



SANCHAR NIGAM EXECUTIVES' ASSOCIATION

CENTRAL HEAD QUARTERS

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All Communications
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To,

Shri. Arvind Vadnerkar ji,
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Letter No. SNEA CHQ/Corr/Dir HR /2022-23

Dated 1st February 2023.

Sub: Request to review the Partial modification in facility of immunity from transfer to recognised and support Association.

- Ref: 1. Letter No. BSNL/20-4/SR/2022 dated 18/07/2022.
2. Our letter No. SNEA CHQ/Corr/Dir HR /2022-23 Dated 07/08/2023.
3. Letter No. BSNL/20-4/SR/2022 dated 11/10/2022.
4. Letter No. E7/2-11/BSNL EU/Vol-IV/2020-21/ Dated 27/12/2022.
5. Letter No. BSNL/20-6/SR/2019 dated 26/10/2021.
6. Letter No. Staff/M-7-2/JTO/Soft Tenure/2020/Soft/4 Dated 01/12/2022.
7. Letter No. SNEA CHQ/Corr/SR/2022 Dated 13/01/2023.
8. Letter No. BSNL CO-PRII/19(13)/2/2021-PERS-II Dated 09/06/2022.
9. Letter No. BSNL/20-6/SR/2019 Dated 03/02/2022.

Respected Sir,

With reference to the above subject and letter for partial modification in facility of immunity from transfer to Majority and Support Association issued vide letter under reference 3, we hereby draw your kind attention towards the difficulties and hardship being faced by the Associations due to this order and its long term impact on working of Associations. We have already elaborated issues created due to this letter in working of Associations to PGM SR and other officers in SR Cell and once again we are submitting details for your kind and sympathetic consideration.

It is an agreed fact that in any organisation the Officer Association takes part in active participatory management by coordinating the Executives/Non Executives in aligning with organisational goals and helping to redress the employee grievances and thus helping in synergising the overall function of the organisation at all levels. In fact the associations are the second line of management focused on welfare of its members and also the whistle blower to safeguard interest of the company.

Since last three months we have observed the impact of this order on the working of Associations and we have found that though modifications were issued mainly to stop the misuse of facility of immunity by certain OBs of associations, but it has practically become denial of facility of immunity because it is seen that on name of modification in grant of immunity, major changes are incorporated in the organisational structure of associations and it has totally destabilised working of associations. We have consolidated the issues and details are as follows.

A. Wrong basis taken for the proposing Modifications of Immunity to OBs:

1. In second para of this letter dated 11/10/2022, it is mentioned that many Circles have reported that in 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. We will request to share the copies of all such letters given by BAs/Circle so that we analyse the situation and accept the fact or get it corrected by putting facts on records. But one sided assumption by certain officers is wrong practice and needs to be stopped using such unethical information and practices thereof.
2. It is unfortunate that the modifications in immunity are proposed on such wrong assumptions. During discussions some of officers have said that at time 15 OBs are availing Immunity and it is reason for reducing immunity viz. in every SSA total 15 OBs are granted immunity i.e. three OBs of each BSNLEU, NFTE, AIGETOA, SNEA and SEWA and it is hence it is practically difficult to implement any transfer order.
3. This is a wrong assumption as in some of SSAs/OAs all these recognised associations/Unions do not have Branches. Also transfers are issued at different times and for different cadres and no question of transfer of 15 OBs or retention of 15 OBs of all Unions/ Associations at a time. If any such example may be please shared with us so that we also can have a case study.
4. Further Non Executives being SSA Cadre are not transferred out of SSA and within SSA also transfers issued are practically less as all the works in rural areas including CSCs are outsourced and there is drastic reduction in total number of non-Executives with long stay at particular post and time. Hence no question of long stay transfers in mass as being projected by the Management.
5. Further, the requirement of Executives in Rural areas has been reduced due to new norms issued for justification of Executive posts and practically except SDCA HQ, no post of JTO is justified and hence rural transfers are also less.
6. In Intra Circle Transfers also many Circles have their own policy to deploy the executives and all executives are being getting transfers and requests for immunity are not Nine at a time i.e. three prominent Executive OBs from AIGETOA, three prominent Executive OBs from SNEA and three Executive OBs from SEWA will not be transferred at a time as being wrongly projected by some Circles/BAs.
7. The OBS of SEWA are not only executives, but majority of them are Non-Executives and counting SEWA at Par with Service associations only in respect of immunity is not correct.
8. Important point is that immunity for Circle and CHQ OBs can be claimed only for the joining at Circle/District HQ and majority of OBs at Circle and CHQ do not join at respective HQs and out of total 15 OBs hardly one or two ask for immunity. The critical analysis of these figures will clear the picture. In SNEA CHQ till now no one has claimed immunity for transfer at HQ. Same is case with Majority Association and Welfare associations at CHQ as well as Circle level.
9. It may also be seen that OBs who are eligible for immunity and practically availing immunity is different. One has to understand that all eligible executives do not opt for grant of Immunity. Hence the projection that extra ordinary high number of executives are availing immunity is wrong. Yes, we do not deny that in recent past some cases of misuse of immunity are reported, but same are due to inaction on part of some of BAs/Circles and unfortunately, we find that the officers in administrations are involved in it and supporting misuse of immunity. Instead of taking corrective action against or setting right the individual and officers in administration for misuse of immunity, this indirect action to destroying the

working of Associations is unwanted when we are trying to create healthy atmosphere in BSNL by all means.

