



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-110001

No. BSNL/20-4/SR/2022

Date: 18th .07.2022

To

Shri M S Adasul,
GS SNEA

Subject: Partial modification in facility of immunity from transfer to recognised and support association.

It is informed that the facility of '**immunity from transfer**' is provided vide Clause 10(5) and 10(A) (4) of BSNL REA Rules No BSNL/31-2/SR/2009 to office bearers of recognised and support association. Further, consolidated instructions/clarifications on the matter were issued vide this office vide letter no BSNLCO-SR/14(13)/13/2020 dated 11.09.2020 and 24-12-2020.

Many circles have reported that, in the post VRS scenario, the percentage of executives having immunity from transfers has become disproportionately high as the strength of executives has declined significantly, making it very difficult to deploy human resources for operational purposes.

As per REA rules 2014, the organizational structure of the associations in BSNL shall operate at **three tiers – CHQ, circle and district/SSA**. Vide Restg. Letter 4-02/2014 – Restg Vol. V (Pt.) dated 27.08.2020, the SSA concept has been replaced by Business Area (BA) and Operational Area (OA) whereby, Business Area is now the primary unit where HR, Finance, Planning and Procurement related processes are being handled.

Therefore, the following partial modifications to the facility of 'immunity from transfer' are proposed, w.e.f. the date of issue of the modified instructions.

- a) The concession of immunity from transfer from the **CHQ/Circle** (1st and 2nd tier) of recognized and support association shall be applicable to the General Secretary, Assistant General Secretary and Financial Secretary (or Treasurer) up to the recognition period of the concerned Association, irrespective of the post held or the cadre to which he/ she belongs.

- c) The concession of immunity from transfer from the erstwhile SSA of recognized and support association shall now be extended at **BA level (3rd tier)** only. Applicability shall be in accordance to the table below and up to the recognition period of the concerned Association, irrespective of the post held or the cadre to which the office-bearer belongs.

	Number of exclusive* members of recognized/support association in BA which shall include members in area offices brought under the BA.	Proposed beneficiaries
1	0-20	Nil
2	21-50	1 (DS only)
3	51-150	2 (DS and FS only)
4	151 +	3 (DS, ADS, FS)

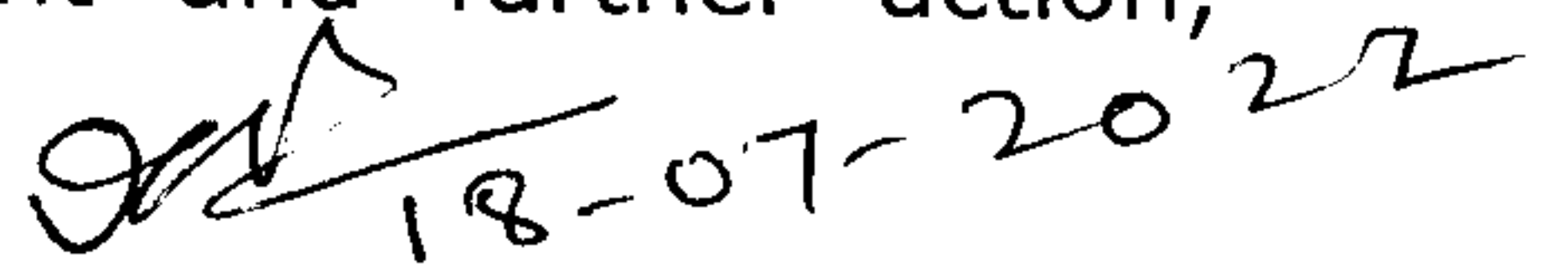
Note* - no dual membership is permissible as per rules.

- c. The facility enjoyed once at any level, viz. CHQ, Circle, BA will not be available for the second time at the same level either in the same association or in any other association, in case the incumbent so joins another association.

- d. The office bearer claiming immunity should have been a paid member of that association for at least one year and should have occupied that post for at least for period of six months. The same shall be determined in accordance to the letter issued by the circle/BA circulating the names of the office-bearers and as per details entered in ERP portal (currently under development), wherein data of office bearers may be entered with the approval of BA head within 15 days of election/occupancy of post. Regarding entry of data beyond 15 days, the case will be sent to SR cell, BSNL CO for approval by competent authority.

- e. Membership as determined from ERP records will be final and binding for all. Determination of 'office-bearer' details from ERP records shall be w.e.f, the date the portal is notified as being operational.

You are kindly requested to go through the above modifications and offer your views for the perusal of the management and further action, thereof, latest by July 29, 2022.


(Krishna Murari Ruhela)
Asstt.General Manager (SR)



SANCHAR NIGAM EXECUTIVES' ASSOCIATION

CENTRAL HEAD QUARTERS

**All Communications
to the General Secretary**

M. S. Adasul
General Secretary
(M) : 9423082352
E-mail : gssnea2022@gmail.com

To,

Shri. Arvind Vadnerkar ji,
Director HR, BSNL Board,
3rd Floor, Bharat Sanchar Bhavan,
H.C. Mathur Lane, Janpath, New Delhi 110001.

Letter No. SNEA CHQ/Corr/Dir HR /2022-23

Dated 7th August 2022.

Sub: Views on the Policy for allotment of accommodation to Unions/ Association of BSNL as called by SR Cell BSNL CO.

Ref: Letter No. BSNL/20-2/SR/2022 dated 18.07.2022 by AGM SR BSNL CO.

Respected Sir,

With reference to the above letter, and draft policy proposed for allotment of Office and Residential Accommodations, we would like to put on record that till date about all associations and Unions except Majority and Support Association are enjoying the residential accommodation facilities and we have requested for residential accommodation at Delhi, the allotment is first abnormally delayed and now it is indirectly denied by proposing the rental charges that to be at Market rates. It was quite possible to allot accommodation to Majority and Support Association, as has done for other associations and the same would have been regularised.

We regret the delayed response on our part as before coming to any conclusion on this proposal by BSNL management, this association has to take views of all 29 Circle Secretaries & DS of SNEA all over India. It took some time more to finalise the consolidated views as many of the OBs are feeling that this is direct withdrawal of facilities granted to Unions/Associations.

