



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

No. BSNL/7-1/SR-2022

Dated: 19.01.2023

To

The Dy. Chief Labour Commissioner (Central)  
4<sup>th</sup> Floor, Jeevan Deep Building,  
Parliament Street, New Delhi-110001.

Sub: Request to conclude the conciliation proceedings of SNEA Vs BSNL.

This is with reference to the conciliation proceeding held related to SNEA's Notice dated 04-02-2022 for matters relating to time bound promotion to all eligible executives of BSNL and E2- E3 pay scales for JTO and SDE equivalent grade.

2. In this regard, it is to inform that recently Government of India has approved a revival package 2.0 of Rs.1.64 lakh crore to BSNL and MTNL for becoming strategic players in Telecom Sector. BSNL Management has constantly appealed to SNEA on various occasions to extend its full support for revival of BSNL and not to carry out any agitation activities.

3. Administrative Ministry DoT vide its letter dated 19-10-2022 (copy attached) to Dy CLC has requested to conclude the proceedings without any further recourse categorically stating that:-

i) SNEA is an association recognized under the Societies Act, whereas Trade Unions without an exception are granted recognition under the Indian Trade Union Act, 1926. In section 14 of Indian Trade Union Act, 1926 it is specifically mentioned that the Societies Registration Act, 1860 will not apply to Trade Unions.

ii) Executives affiliated to SNEA, who are performing managerial and administrative activities in addition to technical and supervisory role do not come under the definition of workmen defined under Section 2(s) of Industrial Dispute Act 1947.


iii) Normally matters involving standing orders and their interoperation wages, retrenchment etc are taken up by Industrial Tribunals for conciliation as per Schedule II and III of ID Act. The matters raised by SNEA are regarding promotion, which is purely administrative in nature and falls outside the purview of Industrial Disputes.

4. Further, prior to meeting on dated 13.12.2022, DoT has e-mailed to yourself reiterating the explanation provided in unequivocal terms vide its letter dated 19.10.2022 and requested that conciliation proceedings initiated in the matter of SNEA may be dropped with immediate effect, as SNEA executives do not fall within the definition of workmen specified under ID ACT, 1947.

5. **BSNL Management would like to reiterate the above stand of the administrative ministry DoT and urge that conciliation proceedings initiated in the matter of SNEA may be dropped with immediate effect as it falls outside the purview of the ID Act 1947.**

This is issued with the approval of competent authority.

Encl: as above.

  
(Krishna Muran Ruhela)  
Assistant General Manager (SR)

Copy to:

1. CLC, New Delhi.
2. Director (PSU-I), DoT HQ.
3. Director SR(&E), DoT

No.24-04/2018-SR(Part-I)  
Government of India  
Ministry of Communications  
Department of Telecommunications

Sanchar Bhawan, 20, Ashoka Road  
New Delhi 110 001.

Dated, the 19<sup>th</sup> October, 2022.

To

The Dy. CLC (Central)  
4<sup>th</sup> Floor, Jeevan Deep Building  
Parliament Street  
New Delhi 110 001

Subject: Notice served by the Sanchar Nigam Executive Association-  
Conciliation meeting by Dy. CLC (Central) on 20.10.2022 - reg.

Sir,

This is with reference to the conciliation meeting to be held on 20.10.2022 between DoT, BSNL Management and SNEA for the matters relating to Time bound promotion to all Eligible Executives of BSNL and E2 & E3 pay scales for JTO and SDE equivalent grade.

2. SNEA is an Association recognised under the Societies Act (copy enclosed) whereas Trade Unions, without an exception, are granted recognition under the Indian Trade Unions Act, 1926 (16 of 1926). In section 14 of Indian Trade Unions Act, 1926 it is specifically mentioned that the Societies Registration Act, 1860 (21 of 1860) will not apply to Trade Unions.

3. As per nature of duties assigned to them, SNEA members are responsible for managerial and administrative activities in addition to technical and supervisory roles assigned to them. Therefore, it is clear that executives affiliated to SNEA drawing salaries in IDA pay scale do not come under the definition of workmen defined under Section 2(s) of Industrial Disputes Act 1947. Similarly, it is also mentioned that any person being employed in a supervisory capacity, draws wages exceeding ten thousand rupees per mensem is not a workman.

