



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

No. BSNL/7-1/SR/2018

Dated: 31.08, 2018.

To
Shri K. Sebastin
General Secretary
Sanchar Nigam Executives' Association

Sub: Your letter No. SNEA/CHQ/CMD/2015-18/105 dated 27.08.2018 regarding agitation Programme.

Sir,

I am directed to refer to your above letter intimating thereby agitation programme on various demands mentioned therein.

It is informed that all the issues raised by you are receiving constant attention in the concerned cells of BSNL and during various meetings you have been updated about their progress also.

As you are 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. Kindly note BSNL provides Public Utility services. Conciliatory proceeding on various demands are pending before RLC Delhi. It may also be noted that during pendency of the conciliatory proceeding no person employed in a public utility service shall go on strike. As such agitational programmes are in violation of provision of Section 22 of ID Act 1947 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 is illegal. Further, the matter of such willful contravention of the provision of ID Act shall be reported to RLC (Central) New Delhi.

Moreover, the executives **are managers and not workman under section 2(s) of ID Act, 1947** and therefore, any strike by them shall be in violation of ID Act.

Further the notice is not in the Form-L prescribed for 'Notice of Strike to be given by Union/ Workmen in Public Utility service' and can not considered as the due notice under Rule-71 of ID Act.

It may be noted that Sub- rule 14 (1) of BSNL REA Rules provides "The association eschews completely the agitational approach, such as resorting to strikes or practices or conduct, which is likely to result in or results in cessation or substantial retardation of work, and also to coercion or physical duress. "

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

Further DOP&T in its OM no. 45018I2017-Vig. Dated 15.03.2017 states that—

"----. It follows that the right to form an Association does not include any guaranteed right to strike. There is no statutory provision empowering the employees to go on strike. The Supreme court has also ruled in several judgments that going on strike is a grave misconduct under the Conduct rules and that misconduct by Govt. employees is required to be dealt with in accordance with the law. Any employee going on strike in any form would face the consequences which besides deductions of wages may also include appropriate disciplinary action. Attention of all employees of this department is also drawn to this department OM no. 33012/I/(s) 2008-Estt(B) dated 12.09.2008 on the subject for strict compliance".

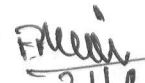
In addition, Hon'ble Patiala Court at New Delhi has also passed an interim injunction order dated 06.05.2017 in Civil Suit No. 538/2017 " restraining them from further intensifying the ongoing strike so as to impede the functioning of the BSNL...." (conveyed vide this office letter dated 08.05.2017). It is surprising to see that inspite of above mentioned Hon'ble Court interim injunction and numerous advisories issued to you/ Joint Forum frequently, you/ Joint Forum have served a fresh notice for agitation programs / strike.

Further, all concerned are aware that due to the valued contribution made by all the employees, the turnaround initiatives taken by the Management have shown positive results. 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 of the company and maintain goodwill of the customers.

The Management, therefore, calls upon you to withdraw agitational programme and join hands with the Management in its efforts to restore the pristine glory of BSNL and continue the forward march.

In view of the facts stated above it is apprised that any organization actions such is not appropriate at this stage.

Yours faithfully,


31/08/18
(B.L.Kirar)

Astt. Genera.Manager (SR)

Copy for info to :

1. PPS to CMD, BSNL CO.
2. PS to Director (HR) BSNL CO.
3. All CGMs. BSNL Circles.
4. PGM (Pers.) BSNL CO
5. GM (Estt.) / GM (Admn.) BSNL CO.
6. RLC (Central), New Delhi (along with copy of letter of SNEA) for kind information pl.