We appreciate the concern and proposal of management to limit the facilities of accommodation to recognised Unions/Majority and support associations and not allotting it or withdrawing it from other Unions/Associations. But as seen in the past, BSNL management has certain limitations to adhere to its decisions under pressure from higher offices. If it is so, then no need to twist arms and BSNL is free to charge certain fixed amount depending on the area of residential accommodation to Unions/ Associations which are not recognised/ Majority or support Union/ Association. But applicability at the rate of policy CROP 2020 will be a heavy burden on the Unions/Associations and BSNL will not be successful in recovering such a huge amount from any such unions/association.

As such, the allotment of office and residential accommodations for Recognised/ Majority and Support Associations/ Unions shall be continued as per the present procedures and guidelines. The new proposal of charging as per CROP policy may be decided reasonably and suitably and may be applied to Unions/ Associations which are not recognised with formal dialogue with concerned Unions /Associations. Further accommodations allotted should not be withdrawn as mentioned in draft policy, but may be regularised as per the norms which will be finalised after incorporating changes/modifications suggested by the Unions/ Associations.

It is also requested that the allotment of Office/Residential accommodations should be decided on the basis of total paid membership of association in that particular District/Circle on date/month of Membership or in month immediate to Membership verification. But no office accommodations should be allotted to any Union /Association, which do not have the existence of Branches at District /Circle level.

The accommodations need to be allotted at respective HQ of the Union/ Association at District/Circle/CHQ and in the office of OA/BA/Circle Heads not at the locations far away from HQ and odd to the HQ of the Unions/ Associations at that particular level.

We will like to put on records, that due to certain financial limitations, BSNL management is not in position to extend any other facilities to Unions/Associations as being provided in other PSUs and BSNL may be only PSU allowing existence of multiple Associations/Unions and at the same time not ready to give the simple and minimum required facility of Office accommodations and residential accommodation to Majority and support association when same is rightly available with BSNL Management.

It seems that BSNL management is treating Unions/Associations as a commercial organisation and this is a totally false assumption by certain officers in Management. Fact is that all the Unions/Associations are working as non-profit making organisations for welfare of its members and are extending helping hands to their members. It may be noted that many times the money is being spent from pocket by the OBs at different level. It may be also seen that when BSNL has critical financial issues, the associations have come forward with proposals like Group Term Insurance, Group health Insurances at their own and same has been latter incorporated by BSNL from Salary of individuals. In past, about all Associations/ Unions have taken very active part in the special campaigns launched by BSNL viz. Customer Delight Year, Service with Smile (SWAS), BSNL at Your Door Steps etc.

Many Unions/Associations have supported contract labours financially and by extending supporting hand my distributing food kits during pandemic period. Further on death of any colleagues/members, these associations/unions only are extending supporting hand as required support is not extended by BSNL at that particular time and all the expenses are taken care by associations/Unions by contribution from leaders and members. As such, the functioning of Associations /Unions is purely social work may be with one or two exceptions, and it needs to be appreciated by BSNL Management. The role played by Executives and employees with support of Unions/Associations has been duly recognised by the Government of India, DoT and many officers who have update information about it and we request to keep same views while allocating office and residential accommodations at least to recognised, Majority and Support Associations/Unions.

Rather by trusting this workforce only the Government of India has come forward by allotting Rs. 1.64 Lakh Crore package for BSNL and MTNL. By keeping mind, it is need of time that BSNL Management should not look at Unions/Associations as the source of revenue and should treat it as important supporters of BSNL Management, Government of India who are able to change opinion of workforce of BSNL to better extent and these facilities should be provided at free of cost at least to the Unions/Associations which are recognised, Majority and support Unions/Associations.

But we appreciate the steps by management to have uniform guidelines applicable to all Unions/Associations and marking the facts which Unions/ Associations are eligible for free Office/residential accommodations and which

Union/Association is eligible for chargeable office/residential accommodation all over India. We also appreciate the steps by management to stop misuse of office/Residential accommodations allotted to Unions/Associations.

We hereby submit point wise comments, suggestions and changes required in proposed draft policy for office and residential accommodations as asked by AGM SR BSNL CO.

Clause	Views of SNEA CHQ
1.0 to 4.0	1.0 to 4.0 are the general clauses of policy and nothing to say about it.
5.1	We doubt whether BSNL management could implement this decision in respect of Non recognised Unions/Associations. We welcome the move to allot accommodation up to OA level.
5.2 (a)	Agreed
5.2 (b)	Not agreed. Needs Modification. Entitlement for allotment of accommodation should be related to total paid membership of the Union/ Association at that level i.e. District/Circle and CHQ. If any of the association/ Unions do not have a branch at any location, then there is no need of office allotment of accommodations as in such cases the chances of its misuse cannot be overruled.
5.2 (c)	Not agreed. Needs Modification. The Unions and Associations are in a supportive role of the Management and there should not be any charges applicable for Office Accommodations for any eligible Unions/ Associations. Also it is difficult to mark exact areas as no similar size or exactly marked size rooms/ accommodation will be available at all locations. It may be left to wisdom and understanding of the Management and leaders of the concerned associations/ Unions at the respective level and only maximum and minimum area to be allotted may be fixed by the BSNL CO. At some small places ample space for accommodation will be available and at some places even minimum space also may not be available. Hence, the minimum (say 150 Sq. Feet) and maximum (say 250 Sq. Feet) limits for total space to be allotted to eligible associations/Unions may be fixed in this policy. Actual space to be allotted may be finally decided at the time of allotment if accommodation by mutual understanding between Management and Union/ Association at that level. No charges should be applicable for any Unions/ Associations when space is allotted within these maximum limits. Any Association/Union is demanding space/accommodation more than maximum limit (say 250 Sq. Feet) same may be charged @ 50% of CROP Policy rates. There should not be any discrimination in allotment of accommodation and charges applicable thereof other than the total membership of that association/Union at that level i.e. District/Circle/CHQ as on date of election of the Body or membership verification whichever is later.
5.2 (d)	Agreed.
5.2 (e)	Partially Agreed. Needs Modification. The management will try to allot accommodation to the best possible extent and in case of any