10. As such we request that this misconception and basis of modification of Immunity guidelines of excess immunity should be removed or we may be given documents, copies of letters by Circle/SSA stating that the immunity is being claimed in excess causing direct impact on working of BA/Circle, so that we also understand the concern and explain it to CS/DS and other OBs.

B. Issues Created due to major Changes in SSA/OA Structure of Associations:

1. We are thankful that no changes are made in the Circle and CHQ level structure of organisation and Structure as well as strength of associations is continued in modifications of immunity.
2. But unfortunately at Third and basic tier, the concept of minimum membership is introduced and also the OA/SSA working concept deleted and BA concept is introduced which has disturbed basic level working of Associations and hence is not acceptable to us.
3. Before introduction of REA rules the SDCA level, Vertical wise, Units wise District Branches of Associations/Unions were permitted. But with introduction of REA Rules all such District branches were discontinued and SSA level concept was introduced allowing Circle level Branch is allowed at Units headed by CGMs and District Level Branch at Circle Office/SSAs which has already affected functioning of Associations. **Now, this modification proposed on the name of reducing the number of immunity cases, the concept of SSA and separate Branch of Circle Office has been silently withdrawn and it has attacked the overall working of Associations.**
4. By understanding this misconception in the letter issued by SR Cell (Reference 1) only we have submitted our detailed views (Reference 2) wherein we have supported concern of the SR Cell to stop misuse of immunity.
5. Unfortunately, it seems that on the name of immunity entire Organisational structure of Associations is destabilised by stopping the functioning of Associations at SSA/OA level and by putting condition of minimum 20 members for existing of existence of Branch at OA level which is proposed as third and last tier of system in place of earlier SSA.
6. We have shared our expectations in letter (Reference 2), that with these initiatives of modification in immunity BSNL management will grab the miscreants which is need of time and our only concern is that Management should not deprive the genuine and true leaders of association from their right to get immunity from transfer and none will be victimised by issuing arbitrary transfers which is the very purpose of immunity.
7. We have specifically pointed out that there is an indirect attempt for stopping/curtailing the facility of immunity by withdrawing the functioning of Association and immunity from SSAs/OAs and limiting it only up to BAs. Unfortunately, what we have feared has practically come true and these guidelines are being used for victimisation of Leaders of associations. These modifications are being differently interpreted by Field units just to deny the immunity. We have already brought to your kind notice the matter of UP East Circle vide our letter dated 13/01/2023. (Reference 7)
8. Though as per restructuring norms, SSA has been renamed as OA and administrative works at BA HQ, there are many issues which need to be taken at OA Level as TDMs and in some cases GMs are heading OAs/SSAs. Only administrative issues are not issues of the executives and there are many day to day office activities going on at SSA/OA level wherein support of Association is

required and hence existence of Service and Welfare associations at SSA/OA level is must.

9. The area of BA lies in the range of more than 500 to 700 Kms in some cases so to participate in association activity is nearly impossible. An executive from all OA of any BA to join at BA HQ at their own expense and Leaves is not at all possible for all executives. If Management want them to join at HQ, then there is need to grant TA/DA and leave for joining such meetings. Unfortunately SR Cell is not granting any leave even to OBs of Support Associations except CHQ level and how it is possible to conduct monthly or bimonthly meetings all the Executives at OA levels as per constitution of Association is under question needs resolution from SR Cell.
10. During discussions the officers in SR cell have shared that there is no issue in continuation of District level branches and this BA concept is only for immunity purpose. But practically, many Circles and BAs have issued directions to form only BA Level branches by closing the existing SSA/OA level Branches and compulsions are created on Associations to reform the BA Branches by violation of SNEA Constitution.
11. Closure of Existing SSA/OA Branches is not the correct approach as some of District Branches are constituted recently and formal recognition is issued by administration including granting facilities as OBs of recognised association. Further there is huge expenditure involved in conducting District Conferences or General Body meetings to elect OBs and associations are compelled to make double expenses for no reason on their part.
12. Thus the modified guidelines are being interpreted as directions to close the OA/SSA/District Level branches and the Circle and District Organisation of the Associations are directed in writing to dissolve the existing Branches and to form a single BA Branch which is the most difficult task for an association having membership in thousands.
13. Hence, we request to respect the REA Rules, Respect the constitutions of Associations and restore the continuation of District/SSA Level Branches of all associations and stop pressurisation and attempts by some of Circle/BA Heads to close the SSA Branches even some BA Branches and victimise the Office Bearers of Associations

