

AIGETOA, SNEA and SEWA BSNL

To,

Smt. Anita Johri,
PGM SR, BSNL CO
8th Floor, Bharat Sanchar Bhavan,
H.C. Mathur Lane, Janpath, New Delhi 110001.

No. AIGETOA/SNEA/SEWA/Immunity/2022-23

Dated 27th March 2023.

Sub: Suggestions from SEWA, SNEA and AIGETOA on restoration of issues created due to modification of the Immunity to the OBs of Recognised Majority, Support and Welfare Associations.

Ref: Discussions held in the meeting dated 24/03/2023.

Respected Madam,

With reference to the above subject and the meeting held under your chairmanship, we GS of three associations convey the written submission as decided in conclusion of the meeting. We convey sincere thanks and gratitude to you and your SR team for giving ample time for discussions and clearing certain issues which are misinterpreted by the certain Circles/BA Heads.

We leaders of all three Associations have demanded withdrawal of the letter for Immunity modification and your good self has turned down the request and shared difficulties in withdrawing the letter. We also demanded for keeping on hold the modifications in Immunity related criteria till the process for 3rd MV is completed and your good self has clarified that there is no issue in discussing this issue now as the MV process has just started and there are not any such issues created as wrongly interpreted by the field units.

The issues clarified by your good self on our queries are reproduced for your ready reference and issuing required clarification so as to clear the issues going on in the field units.

1. The BSNL management has no intention to destabilise the working of any Associations and only aim of this modification letter is to reduce the number of office Bearers eligible for grant of immunity as the number of executives have reduced after VRS and certain Circle Heads have expressed their difficulties.
2. The present procedure for having SSA/OA wise District Body for all three Associations i.e. Majority, Support and Welfare Associations will continue without any modifications.
3. The District Body of OA at BA HQ will be the District Body of BA and District Bodies at OA HQs will be the District Body of OAs/SSAs.
4. The separate District Body at Circle HQ will continue to exist as being existing now and there is no idea to discontinue the District Body at Circle Office of any Circle. The facility of immunity will be applicable to District Body of Circle Office at par with BA Body.
5. The District Body at CGM Headed Offices for Non-Recruiting Circles will continue to exist as being done now.

6. Apart from the facility of Immunity, there is no change in any other facilities available to OA/BA/Circle/CHQ Level Body and all facilities will continue as available earlier to this modification order dated 14/10/2022.
7. There are no changes in REA rules and this immunity modifications are well within the limits of REA Rules.
8. We also have requested to share data of the Immunity granted to the OBs of the all three associations just to ascertain the hue and cry on misuse of immunity. We are hopeful that this data will also be shared shortly, so that we also can understand and ascertain the misuse as propagated and reported by Certain Circle/BA Heads and Pers Section BSNL CO.
9. We also discussed the contradictions about the modifications in immunity and need of changes required in constitutions of associations, and your good self has clarified that there is no change made in association structure and hence no need of any amendment of constitution by any Association.
10. On our query about applicability of modification of letter, it was clarified that any changes will be applicable from the date of issuing order i.e. all guidelines will be applicable from prospective dates and there should not be any Retrospective application of modified Guidelines.

We request to issue the clarifications on these issues so that the field units do not interpret the orders wrongly as being done now.

Apart from this, as directed by your good self, we hereby submit the following points for kind consideration and restoration as discussed in the meeting.