	extreme difficulties due to non-availability or constraint of space including any alternative arrangements, the management reserves its right not to allot or withdraw the allotted space with prior intimation /notice of not less than three months and by assigning reason thereof.
5.3 (a)	Agreed.
5.3 (b)	We leave it to discretion of the management and it may be decided suitably
5.3 (c)	Not agreed. No accommodation allotted to recognised, majority or support Association/ Unions should be vacated as it will lead to industrial unrest. The office/residential accommodations allotted to recognised, Majority and support association should be regularised and continued without any charges for office accommodation and with maintenance charges as being applied currently.
5.4 (a)	Partially Agreed. Needs Modification. The Staff quarter allotted for recognised, Majority and Support Associations/Unions may be of Type IV and not Type III as proposed and only licence fee may be charged for same.
5.4 (b)	Not Agreed.
5.4 (c)	Not Agreed. There are ample staff quarters available at Delhi and are allotted to all existing and non existing associations/Unions and now only two staff Quarters are required for allotment to Majority and support associations. When ample Staff quarters are available, there is no need of clause for recognised/Majority and Support associations.
6.0	Not Agreed. There should not be any charges applicable to recognised/ Support or majority Association/ Unions except the present procedure wherein only maintenance charges are charged at fixed rates.
7.1	Agreed.
7.2	Needs Modification. Not individually, the General Secretary/Circle Secretary should be liable but association/Union as whole at that particular level District/Circle/CHQ will be liable and action of withdrawal of accommodation may be taken for that particular level/ place/ location.
7.3	Agreed
8.0	Agreed
9.0	Needs Modification. It is not good and fair that in the small and petty issues of allotment of Accommodations to Unions and Associations, the valuable time of highest authority of BSNL is wasted and the same may be kept at the level of Director HR.
10.0	Needs Modification. Review of policy may be done at a certain fixed interval of fixed years and changes made in policy every now and then will defeat the very purpose of the framing policy.

Sir, we are ready for further discussions to come to conclusion on this sensitive matter with required feedback but our request is this action should not create any industrial unrest among the executives and Non Executives of BSNL and final decision may be taken into consideration of views of all affected parties.

Further, we welcome decision to have uniform policy for office and residential accommodation to recognised, Majority and Support Unions/Associations in BSNL, but we will request not to apply any charges to recognised, Majority and Support Unions/Associations in BSNL as it is facility granted to these associations and any facility cannot be chargeable as being proposed now.

We are confident that views submitted by SNEA CHQ are taken in true spirit and given consideration before framing the uniform Policy guidelines for allotment of Office/ Residential accommodations to Unions/Associations in BSNL.

With Warm Regards,

Sincerely Yours,

Sd/
M. S. Adasul
General Secretary
SNEA CHQ

Copy to:

1. CMD BSNL for kind information please.
2. PGM SR BSNL CO for kind information and n/a please.
3. PGM Estt BSNL CO for kind information please.
4. GM Pers/Admn/LM BSNL CO for kind information please.



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(A GOVERNMENT OF INDIA ENTERPRISE)
SR Cell, Corporate Office
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Janpath, New Delhi-110001

No. BSNL/20-4/SR/2022

Date: 14.10.2022

To,

All CGMs (Territorial and non-Territorial circles)
Bharat Sanchar Nigam Limited

Subject: Partial modification in facility of immunity from transfer to recognised and support association.

It is informed that the facility of '**immunity from transfer**' is provided vide Clause 10(5) and 10(A)(4) of BSNL REA Rules No BSNL/31-2/SR/2009 to office bearers of recognised and support association. Further, consolidated instructions/clarifications on the matter were issued vide this office vide letter no BSNLCO-SR/14(13)/13/2020 dated 11.09.2020 and 24-12-2020.

Many circles have reported that, in the post VRS scenario, the percentage of executives having immunity from transfers has become disproportionately high as the strength of executives has declined significantly, making it very difficult to deploy human resources for operational purposes.

As per REA rules 2014, the organizational structure of the associations in BSNL shall operate at **three tiers – CHQ , circle and district/SSA**. Vide Restg. Letter 4-02/2014 – Restg Vol. V (Pt.) dated 27.08.2020, the SSA concept has been replaced by Business Area (BA) and Operational Area (OA) whereby, Business Area is now the primary unit where HR, Finance, Planning and Procurement related processes are being handled.

Therefore, the facility of '**immunity from transfer**' is modified as below w.e.f. the date of issue of this letter.

- a) The concession of Immunity from transfer from the **CHQ/Circle**(1st and 2nd tier) of recognized and support association shall be applicable to the General Secretary, Assistant General Secretary and Financial Secretary (or Treasurer) up to the recognition period of the concerned Association, irrespective of the post held or the cadre to which he/ she belongs.

- b) The concession of immunity from transfer from the erstwhile SSA of recognized and support association shall now be extended at **BA level(3rd tier)** only. Applicability shall be in accordance to the table below and up to the recognition period of the concerned Association, irrespective of the post held or the cadre to which the office-bearer belongs.

	Number of exclusive* members of recognized/support association in BA which shall include members in Area Offices brought under the BA.	Eligible Beneficiaries
1	0-20	Nil
2	21-50	DS and DT.
3	51 and above	All three DS, ADS and DT.

Note* - no dual membership is permissible as per rules.

- c. The facility enjoyed once at any level, viz. CHQ, Circle, BA will not be available for the second time at the same level either in the same association or in any other association, in case the incumbent so joins another association.

- d. The office bearer claiming immunity should have been a paid member of that association for at least one year and should have occupied that post for at least for period of six months. The same shall be determined in accordance to the letter issued by the circle/BA circulating the names of the office-bearers and as per details entered in ERP portal (currently under development), wherein data of office bearers may be entered with the approval of BA head within one month after election/occupancy of post. Regarding entry of data beyond one month after election date but less than three months, case will be sent to circle head for approval and beyond three months after election date, the case will be sent to SR cell, BSNL CO for approval by competent authority.

- e. Membership as determined from ERP records will be final and binding for all. Determination of 'office-bearer' details from ERP records shall be w.e.f, the date the portal is notified as being operational.

