



SANCHAR NIGAM EXECUTIVES' ASSOCIATION

CENTRAL HEAD QUARTERS

M. S. Adasul

General Secretary

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All Communications
to the General Secretary

To,

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

Letter No. SNEA CHQ/Corr/Dir HR /2022-23 Dated 27th October 2023.

Sub: Request for review of guidelines for continuation or extension of Immunity as per the Tenure of the concerned body.

- Ref: 1. Order No. BSNLCO-PETS /11(11)/4/2020-PERS1 Dated 11/10/2023.
2. Letter No. BSNL/20-4/SR/2022 dated 14/10/2022.
3. Letter No. BSNLCO-SR/14(13)/13/2020 Dated 11/09/2023
4. Letter No. 65-13/2022-SCT Dated 26/07/2022.
5. Letter No. BSNL/20-6/SR/2019 dated 26/10/2021.

Respected Sir,

With reference to the above subject, we request your honour for settlement of unwanted dispute created due to one sided interpretation of orders for extension of immunity to the office Bearers of the Recognised Majority Association and Support Association and restoration of already granted immunity to the OBs.

Vide order under reference 1, Pers I section of BSNL CO, the immunity earlier granted till the competition of Period of District/Circle Body has been withdrawn stating that facility of immunity is available only to the extent of Recognition period and will cease with withdrawal of facilities for conduction of MV.

Surprisingly, this order dated 11/10/2023 is issued by giving backdated effect i.e. immunity is withdrawn from retrospective date 25/08/2023 and how the facilities granted can be withdrawn that to be with two months retrospective effect.

This is classic a example of how two AGMs in the same section of the Corporate Office having the same DGM as controlling officer works in totally opposite directions and interprets the orders/guidelines as per their requirement which in turn affects the working of Associations.

We have brought this issue to the notice of PGM Pers, who gave patient hearing to our say and assured us to call for clarification from PGM SR as it is an issue of interpretation of orders issued by SR Cell.

Accordingly, we were pursuing this issue with PGM SR BSNL and we were requesting for clarification from SR Cell on an unwanted dispute created by AGMs in Pers Section withdrawing the already granted immunity till the period of District/Circle Body.

We were assured by PGM SR for issuing clarification on receipt of any such query from Pers Section, but now it is reported that SR section has conveyed that the already issued guidelines are clear and action may be taken accordingly.

This is also surprising to us that either the Pers section has not asked for specific clarification or if asked specifically, SR section has taken stand as routine manner without understanding the impact of this wrong interpretation by the Pers II section of BSNL CO.

The guidelines and clarifications issued by SR BSNL CO till now support for continuation of the Immunity till the period of District /Circle Body and it has been partially given consideration by Pers section. The details are as follows.

1. As per Rule 10(5) and 10 A (4) of BSNL REA Rules 2014, the concession of immunity from transfer from CHQ/Circle/SSA of recognised /Support Association is applicable to GS, AGS and Treasurer up to the recognition period of the concerned association, irrespective of the post held or the cadre to which he/she belongs.
2. As per Letter No. BSNL/20-4/SR/2022 dated 14/10/2022, it has been clearly mentioned that the concession of immunity from transfer from CHQ/Circle of recognised and support Association shall be applicable to GS, AGS and Treasurer up to the recognition period of the concerned association, irrespective of the post held or the cadre to which he/she belongs.
3. The clarification issued against Query 1 of clause 2.2 vide letter no. BSNLCO-SR/14(13)/13/2020 Dated 11/09/2020, states that that an executive holding the office bearer post in Recognised /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 recognised /Support Association subject to the condition that executive continues to hold any of the three posts in the association.
4. The clarification issued against Query 3 of clause 2.2 vide letter No. BSNLCO-SR/14(13)/13/2020 Dated 11/09/2020, states that the immunity from transfer to the Office Bearer **should be for the entire period for which his association has status of recognised /Support Association subject to the condition that the executive continues to hold any of the three posts.**
5. As per letter No.65-13/2022-SCT Dated 26/07/2022, the guidelines applicable to Recognised Majority Association and Support Association are applicable to SEWA as per mutatis mutandis principle. But there is no recognition/verification process conducted for SEWA being a welfare association and there is no chance of applicability of immunity on basis of recognition period as there is recognition period for SEWA and immunity can be applied only eligible OBs till the period of CHQ and concerned Circle/District Body.

As per above guidelines, the facility of immunity is granted till the period of District/ Circle Body of which the concerned OB is part and Pers I BSNL CO and others have rightly interpreted in the interest of functioning of Associations.

It is to bring to your kind notice that **nowhere is it mentioned in REA rules or clarifications issued by SR Cell that facility cannot be continued after Membership verification or should be withdrawn on membership verification.**

Important point to be noted here is the process of MV is a fixed administrative process which is being regularly held every three years. The election of the association as Recognised Majority Association and Support Association, makes the OBs of the said association eligible for facility of immunity and this cannot be used as reason for giving break in immunity.