4. Further, Schedule II and III (copy enclosed) contains list of issues which can be taken up by Industrial Tribunals for adjudication or conciliation under the Industrial Disputes Act 1947. Normally, matters involving standing orders and their interoperation, wages, retrenchment etc. are taken up for conciliation. Contrary to which, suspension and promotion matters have not been included in Schedule II and III of Industrial Disputes matters.

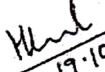
The matters raised by SNEA are regarding promotion, therefore, purely Administrative in nature and falls outside the purview of Industrial Disputes.

5. BSNL vide notification dated 06.01.2014 has framed the rules for the Executive Association wherein it has been mentioned that 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. Thus, it is clear that SNEA which is a registered Association can't take part in agitational activities similar to the Unions being registered under Industrial Disputes Act 1947.

6. In view of the recent revival package approved by the Government for BSNL, the executives should extend their support to BSNL for becoming a strategic partner in Telecom sector.

7. In view of which Deputy Chief Labour Commissioner (Central) is requested to conclude the proceedings brought before them by SNEA, without any future recourse.

This letter is issued with the approval of the Competent Authority.

  
19.10.2022  
(Manish Kumar Vimal)  
Director (SR&E)

Encl: As above

Copy to:

- 1). CLC, New Delhi
- 2). PGM (SR) CO BSNL
- 2). Director (PSU-I), DoT HQ



**Fw: Representation served by the Sanchar Nigam Executive Association (SNFA) and Conciliation Proceeding scheduled on 13.12.2022 at 2:00 pm in Dy. CLC office.**  
1 message

anita johri <anita.johri@rediffmail.com>  
To: Sunita Arora <sunitaarorahsr@gmail.com>

13 December 2022 at 10:05

From: Manish Vimal <estates-dot@gov.in>  
Sent: Mon, 12 Dec 2022 16:44:14  
To: "Dr RG Meena" <drmeena@nic.in>  
Cc: "CHIEF LABOUR COMMISSIONER" <clc-mole@nic.in>, "Ashutosh Jain" <adgsr-dot@nic.in>, "Director Establishment DoT HQ" <directt-hq-dot@nic.in>, "anita johri" <anita.johri@rediffmail.com>, "Raj Kumar" <raj.kumar73@gov.in>, "MADHAV RAITI RAO" <madhavarao@gov.in>, "AMIT RAJAN" <amit.rajan@nic.in>, "K GEETHA" <k.geetha@nic.in>  
Subject: Representation served by the Sanchar Nigam Executive Association (SNEA) and Conciliation Proceeding scheduled on 13.12.2022 at 2:00 pm in Dy. CLC office.

Sir,

This is with reference to the conciliation meeting to be held, in your office, on 13.12.2022 at 2:00 pm between DoT, BSNL Management and SNEA for the matters relating to Time bound promotion, as per BWPPARR 2017 policy, to all Eligible Executives of BSNL and E2 & E3 pay scales for JTO and SDE equivalent grade. In this regard, it once again reiterated that concerns of this office raised vide this office letter No. 24-04/2018-SR(Part-I) dated 19.10.2022 have neither been replied nor find any mention in your Proceeding No. ND.8(5) 2021-PADYC dated 20.10.2022 (copy enclosed).

As per explanation provided earlier in unequivocal terms, vide this office's letter dated 19.10.2022 (copy enclosed), it follows that conciliation proceedings initiated in the matter of SNEA may be dropped with immediate effect. This is because SNEA executives don't fall within the definition of workmen specified under Industrial Disputes Act, 1947.

Thanking you,

सादर/Regards,

(मनीष कुमार विमल)  
(MANISH KUMAR VIMAL)  
निदेशक (एस. आर. एवं सम्पदा)  
Director (SR & Estates)  
दूरसंचार विभाग, भारत सरकार  
Department of Telecom., Govt. of India  
नई दिल्ली / New Delhi

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