This is issued with the approval of competent authority.


(Sunita Arora)

Deputy General Manager (SR)

Copy for information to:

1. PS to CMD, BSNL
2. PS to all functional Directors, BSNL Board
3. GM(Pers) BSNL CO
4. General Secretaries of AIGETO, SNEA



BHARAT SANCHAR NIGAM LIMITED
(A Government of India Enterprise)

OFFICE OF THE GENERAL MANAGER TELECOM DISTRICT, ANANTAPUR

Lr.No. E2/2-11/BSNL EU/Vol-IV/2020-21/ Dated at ATP the 27.12.2022

Sub:- Grant of special casual leave to conduct District General Body Meeting of BSNL Employees union at BSNLEU District Branch Office, VT Bhavan, Anantapur on 28.12.2022 for the officials of BSNL EU - Reg.

Ref: AGM(SR, R&E), VJA Lr.No.TA/CD-VJ/Admn/1088/Immunity-Bearers of Association/2018-19/61 dated 17.10.2022.

@ @ @

Approval of the General Manager Telecom, Anantapur BA is hereby conveyed for sanction of special Casual Leave for 1 day on 28.12.2022 for the following officials of BSNLEU to attend District General Body Meeting at District Branch office, VT Bhavan, Anantapur subject to condition that the maximum amount of special casual leave shall not exceed 20 days in a year and permission to all the remaining BSNL EU members on the **F/N of 28.12.2022**.

SL.NO	NAME OF THE OFFICIAL	DESIGNATION	CONTROLLING OFFICER
1	P.UMAMAHESWARA RAO	DS(G)	AO(DFC) ATP
2	K.MALLIKARJUNA	JE	SDE(Mktg)-ATP
3	S.A.KAREEM	JE	SDE(CELL ONE,O&M)ATP
4	K.SIVA SANKAR	Driver	SDE(Gr),HDP
5	S.MAHABOOB SAHEB	TT	SDE(Mktg)ATP
6	M.THIRUMALAJAH	TT	SDE EXTL, ATP
7	G.MURALI KRISHNA	JE	SDE EXTL, ATP
8	D.DASTAGIRI	OS	SDE(Gr), TTR
9	D.VENKATARAMANAPPA	TT	SDE(TM) ATP
10	P.NAGARJUNA	JE	SDE(EXTL), ATP
11	CMD.KARIMULLA KHAN	OS	SDE(CSC), ATP
12	Y.SREENIVASULU	OS	SDE(PLG), ATP
13	A.NEERAJA	ATT	SDE(Mktg), ATP
14	B.VENGAMUNI	TT	SDE(CELLONE&O&I), ATP
15	KM.EZAZ SHAREEF	OS	AO(CASH), ATP
16	Y.VIJAYA BHASKAR REDDY	TT	SDE, HINDUPUR
17	DM.SDMA SEKAR PRASAD	TT	SDE(EXTL), ATP
18	S.KALEEMULLA	JE	JTO, MADAKASIRA
19	M.V.SIVA REDDY	JE	SDE, TTR
20	G.CHINNANNA	JE	SDE, TTR

It is also instructed that representatives of Anantapur OA and Kadapa OA, BSNL EU may take necessary action as per the letter cited under above reference and as per the information available in ERP portal in respect of BSNL EU in ATP BA as on 30.NOV.2022 is:

Union/Association	Anantapur OA	Kadapa OA	Union Members of SEWA in ATP OA	Union Members of SEWA in CDP OA	Single membership members in Anantapur BA(ATP OA+CDP OA)
BSNL EU	69	42	8	3	100

[Signature]
27/12/2022
Asstt. General Manager (Admn),
O/o General Manager Telecom District,
BSNL, ANANTAPUR.

Note: Reference letter enclosed

Copy to:

1. The concerned officials through their controlling officers.
2. The Concerned Executives for necessary action please.
3. AO(Cash)/ AO(Pay), % GMTD, Anantapur.
4. The DS, BSNL EU, Anantapur



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-110001

No. BSNL/20-6/SR/2019

Dated: 26.10.2021

To

All CGMs,
Bharat Sanchar Nigam Ltd.

Subject: Consolidated clarifications on Membership Subscription of Unions/Associations.

This office has received references from the field units regarding clarification on monthly deduction of subscription of members of unions/associations. In this regard, clarifications sought from this office are as mentioned below:

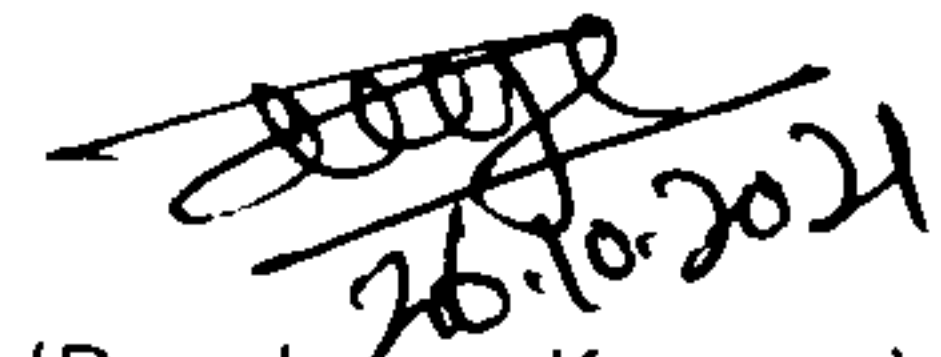
Sl No.	Query Raised	Clarification
1	Whether in any condition, an executive can withdraw/ change the Association membership other than period mentioned vide letter no. BSNL/20-6/SR/2019 dated 03.06.2020.	No. It is clarified that the Executives who are already enrolled shall be allowed to opt out (withdraw/stop) or change membership as per letter BSNL/20-6/SR/2019 dated 03.06.2020. However, the executives who are not member of any association may be allowed to submit declaration/option form for deduction of monthly subscription upto 10 th of every month. Such executives will include : (i) Non –Executive promoted as Executive. (ii) Fresh recruitment as Executive in BSNL. (iii) Executives who didn't join/opt for any Association so far. (Circular no. BSNL/31-8/SR/2016 dated 08.11.2017).
2	If an employee resign from one Union/Association before period mentioned vide letter dated 03.06.2020, will he /she be eligible to join the other Union/Association other the period mentioned without subscription?	The employee/executive can join only during 16 th June to 15 th July.
3	Is dual Union/Association membership (one with online subscription deduction through salary and other with offline subscription or free membership) for any employee is allowed?	Only with online subscription through salary is allowed.

