitioner from 20.12.2012 till her reinstatement along with a compound interest of 10% per annum within 30 days from the date of order.

The court observed that the 'company has not followed the principles of natural justice at the time of holding domestic enquiry' and considered itself 'above the law of the land'. On the contrary the company has exhibited 'illegality and biased

view at the time of holding disciplinary proceeding against the petitioner' (i.e., Sarmistha Chatterjee). The court absolved her of the 'false report' charges inflicted against her by the management. The court observed that 'to hold her guilty for submitting false report (what company management alleged and the petitioner refuted as an inadvertent error)' is not tenable 'because the O.P. company has not produced any rules or standing orders to show that submission of false report by an employee amounts to grave misconduct for which the said employee may be terminated or dismissed from service'.

Sarmistha, supported by WBMSRU, fought a long legal battle, resolutely. The company has implemented the award of the court and she has joined her duty, once again, in the service of the company as a professional service representative on and from 13<sup>th</sup> September, 2021.

23 September, 2021

## WBMSRU observes foundation day



WBMSRU foundation day : blood donation camp in Hooghly district.

38<sup>th</sup> Foundation Day of WBMSRU was commemorated on 23<sup>rd</sup> September, 2021 at state centre in Kolkata and in other 19 subunits across the state in accordance with the government protocols of the ongoing pandemic. In 1984 on 23<sup>rd</sup> September, two erstwhile unions of the sales promotion employees in West Bengal i.e. WBSSRU and WBCRU merged into a single union and emerged as WBMSRU which is celebrated as the foundation day every year. In most of the districts blood donation camps, and free health check-up camps were organised. Amidst several restrictions and impediments imposed due to the pandemic, 664 WBMSRU members and their family members have donated blood on this occasion. Two local committees and one

district committee has decided to organise the blood donation camp on a later date. So total figure is expected to take the tally upto 800. In Kolkata, the programme was initiated with hoisting of organisation flag by the President of WBMSRU and floral tributes were paid to the martyrs' column by WBMSRU General Secretary, the state secretariat and state committee members, leadership of Kolkata district. Similar programmes were held in the sub units with overall enthusiasm and excitement. At state centre the gathering was addressed by Sisir Saha and Arnab Nag, President and General Secretary of WBMSRU, respectively. They elaborated on the historical background of the organisation with regard to field workers movement.