But, now officers in Pers/SR cell are fully depending on single point clarification issued against Query 2 of clause 2.2 vide letter No. BSNLCO-SR/14(13)/13/2020 Dated 11/09/2020, 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 and have withdrawn immunity with retrospective date.

Important is that the second time issue is not mentioned anywhere in REA rules. Thus clarification of "second time" as issued by SR cell is not based on any logic as given in the BSNL REA Rule but it is the understanding of officers as interpretation of the REA rules as per queries raised.

The first chance can be completed after completion of the period of concern District/Circle/CHQ Body which is fixed as per constitution and in some cases the concern OB resigns from post or is removed from the post and in that case he cannot continue to be eligible for immunity. Second time means if he/she gets elected on the same or any other post eligible for the immunity and no way is it the second Membership verification as being interpreted by SR cell.

The recognition of association is a basic condition for becoming eligible for any facilities and recognition gives equal facilities to all OBs regardless to the post he/she is holding in association. **Hence the recognition of association should be no way be related to the facility of granting immunity which is available only once and only to limited three OBs and that to be if she/she is due for transfer for long stay or is transferred under vindictive actions.**

The period of District/Circle/CHQ Body is different and the schedule for holding of Elections of these bodies are also different for different bodies at different levels ranging from one year to three years as per Bye Laws of Association. Any association cannot hold elections depending on the verification process of Associations and it is to be held on completion of Tenure of existing body which has no relation with Membership verification.

It is seen that the Membership Verification is also not a fixed process and sometimes it is held after the due date as happened while conduction of 2nd MV which was delayed by about eight months. In this case all the Bodies cannot be extended in tune with MV process as many issues are involved and is directly impacting the process of conduction of Elections for concerned bodies. The elections of Circle and CHQ Bodies of associations having high membership involves participation of 200 to 800 delegates and leaders and these are costly affairs and repeated expenditure on it is not affordable.

Further, only recognition of association does not make the Office Bearer eligible for immunity, and for becoming eligible for immunity, he/she has to get elected to any of the prominent posts on which eligibility for immunity is available.

The elections for the various posts in the District/Circle/CHQ body of the Association are held on completion of tenure of the earlier District/ Circle/ CHQ Body in accordance with the Constitution of the Association. The election of a new District/ Circle body of the Association is in no way related to the membership verification process and hence immunity should not be related to Membership verification.

Moreover grant of immunity for partial period before completion of tenure of Circle/District body make the officer immune to be victimised from the BA/Circle Head by untimely transfer of Office Bearer with vindictive mind and it is leading to defeat the purpose of granting immunity

It is seen that interpretation of all these guidelines are done by the different offices in different ways as per understanding of individuals and this is adversely affecting working of recognised association and hence review of these rules is need of time.

The sole purpose of granting the facility of immunity from transfer to the office bearers of the Recognized/Support Association is to safeguard the office bearers so that they can work without fear of victimization and by such wrong interpretation creating harassment to the Office Bearers of Recognised majority/ Support Association thereby defeating the very purpose of extending facility of immunity to Office Bearers of Association.

As such, we are hereby requesting your honour for looking into these disputes and restoration of Immunity facility in the interest of smooth functioning of associations and mainly for avoiding unwanted expenditure of associations/administrations in filling vacant posts by conduction of fresh District/Circle Conferences.

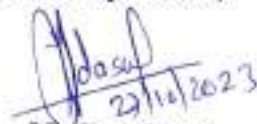
As such, with all above facts, we hereby earnestly request your honour to:

- A. Take immediate review of the issue of granting facility of immunity to the prominent OBs of Recognised Majority Association /Support Association till the period of District/Circle/CHQ Body as per the Bye laws of Association and once the recognition of association is ceased or any association is derecognised then he/she will automatically loose eligibility for getting facility of immunity.
- B. Make applicability of this clause for extension of immunity to eligible OBs of Recognised Majority and Support Association for the entire period of the District/Circle/CHQ body to which they represent as per the requests of OBs.
- C. Otherwise, please issue directions for conducting elections by all associations at all levels at administrative expenses, immediately on completion of Membership verification so that benefit of the immunity can be limited to the one period/time of recognition of body at concerned level and on re-recognition of associations after MV, fresh elections for election of OBs can be held every time. In this case, **one time expenditure for conduction /holding Conferences may be please done by administration as it is an administrative requirement and thereafter association will continue to take care of it.**

We are quite hopeful for consideration of our request for extension of facility of immunity for entire period of concerned body will be given due consideration and the facility of immunity will be continued till association recognition as per outcome of Membership verification and it will be limited to period/ tenure of the concerned body to which he/she is elected.

With Warm Regards,

Sincerely Yours,



M. S. Adasul
General Secretary
SNEA CHQ

Copy to:

1. CMD BSNL for kind information please.
2. OSD to CMD BSNL for kind information please
3. PGM SR BSNL CO for kind information and n/a please
4. PGM Pers BSNL CO for kind information please