[Handwritten signature]
26.10.2021
AGM/SE

4	How many minimum members required to form district body?	The structure /size of the Executive's bodies have been defined in 7(2) of REA Rules 2014. The recognized/support association can form a district body even with less than 7 members in a SSA and is eligible for recognition.
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This issues with the approval of competent authority.

Yours Faithfully


26.10.2021

(Pardeep Kumar)
Assistant General Manager (SR)



सेवा में

श्री सुशील त्रिपाठी
प्रांतीय सचिव, SNEA
Qtr-1/टाइप-4/ बी.एस.एन.एल कालोनी
सेक्टर -जी, एल.डी.ए, लखनऊ।

पत्रांक- स्टाफ/एम-7-2/जेटीओ/सॉफ्ट टेन्योर /2020/सॉफ्ट/4

दिनांक- 01/12/2022
—11/2022

विषय- श्री अरुण शाह, अवर दूरसंचार अधिकारी को स्थानांतरण से प्रतिरक्षा (immunity) प्रदान करने के सम्बन्ध में।

संदर्भ- पत्र संख्या SNEA / UPE/ CGMT/ 2021-24/20 दिनांक 16-11-2022

कृपया उपरोक्त विषयक मामले में आप अपने संदर्भित पत्र का अवलोकन करें जिसके द्वारा श्री अरुण शाह, अवर दूरसंचार अधिकारी (एच.आर नं. 200303688) को SNEA, उ.प्र. (पूर्वी) परिमण्डल में सहायक प्रांतीय सचिव-1 पर पदस्थ होने के कारण स्थानांतरण से प्रतिरक्षा (Immunity) हेतु अनुरोध किया है।

उक्त मामले में आपको अवगत करना है कि श्री अरुण शाह, अवर दूरसंचार अधिकारी दिनांक 24-09-2022 से SNEA में सहायक प्रांतीय सचिव है। बी.एस.एन.एल मुख्यालय के पत्र संख्या BSNL/20-4/SR/2022 दिनांक 14-10-2022 के अनुसार प्रतिरक्षा (Immunity) हेतु दावा उक्त पद पर छः माह पदस्थ रहने के उपरान्त ही किया जा सकता है।

यह सक्षम अधिकारी द्वारा अनुमोदित है।

01/12/2022

(अनुज कटियार)

सहायक महाप्रबन्धक (प्रशासन)

प्रतिलिपि सूचनार्थ-

- 1- श्री अरुण शाह, सहायक प्रांतीय सचिव SNEA, उ.प्र. (पूर्वी) परिमण्डल को पत्र दिनांक 11-11-2022 के सापेक्ष में।



SANCHAR NIGAM EXECUTIVES' ASSOCIATION

CENTRAL HEAD QUARTERS

M. S. Adasul

General Secretary

(M) : 9423082352

E-mail : gssnea2022@gmail.com

All Communications
to the General Secretary

To,

Smt. Anita Johri
PGM SR, BSNL CO
8th Floor, Bharat Sanchar Bhavan,
New Delhi 110001

Sub: Request for kind intervention in the issues related to Immunity to the OBs of SNEA working in UP East Telecom Circle.

Ref: 1. Letter No. BSNL/31-2/SR/2009 dated 17/10/ 2018.
2. Letter No. BSNL/20-4/SR/2022 dated 14/10/2022.
3. Letter No. BSNL CO-SR/14(13)/13/2020 dated 11/09/2020.
4. Different Transfer, Immunity & relieving orders issued by UP East Circle.

Respected Madam,

We convey sincere thanks to you for taking our grievances in the right spirit from time to time and underlining the association's role in accordance with business requirements of the company. We appreciate your patience in listening to the many issues that associations have brought up before you and we are confident that certain issues related to the recent modification in immunity and accommodation will be given due consideration as discussed. We are extremely sorry that we have not yet submitted our views as discussed and we assure that details will be submitted by coming week.

In light of the fact that REA rules have changed rapidly and continuously between the recognition periods of MV 1 and MV 2 and recent modifications issued by your good office, we have noticed some issues related to granting immunity to OBs of SNEA in UP East and in continuation to discussions held yesterday, we are submitting the details of issues raised at UP east Circle and we request your kind intervention to settle the issues.

CASE I: Shri Dipesh Chandra Shukla DT SNEA UP East:

- Shri Dipesh Chandra Shukla, recently promoted AGM who is District Treasurer of the Circle Office Branch and posted as AGM (L/A), was transferred from Lucknow to Sultanpur on vide letter no Staff/M-2-2-2018/Transfer Requests /1 dated 06.06.2022, under the "longest stay displacement".
- Association requested for grant immunity for him and the same was given to Shri Dipesh Chandra Shukla by circle office vide Circle office Letter no: Staff/M-2-2-2018/Transfer Request/1/138 dated 07.07.2022.
- On 16.11.2022 he was promoted to DE and allotted the same circle i.e. UP (East), but UP (East) circle again operated the longest stay list and transferred him to Ballia.
- **It is worth to mention that Ballia is DE Headed SSA, vide letter no Staff/M-2-2-2017/1 dated 17-12-2022, already one Regular DE is posted at Ballia who is junior to Shri Dipesh Chandra Shukla.**