1. **Issues related to Dual membership:** As discussed, we confirm that dual membership is not allowed among the service associations but dual membership will continue to be available between the Welfare association and any of the Service Association. Further SEWA will continue to its constitutional provision to restrict the members of the Service Association to become OBs of the Welfare Associations. If anyone want to be Office Bearer of SEWA at any level, he/she will have to maintain single membership of SEWA and will have to withdraw from the membership of any the Service association.
2. **Period of membership for becoming Office Bearer of Association:** As per the letter dated 14/10/2022, it has been mandatory to have membership of at least six months before the date of election and it was clarified by your good self that this is amended to avoid the misuse of immunity. We have elaborated that misuse can be stopped by taking action against a particular Executive who is misusing facilities but it cannot be made as a rule for becoming Office Bearer of Association. We request your good self that it may be ascertained that he/she is member of that association since the last window open for the membership and in case it is made online and open throughout the year then he/she should be paid member through ESS from the month before the date of election of OBs takes place.
3. **No of OBs eligible for grant of Immunity:**
 - a. The facility of immunity to OBs at BA Level Body may be continued to all three OBs BAs may be continued regardless of membership of the association in that OA i.e. BA HQ.
 - b. We also request to allow the functioning of separate and additional District level Branch if any particular BA/SSA has more than 100 memberships. i.e. one separate District Branch at office of BA and another Branch for executives in Field units may be allowed to exist and facility of immunity may be granted to OBs of both the branches.

- c. For OA level Bodies the facility of Immunity should not be withdrawn totally and it may be granted depending on the membership strength of association in particular OA. One/two/three OBs may continue to be eligible for grant of immunity depending on total membership of association in that OA which will be interchangeable among the prominent three Office Bearers. The details are summarised as below.

Sr	Number of members in OA	Number of OBs eligible for grant of Immunity
1.	1 to 10	Immunity will be available for one OB at a time interchangeable among DS, ADS and DT
2.	11 to 20	Immunity will be available for Two OBs at a time interchangeable among DS, ADS and DT. It is already allowed for DS and DT and it may be allowed for interchangeable including ADS.
3.	21 to 100	Immunity will be available to all three OBs, i.e. DS, ADS and DT eligible at a time
4.	101 and above	Two separate Branches with BA office and Field Units with DS, ADS and DT of both the branches eligible at time.

These are limits for membership of Majority and Support Association and for **Welfare association SEWA, the limit of membership will be 20% of the above limit applicable for service association.**

4. No Compulsion of ERP data of subscription deduction for deciding Membership:

As per this letter, it is made mandatory to have an entry in ERP about the deduction of association subscription. But many times the entry is stopped due to administrative reasons and it is not the fault of the individual member. We request to withdraw this condition and in case the deduction is stopped for administrative reasons, then the authenticity of membership may be checked from records available about acceptance of membership and reasons for discontinuation of stopping deduction of membership and merely on the reason that the subscription of association is not deducted from Salary, one should not be barred from becoming OB of the association. Regular Offline payment of association subscription by individual member due to technical and administrative reasons, should be treated at par with deduction of membership subscription at par in online mode.

5. ERP entry of OBs working HQ other than BA/Circle HQ: It has been reported by many Circles that Circle Office are facing issues in making entries of OBs who are eligible for Immunity but working at any other place than the BA Head Quarters by quoting rule that immunity will be granted to OBs if he/she is working at BA Head Quarters or BSNL Head Quarters. This has stopped entry of about all BA/Circle/CHQ OBs who are not posted at respective HQ level, when everybody is eligible to become OB, regardless of his posting station, then such restrictions should not be put and all OBs should be allowed to function freely and required entry may be made in ERP and facility of immunity may also be continued to be granted while working at place of posting other than BA/Circle HQ regardless of the fact that he/she is not working at respective level of HQ.

6. Restrictions on granting Immunity for newly elected OBs: As per letter dated 14/10/2022, it is modified that the immunity will be available after six months of becoming OB of the association and in between period, he/she will not get facility of immunity from Transfer. We request that the facility of immunity should be continued to be available since the date of his/her election as Prominent OB of the association

eligible for grant of immunity and freedoms should not be given to any Unit/Circle Head to transfer the OB within six month of his/her election as Office Bearer of Association as being done now.

