



BHARAT SANCHAR NIGAM LTD.

BHARAT SANCHAR NIGAM LIMITED
(A GOVERNMENT OF INDIA ENTERPRISE)
SR Cell, Corporate Office
8th Floor, Bharat Sanchar Bhawan,
Harish Chander Mathur Lane,
Janpath, New Delhi-110 001

No. BSNL/7-2/SR/2018

Dated, the 26th June, 2018.

To,

General Secretary
Sanchar Nigam Executives' Association

Sub: Appeal for withdrawing programme of SNEA of calling all CS and CHQ office bearers to New Delhi.

Ref.: Matter published on SNEA website on dated 21.06.2018.

Sir,

Please refer to the matter --published on SNEA website on 21.06.2018 as follow:

"..all CSs and CHQ office bearers should reach New Delhi by 27th or 28th morning itself and we have to be at New Delhi till BSNL notifies the proposal" (CPSU Cadre Hierarchy).

2. You are aware that management has made lot of efforts to get the proposal of CPSU Cadre Hierarchy approved by the BSNL Board and is committed for its implementation in such a manner that its benefits are maximized to all the affected sections as far as possible. Throughout the process of the development of the proposal and now the implementation, the management worked meticulously making a fine balance in the interest of all the sections of employees. Pressurising the Management at this crucial stage is totally unwarranted.

Kindly note that calling your Circle Secretaries from various Circles to Delhi for an indefinite period for pressurising the Management for any demand amounts to quitting of work by a group of executives in a concerted manner. The message "**we have to be at New Delhi till BSNL notifies the proposal**" is viewed seriously. When the discussions with all the groups are going on, your such move may disrupt the harmony and cohesion of the Company and is therefore a serious threat to the productivity of the company as a whole at this crucial juncture, when we are working hard on other issues of much wider significance like implementation of 3rd PRC, sustenance of the company in the present cut-throat competition etc. and distract the executives who are totally involved in the activities of policy implementations, promotion etc.

Kindly note that such concerted action which results in cessation of work would amount to strike. Your attention is brought to various advisories

/appeals issued by this office from time to time informing you and all concerned the provisions under BSNL CDA Rules, BSNL (REA) Rules, 2014 & Industrial Dispute Act, 1947, prohibiting any agitational programme by the Executive Associations.

3. It may be noted that Section 22 of ID Act, 1947, provides a notice period of **fourteen days** for carrying out any agitation programme. Further time and again the provisions of serving the **notice in Form L** as per Rule 71 under ID Act have also been brought to your notice. The present call of strike dated 21.06.2018 is thus, violation of said provisions of ID Act.

4. This may also be noted that the executives performing managerial/ administrative functions and **are not workmen under section 2(s) of ID Act, 1947** and therefore, any strike by them shall be in violation of ID Act, 1947.

5. You are also aware that Management has time and again been issuing appeals/ advisories to the Associations not to resort to any strike in view of pending conciliatory proceedings before the Ld RLC. It may also be noted that during pendency of the conciliatory proceeding no person employed in a Public Utility Service {Telecommunication is a Public Utility Service as per para 2(n) (iii) } shall go on strike and any strike in contravention of section 22 of ID Act may be treated illegal under section 24 of the Act. Thus, present call of strike starting on 27.06.18 for an indefinite period is illegal. Further, the matter of such willful contravention of the provision of ID Act shall be reported to RLC (Central) New Delhi.

6. Also participation in any kind of strike or inciting others for any kind of agitation by them and is prohibited under BSNL Conduct Discipline & Appeal (CDA) Rules 2006, would be treated as misconduct in accordance with Rule 5(23) and Rule-8 of and on account of such activities such employees are liable to disciplinary action.

7. It may be noted that executives are prohibited from resorting to strike in view of the provision contained in Sub- rule 14 (1) of BSNL (REA) Rules, 2014.

8. Your kind attention is also invited to the interim injunction order dated 06.05.2017 in Civil Suit No. 538/2017 passed by Hon'ble Patiala House Court at New Delhi " restraining them from further intensifying the ongoing strike so as to impede the functioning of the BSNL...." (conveyed vide this office letter dated 08.05.2017). It is surprising to see that inspite of above mentioned Hon'ble Court interim injunction and numerous advisories issued frequently on the matter, SNEA is going to start agitation w.e.f. 27.06.18.

9. It is a fact that company is rendering services in a fiercely competitive market dominated by Private Sector service providers. In spite of such competition, BSNL has to generate revenue for growth and survival of the company and maintain goodwill of the customers. At this juncture a slightest slip in the company's forward march due to any agitational programme will not augur well as the agitational programme not only

impairs the productivity, but also affects adversely the company's image in the eyes of the customers.

In view of the facts stated above, an appeal is made that the above said programme starting from 27.06.18 onwards may be withdrawn.

Yours faithfully,


26/6/18

(Bhupender Singh)
Asst. General Manager (SR)
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Copy for information to :

1. PPS to Director (HR) BSNL CO.
2. PGM (Admn) BSNL CO for kind information and necessary action.
3. PGM (Admn)/ Sr G M. (Estt)/GM (Pers), BSNL C.O.
4. All CGMs, BSNL Telecom Circles for kind information and necessary action.
5. CLC, New Delhi, for information and taking suitable action.
6. RLC (Central), New Delhi (alongwith a copy of notice) is requested to issue necessary instructions as it amounts to willful contravention of the provisions of ID Act.