- In promotion list it was the precedence that junior most are displaced and seniority is taken in to consideration only under rotational transfer so that balance has been made but this also is not followed in UP (East).
- If longest stay was to be operated then the others in long stay may have been transferred, but neither criteria of senior in seniority list nor senior in long stay list criteria is followed and he is transferred and posted on Promotion ceasing his immunity forcefully.
- One Executive who was transferred from Gorakhpur and posted at Ballia vide Circle office Letter no: Staff/M-3-2-2021/SDE/1/78 dated 16.11.2022 has also got promoted in the same list, but to take vindictive action against Shri Dipesh Shukla, he was reverted again back to Gorakhpur under promotion in just a week's time at his own cost and request.
- From the actions of the UP East Circle, it is clear that Shri Dipesh Chandra Shukla, District Treasurer Circle office Branch is targeted and displaced to the farthest place, Ballia OA, which is the extreme corner of UP (East), with only one reason that he has claimed immunity under the longest stay.
- He was granted immunity from transfer to Sultanpur and now also posts of DEs are vacant in Sultanpur, but Shri. Shukla is not relieved on this transfer and he is now posted to Ballia which is far away place for him.
- If immunity is to be withdrawn then, he should have been relieved to Sultanpur and he has shown willingness for same. But he is not given the posting as per earlier transfer and now he is transferred to Ballia which is very odd and faraway place for Shri. Shukla.
- It is clear that the officer is already granted immunity and his transfer order was issued before orders of modification issued by your good office for immunity and hence the earlier Rules are not applicable in this case.
- It is crystal clear that he is SDE under transfer to Sultanpur but retained at Lucknow as immunity was granted and now on his AGM Regular Promotion he is reverted from AGM LA as SDE and as SDE his transfer is already pending for Sultanpur and naturally he will be relived as SDE to Sultanpur.
- It may be kindly noticed that at Sultanpur as well as Ballia his transfer order is issued as SDE and not as DE and he will take over charge as DE on joining at transferred place hence issue needs elaborated in clear terms.
- In this case it is clear that the officer is already granted immunity and his transfer order was issued before orders of modification issued by your good office for immunity and hence the earlier Rules are applicable in this case for giving justice to him either by granting continued immunity at Lucknow as DT of SNEA Lucknow or relieve him as per the his old transfer order and post him on promotion at Sultanpur where he is transferred as SDE.
- In normal course also, if he would have ceased immunity for any reason, he will have been relieved to Sultanpur and not any other place.
- In view of above it is required that either he should be allow to continue with Immunity at Lucknow or ceasing immunity on Regular promotion , he should be posted to Sultanpur as SDE and then promoted as DE Regular at Sultanpur.

CASE II: Shri Arun Shah DS SNEA Lucknow:

- Shri Arun Shah, JTO was elected as DS of Lucknow BA on 06/06/2020 and was later transferred to Bahraich OA vide letter no. Staff/M-7-2/JTO/Soft Tenure/2020/4 Dated 03.09.2020. Association has requested his immunity and was granted the immunity vide letter no Staff/M-7-2/JTO/ Soft Tenure/ 2020/4 dated 07/10/2020.
- In the CEC of SNEA UP (East) conducted on 24.09.2022 Shri Arun Shah was elected in co-option as Assistant Circle Secretary HQ of UP (East) and recognition was given vide letter no. U/M-210/2019-Part-II/73 dated 09/11/2022.
- But now Shri Arun Shah has been transferred back and relieved to Bahraich by taking cognizance of letter at Serial No. 3 Point No. d, "that the office bearer clamming immunity should have been a paid member of that association for at least one year and should have occupied that post for at least period of six months."
- Important point is that when he was granted immunity on 07/10/2020 and when he was elected as ACS on 24/09/2022, the old Rules of immunity are applicable as new rules are issued by your office on 14/10/2022. Here UP East Circle is applying the rules from retrospective date and not from prospective date and as law of land the rules are made applicable from date of its notification.
- Your office have framed the rules so that one should not been elected for any immunity post just to refrain themselves from transfer but the case of Shri Arun Shah is different he is not elected as ACS to clamming the immunity but the members wanted him to serve the association as ACS and hence he is elevated and he will continue immunity of District Level as ACS at Circle level and maximum UP East Circle can cease his option of availing the immunity as Circle OB.
- The immunity is granted during recognised period of MV and in this case the recognition of SNEA is continued and also Shri. Arun Shah is continuing to hold the post of OB eligible for immunity and he needs to be given immunity.
- But may be under certain prejudice, the UP East Circle is not allowing him to continue immunity by wrongly applying modified rule from prospective dates.
- It is not that he left the post of DS Lucknow before election as ACS and he was without any post eligible for immunity even for period of hour. Rather he was holding both the post simultaneously and hence eligible for continuation of immunity and UP east Circle has to adhre rules for granting immunity and not denying immunity.
- We request you to look into vindictive action by UP East Circle by twisting rules and its applicability from retrospective date and issue directions to UP East Circle to grant immunity to Shri Shah as per the rules applicable at that particular time and allow him immunity till August 2023 i.e. till immunity of SNEA is continued and till he is continued on post of ACS or any other post eligible for grant of immunity.

CS SNEA UP East has taken up both the issues with office of CGMT UP East Circle by quoting all rules, but it is reported that they have asked clarification from your office and hence no corrective action is taken. When they asked copy of clarification, GM HR UP East has informed that clarification is asked on whats app and cannot be shared.

We feel that while asking clarification on whats app, UP East Circle may have sent partial information and hence your good office has issued clarification which is interpreted against the OBs of SNEA.

We have raised issue with you yesterday and your good self was kind enough to discuss the matter telephonically and take update from UP East and assuring clarifying issues in writing or calling comments, but instead of supporting him, UP East Administration has issued directions that if he is not joining duties physically, his email joining will be cancelled.

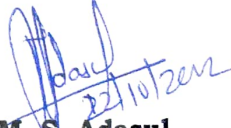
This letter and all earlier actions of UP East Circle make it clear that administration is vindictive against these OBs of SNEA and hence there is immediate need of intervention from your kind office.

We request your good office to look into issues and see that relations between SNEA UP east and BSNL UP East remains harmonious and no OB of SNEA is made to suffer due to vindictive actions and at the same time guidelines issued by your good office are interpreted by the Circles in true spirit of granted immunity and not to harass the OBs of SNEA buy twisting the rules or applying it from retrospective date.