7. **Continuation of Immunity on Re-election of OBs:** We elaborated about the conditions applied by the Unit/Circle Heads in granting immunity when one is re-elected on the post of OB eligible for grant of immunity and how the Units/Circle Heads are denying the immunity for re-elected OBs by quoting the clause of six month period after election of OBs. With withdrawal of the six months condition, this problem will be resolved and we request to restore the facility of immunity from the date of election/re-election of the Office Bearer of Associations. Further, if any OB is elected in partial period through co-option and is given immunity for left out period, then he may be allowed to avail the immunity for full period of next body at same level or any other level in addition to his partial immunity.
8. **Nomination of Observers for Election Process:** As of today the nomination of observers of Elections is done by certain offices and not followed by all offices and there is a need for uniformity in it. For the conduction of Election of the Office Bearers of any association at all three levels in fair manner and to avoid doubts and complaints at a later stage, it is required that one observer from respective level administration is nominated and available during the conduction of Election process. **The Nominated Officer will be only an observer and will not interfere in the election process. The associations will continue to nominate Election/ Returning Officers as per the provisions of their constitution** as such, it is requested to issue directions to the BA Heads to nominate an Observer at OA/BA Level elections, Circle Heads to nominate an Observer for Circle level elections and at CHQ level one election observer should be nominated by SR Cell, BSNL CO. These Observers should submit a written report to the concerned Office with its copy to newly elected DS/CS or GS as the case may be.
9. **Continuation of Concept of BA/OA in Metro Circles:** As per modification orders the concept of BAs/OAs in the Metro Districts and Non-Recruiting units has been withdrawn and accordingly the existence of District Body at these OAs/BAs have been withdrawn. We request for restoration of District Level Bodies at OA/BA levels in Metro Circles and Non-Recruiting Circles. Thus in these Circles one Circle Body should exist and at the same time District level Body should be continued at OAs/BAs under these Circles.
10. **Time bound Entry of Election of OBs in ERP:** We request that it should be made mandatory to the BA/Circle level administration to make entry in ERP within a fixed period of one month and if no entry is made in ERP the responsibility should be fixed with erring officers. The provision made as per modification order to escalate the non-making entry of OBs in ERP by BA to Circle and Circle to BSNL CO may be withdrawn and it may be ensured that entry is made in ERP within fixed period of one month and if entry is not made then the facility of immunity needs to be granted by analysing facts and report of observers for election process.
11. **Delinking of publishing long stay list and grant of immunity:** Pers Cell, vide letter No. BSNL CO-PRII/19(13)/2/2021-PERS-II dated 09/06/2022 has declared that OBs elected after publication of long stay list will not be eligible for grant of immunity and the same has been denied to some of OBs in the last spell of transfer order. While the SR Cell vide its letter No. BSNL CO/SR/14(13) /13/2020 Dated 11/09/2020 has made it clear that the facility of immunity from transfer shall not be available to those who become office Bearers after issue of transfer order. When elections are held on completion of tenure of earlier District/Circle Body then the facility of immunity should be continued to be granted without relating to the publication of long stay list/s. Hence the condition put by Pers cell in contradiction with the SR Cell letter should be withdrawn and Immunity should be continued to be granted if the said office Bearer

is elected as Office Bearer before date of his/ her transfer order or his transfer order is issued after his/her election as Office Bearer of the association and grant of immunity should be delinked from the date of publication of long stay list.