We are confident that with your kind intervention, the issues will be surely resolved well within time so that both the officers are restored at their working places and will continue to extend required support to SNEA members from the association post they are holding now for which UP east Circle has issued official approval of the Bodies at that particular level

With Warm Regards,

Sincerely Yours,


M. S. Adasul
General Secretary
SNEA CHQ

Copy to:

1. Director HR BSNL Board for information and n/a please.
2. CGMT UP East Circle for kind information please
3. CS SNEA UP east for kind information please.



BHARAT SANCHAR NIGAM LIMITED

[A Government of India Enterprise]

CORPORATE OFFICE, PERSONNEL BRANCH

4th Floor, Bharat Sanchar Bhawan, Janpath, New Delhi - 110 001

BSNLCO-PRII/19(13)/2/2021-PERS-II

Dated:09-06-2022

To,

All Heads of Telecom Circles/CNTX Circles/Training Centres/Other Administrative units,
Bharat Sanchar Nigam Limited

Subject: Immunity to elected office bearers - regarding.

Ref.: 1. BSNLCO-PETS/11(11)/1/2020-PERS1

Dated 02-05-2022

2. BSNLCO-PRII/19(13)/2/2021-PERS-II/1

Dated 02-05-2022

3. BSNLCO-PRII/19(13)/2/2021-PERS-II-Part(1)

Dated 02-05-2022

BSNL has recently transferred executives of AGM/SDE level on the long stay basis or from QA & Inspection Circle as per above mentioned orders.

The immunity from transfer to office bearers have been examined in consultation with 'SR' Cell. In this regard, the following documents may please be sent:

1. Letter issued by the SSA/Circle circulating the names of the office bearers of the SSA/Circle body of the association officially.
2. Request from the executive concerned seeking immunity from transfer (in enclosed proforma)
3. It may be certified that they have not availed any immunity in the past.

It may be noted that since the transfer process began on 02-02-2022 when options were called, any executive becoming office bearer on or after 02-02-2022 will not be eligible for immunity from transfer. It is as per clause 2.1 of 'SR' Cell letter No. BSNLCO-SR/14(13)/13/2020 dated 11-09-2020, which states that *"In such cases misuse of this facility with an intention to avoid transfer cannot be ruled out hence it should be discouraged. It is, therefore, clarified that the facility of immunity from transfer shall not be available to those who become office bearers after issue of their transfer orders."*

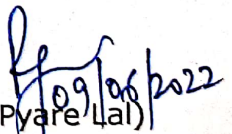
It is also requested that aforementioned information, may be furnished to this office latest by 11-06-2022 on following Email Id's:-

(i) For AGM(T) - agmpers1@gmail.com

(ii) For SDE(T) - agmpers2@gmail.com

This issues with approval of the competent authority.

Encl.: As above.


(Pyare Lal)

Asstt. General Manager (Pers.II)
Email- agmpers2@gmail.com

Proforma for concession of immunity from transfer as per BSNL-REA Rules 2014

Part 1 (to be filled by the executive) :-

1)	Name	:-	
2)	HRMS No	:-	
3)	Designation	:-	
4)	BA/SSA/Unit	:-	
5)	Circle	:-	
6)	Transferred to circle	:-	
7)	Transfer order no. and Date	:-	
8)	Name of the concerned union/association	:-	
9)	Level at which union/association body is formed (viz. CHQ/Circle/SSA)	:-	
10)	Post held in the union/association body (please attach the support document)	:-	
11)	Date of formation of the union/association body (please attach support document)	:-	
12)	Signature	:-	

Part 2 (to be filled by the Circle concerned) :-

1)	Please specify whether the union/association mentioned above is recognised association or support association	:-	
2)	Letter no. and date vide which the formation of union/association body was circulated (please attach the support document)	:-	
3)	Whether the executive has claimed immunity from transfer at the same level earlier (Yes/No)	:-	
4)	Whether the executive is eligible for claiming immunity (Yes/No)	:-	
5)	Period for which the union/association body is formed	:-	



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-110001

No. BSNL/20-6/SR/2019

Date: 03.02.2022

To

All CGMs,
Bharat Sanchar Nigam Limited.

Subject: Clarification regarding Unions/associations facilities after consolidation of SSA (now OA) in Business Area (BA).

Sir,

I am directed to refer to the subject mentioned above and to say that references have been received from various circles seeking clarification regarding facilities to Unions/Associations, consequent to VRS and after restructuring. Clarifications sought from this office are as mentioned below:

Sl No.	Query Raised	Clarification
1.	Constitution of Councils- Merger of Circles/SSA.	Rule 12 of Rule VI of Part 1 of BSNL Recognition of Non-Executive's Unions and Representation in the council Rules states that "In case of merger or re-organization of Circles/SSAs, the circle/Local Councils shall also be re-organized accordingly.
2	Whether immunity is to be provided at Area Office level also after consolidation of erstwhile SSAs?	As per Restructuring Cell letter dated 08.03.2021, erstwhile SSA has been designated as Area Office and "merged SSAs may be read as Consolidated SSAs". Therefore, existing instructions on immunity shall be applicable (copy enclosed).

This issues with the approval of competent authority

Encl: as above


03/02/2022
(P. K. Gupta)
Assistant General Manager (SR)



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

No: BSNL/20-6/2019-SR

Dated 24.12.2020

To

All Chief General Managers,
Bharat Sanchar Nigam Limited.

Subject: Clarification related to Consolidated instructions on facility of immunity from transfer extended to Recognised Unions/Association and Support Association.

I am directed to refer to the above said subject and to say that this office has issued on 11.09.2020 a consolidated instruction on the facility of immunity from transfer to the office bearers of Recognised Representative Association and Support Association.

Associations eligible for "immunity from transfer" have expressed their concern about the provisions contained in para 2.5, which states "The concessions are not guaranteed and cannot be claimed as a matter of right. They are always subject to administrative exigencies". They have apprehended the misinterpretation and arbitrariness in its application by not granting the intended benefit of immunity without bonafied reasons.

It is clarified that intention of the Management is to provide invariably the facility of immunity from transfer to the eligible office bearers of the recognised Unions/Association and Support Association so that they may work without the fear of victimisation.

It is further clarified that the said provision contemplates a situation which may arise, when Management may not be in a position to extend the facility to any office bearer due to administrative exigencies. However, the decision of not extending the immunity to any eligible office bearer should be resorted to only in an exceptional situation and after placing such proposals with full justification for prior information to CGM concerned in Circles and Director(HR) in Corporate office.