12. **Considering break in stay for administrative transfers from Recruiting Circles to Non-Recruiting Circles and vice versa:** Pers section has converted some requests for retention on medical/educational grounds at Recruiting/Territorial Circles by transferring them in Non- Recruiting/Territorial Circles wherein executives are further transferred as per the requirement of transferred Circles. We request that in all such cases, the transfer order should be treated as break in length of the Stay in that particular Circle or retention should be considered at the same place of posting in the working Circle.
13. **Name of Association in Salary Slip:** In Salary slip only Association subscription amount is written and it is not mentioned to which association it is deducted and executives are under confusion to which association their subscription is deducted. We request that along with the amount of deduction of subscription of association, the name of Association should be mentioned in Salary slip of the executives.
14. **Facility of grant of Subscription deduction to Associations:** As per the REA Rules the facility of deduction of subscription has been granted Recognised as well as applicants associations. In any election there is restriction on grant of facilities and here applicant association should be given facility of deduction of subscription from Salary if the particular association secures minimum percentage of votes, in the membership verification. We request that the facility of deduction in subscription in Salary to Associations may be granted depending on its performance in Membership verification and not just being an applicant association. The minimum percentage of votes secured in Membership Verification may be fixed to minimum 5 % of total voters. In case any applicant association is not securing this minimum percentage of votes, the facility of deduction of subscription should not be extended to such association.
15. **Allotment of Office Accommodations to SSA/OA level Bodies:** As on today facility of office Accommodations I available to BA level Bodies. It is understood that for Unions the Office Accommodation is granted to the OA branches having minimum membership of 15 members. We request that in a similar manner, the office Accommodation may be made available to the OA level branches of Majority, Support and Welfare associations having 15 members in OA Branch.
16. **Keeping the window for change over membership open throughout the year:** We convey thanks to SR Cell for making provision in ERP for changeover/modification of association membership. In view of the above, we request that the present procedure of opening a window in particular time may be stopped and the executives may be given free hand to submit option/s for membership, withdraw or change over the membership of association throughout the year. In short, the executives may be given free hand to submit membership options throughout the year without any restrictions as is being done now.
17. **Restoration of facility of Immunity on Promotions:** The facility on immunity on promotions was available at all levels and it has been withdrawn after the VRS scenario. It may be please seen that some OBs who are holding prominent posts are victimised by transferring on promotions. Also immunity is not granted permanently and it is available for a limited period for which he/she is holding the post of OB eligible for immunity. Hence, we request that the facility of grant of immunity on promotions on request by individual/association may be restored as available earlier and hardship to the OBs of the association may be reduced for smooth functioning of the associations. After the period of immunity is over, he/she may be transferred as per criteria followed in all other transfers on promotions.


18. **Availability of Claim for Immunity:** It is seen that OB granted immunity at one level is again transferred at another level i.e. under transfer at Intra Circle is again transferred at Inter Circle stating that immunity has been already granted at one level and thus the very purpose of Immunity is defeated. As such, it is requested that this cause may be made somewhat elaborate and specific to multiple transfers and modified as once, the OB is availing immunity of transfer at Intra SSA level, he/she should be continued to get immunity from Intra/Inter Circle transfers and if he/she is availing immunity of transfer at Intra Circle level, he/she should not be transferred at Inter Circle level. In nutshell, if an officer is granted immunity at one level and he is continuing immunity, then no other transfer at higher or lower level should be issued till continuity of granted immunity and thereafter he may be transferred at the highest level of eligibility of transfer and may be given the option to choose the station/BA/Circle.

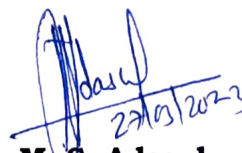
19. **Extension of last date for entry of OBs in ESS:** We convey thanks for extending date for entering data of OBs eligible for Immunity in ESS portal from 15/03/2023 to 31/03/2023 and giving some relief. We further request to extend this date till the all above issues are decided and clear guidance cum instructions are issued to field Units so that everyone interprets the issues in line with SR Cell aim and objective and not as per their own interpretations.


20. **Auto updation of membership deduction on Transfers:** It has been noticed that on transfers some of the Salary Disbursing Officers are missing to make entries of Association Subscription deduction and the membership is officially withdrawn. Hence it is requested the provision may be made for auto updation of deduction of association subscription on all transfers. If deduction is stopped for any reason, then equal amount of association subscription should be deducted from the next month Salary.

We are confident that by respecting elaborate discussions held in the meeting and assurance given for taking up the concern expressed by Association leaders with BSNL Management, the required clarifications and modifications and suggestions given by Majority, Support and Welfare association will be given due consideration and smooth function of associations will be continued to allowed.

With Warm Regards,


Pavan Akhand,
General Secretary
AIGETOA CHQ


M. S. Adasul,
General Secretary
SNEA CHQ


N.D. Ram,
General Secretary
SEWA CHQ

Copy to:

1. CMD BSNL for kind information and with request for kind intervention in safeguarding the functioning of associations.
2. Director HR BSNL Board for information and with request to review the issues related to functioning of associations at different levels.
3. PGM Estt BSNL CO for kind information and n/a please.
4. GM Pers BSNL CO for kind information and n/a please.