Yours faithfully,

Encl: Copy of letter dated 11.09.2020


24/12/2020
(Sunita Arora)

AGM (SR), BSNL CO
Tel.No.011-23766063

Copy for information to:-

- (1) PGM (Pers) BSNLC.O.
- (2) PS to Director (HR)
- (3) General Secretaries of all Unions/Associations.



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

No. BSNLCO-SR/14(13)/13/2020

Dated 11.09.2020

To

All CGMs, BSNL
PGM (Pers), BSNL C.O.

Subject: Consolidated Instructions on the facility of immunity from Transfer extended to Recognised Representative Association and Support Association.

I am directed to convey the consolidated instructions on the facility of immunity from transfer extended to office bearers of Recognised Representative Association and Support Association in BSNL as per enclosure attached.

Encls:- As above



(Sunita Aroora)

Asstt. General Manager (SR)
Tel. No. 011-23766063

Copy to:-

1. CGM (BW /EW /Arch.)
2. GS. BSNLEU / NFTE.
3. GS, AIGETOA / SNEA.

Consolidated instructions on the facility of immunity from Transfer extended to :-

- (i) **Recognised Representation Association and**
- (ii) **Support Association -**

1. The facility of immunity from transfer from the CHQ/Circle/SSA of recognised and Support Association is granted under "Bharat Sanchar Nigam Limited (Recognition of Executives' Association) Rules, 2014 [BSNL(REA), REA, Rules, 2014].

The Rule 10(5) and 10 A(4) of BSNL(REA) Rules, 2014 provide that the concession of immunity from transfer from the CHQ/Circle/SSA of Recognised/Support Association is applicable to the General Secretary, Assistant General Secretary and Financial Secretary (or Treasurer) up to the recognition period of the concerned Association, irrespective of the postheld or the cadre to which he/ she belongs. The facility enjoyed once at any level viz. CHQ, Circle or SSA will not be available for the second time at the same level either in the same Association or in any other Association, in case the incumbent so joins another Association.

2. Additional guidelines issued by SR Cell in the past are given below for ready reference for considering the immunity to eligible Office bearers of Executive Associations-

2.1 Instances have come to the notice of this office that office bearers of the Associations seek immunity from transfer and later it is found that they are elected as office bearer after their transfer orders are issued. In such cases, the misuse of this facility with an intention to avoid transfer cannot be ruled out hence it should be discouraged. It is, therefore, clarified that the facility of immunity from transfer shall not be available to those who become Office bearers (as prescribed under the rules/guidelines) of:

- a) Recognised Non-Executive Unions,
- b) Recognised Executive Association and
- c) Support Executive Association

after the issue of their transfer order.


11/9/2020

2.2 Clarification on the issue of Immunity from transfer to the Office bearers to be extended to Recognized/Support Association under BSNL (REA) Rules, 2014:

Query 1: As per Rule 10(5), the facility enjoyed at any level i.e. CHQ/ Circle/ SSA will not be available for the second time at the same level. The recognition period of the Recognised/Support Association is three years. Whether same Office bearer who has availed transfer on immunity during first year 2016-17 will be eligible for immunity from transfer on the same post for next year 2017-18 or not?

Clarification : An executive holding the office bearer post in Recognized/Support Association, as specified under BSNL (REA) Rules, 2014 is eligible for immunity from transfer for the entire period for which his Association has the status of Recognized/Support Association subject to the condition that the executive continues to hold any of the three posts in the Association.

Query 2: Whether "the second time", as mentioned in Rule 10(5), means the recognition of the same Association after three years consequent to next Membership Verification or formation of next body by the concerned Association as per their bye laws.

Clarification : The second time means "The recognition of the same Association again after three years consequent to next Membership Verification and not related to the formation of next body of the Association after their internal elections". Once an executive has availed the immunity facility, he will not be eligible at the same level in Recognized /Support Association. Here the level means CHQ Level, Circle Level and SSA Level.

Query 3: The recognition period of the Majority /Support Association is three years. However, election for formation of body at Circle/SSA level is being conducted every two years by the Association as per their bye laws. Therefore, there is chance that office bearers of a particular Association may not remain the office bearer in next body formation. Clarify that immunity from transfer to the office bearer should be for full three years i.e. recognition period of Association or the period for which concerned executive/employee is office bearer whichever is less.



11/9/2020

Clarification : The immunity from transfer to the office bearer should be for the entire period for which his Association has the status of Recognized/Support Association subject to the condition that the executive continues to hold any of the three posts.

If there are several Office bearers with the same designation in an Association, the concession will be granted to only one Office bearer of each category specifically nominated by the Association.

The above clarification is applicable to Executives' Associations only.

2.3 If the office bearers working at other stations are elected at HQ/Circle /SSA levels to the corresponding posts of General Secretary, Asstt General Secretary and Financial Secretary (Treasurer) they may be brought on temporary transfer to the headquarters of the Association up to the recognition period subject to administrative convenience.

The facility of immunity is only for bringing the eligible office bearers from other station to the headquarter of the Association of the level of the body of which he is the office bearer. In other words, the immunity cannot not be availed by the eligible Office bearers from transfer for continuing at a place other than headquarter of CHQ/Circle/SSA. Example 1 - A Circle Secretary working at a station (Say X) other than the Hqtr. of the Circle office may be brought to the Circle Hqtr. Example-2: AGS, CHQ of an Association working at some other place (say Y) can be brought to Delhi. But he will not be given immunity at the place X or Y.

2.4 The concession ceases to be applicable to the above Association office bearers on promotion to higher posts.


2.5 The concessions are not guaranteed and cannot be claimed as a matter of right. They are always subject to administrative exigencies.

2.6 All cadre controlling authorities are requested to make proper entry in the disposition list indicating the details of facility of immunity availed by the executives so that such cases shall be


11/9/2020

File No.BSNLCO-SR/14(13)/13/2020-SR

taken up considering the immunity availed on the previous occasions at the time of preparation of list for transfers.


AGM (SR)
11/9/2020