C. Issues related to Dual membership:

1. We agree with the not allowing Dual membership among service associations as quoted in the letter, rather it was our demand over the period. But dual membership of Service associations and Welfare associations is permitted for years together. But by using these guidelines, now the same has been wrongly interpreted by some of SSAs and Executives from Reserved Category with such dual membership of Welfare and any of the Service associations are refrained from joining Service associations or taking part in activities of Service associations.
2. In such a letter issued by the AP Circle Letter No. E7/2-11/BSNL EU/Vol-IV/2020-21/ dated 27/12/2022 (Reference 4), the dual members of Service and Welfare associations are not allowed to cast the vote for service associations election process or become leader of service associations. It is a direct attack on the rights of executives/Non Executives for choosing their association/Unions for general issues and their issues related to right of reservation and welfare thereof. {Copy Attached}.
3. In stringent action, AP Circle and some other Circles have designated these officers having dual membership of Service Union/ Association and Welfare Association as non-qualified for becoming a member of any Service association.
4. Please do allow Circles to play with sentiments of the reserved Category Executives/Non Executives and either they may be allowed to continue the dual

membership of Welfare Association SEWA and one of the service associations as per his/her choice and their vote casting in Membership verification of Association and Unions may be continued to be allowed with dual membership.

5. Otherwise all the reserved Category Executives and Non Executives may be limited to be member of only SEWA, their subscription may be deduced to only SEWA BSNL and not to any other service Association/Unions and their vote casting may be limited to SEWA welfare association only by restricting dual membership of all the reserved Category Executives and non-executives to any Service Union/Associations in BSNL, even though such restrictions may be against the law of land.
6. As such, to avoid unwanted disputes on this subject matter, please decide matter about dual membership between Service Associations/Unions and Welfare association by taking either of decision and give full stop to the ongoing disputes being created at SSA/BA/Circle levels.
7. We have already demanded and now also request that dual membership between service associations should not be allowed but the same needs to be allowed for one of the Service Association and Welfare association excluding OBs of associations and hence suitable changes may be incorporated in these guidelines.

D. Threat to Existence of Branches due to condition of Minimum 20 Members for formation of District/BA Level Branch:

1. These modified guidelines, put a stringent condition of Minimum 20 members for formation of Branch of Majority/Support and Welfare association and with this there will no branch Majority/Support and Welfare association existing in Many of BAs all over India and overall number of executives are reduced and it is difficult to have 20 members to all associations to Form Branch.
2. We have already updated about this critical situation with examples to officers in SR Cell that in many BAs total number of working executives are about 20 to 25 and if these executives are divided in Majority and support association then neither Majority nor Support association have its branch in such places if they do not have each and every executive as member of single associations.
3. It may be please seen that SR Cell has issued clarification vide Letter No. BSNL/20-6/SR/2019 dated 26/10/2021 (Reference 5), that any District Branch can be formed with even a single member and such member becoming OB eligible to get immunity from transfer, he will continue to get immunity. {Copy attached}.
4. This clarification is issued after VRS Scenario 2019 and within one year SR Cell is taking "U" turn from its earlier stand at making compulsion for the need of minimum 20 members for formation of District Branch of any association. This is really surprising and till proper justification is given to it and issues are clearly elaborated to field units with full justification, such 180 degree change in stand cannot be accepted.
5. Further important point is that there is no compulsion to any Executive or Non-Executive for becoming a member of either Service or Welfare association and in this case, one is free to accept membership of any association or not. You may see that there are about five thousand Executives in BSNL out of total 29500 Executives working in BSNL who are not members of any association in BSNL. In these conditions, how any association can have 20 members to form a Branch which is a basic structure of associations and needs review of this stand taken by SR Cell.
6. As per the reservation policy and DoPT guidelines, BSNL was recruiting Executives and Non Executives to the maximum limit of 15% SC and 7.5 ST candidates and till today all posts were never filled in any recruitment for one or another reason

then how can be more than 22.5% reserved category employees available in any SSA and if any SSA has such strength others will definitely less than it.

7. In such a condition when BSNL is having a smaller number of Executives and Non-executives from where minimum 20 Executives/Non Executives form Reserved Category employees will be available for formation of Branch of SEWA, needs serious thought and understanding, which is lacking in this modified decision.
8. Not only formation of SEWA Branches at OA/BA, but Majority and Support Associations are also finding it difficult in formation of BA level branches as it is difficult to get minimum 20 members in particular BA to form BA/OA level which is the third and last Tier Branch. Forget about the formation of Branch, it is feared that many Branches of all Associations will be closed.
9. We illustrate one classical example of the impact of a minimum 20 members condition on the functioning of association in respect of one BA e.g. Koraput BA and there are many such examples.
 - a. The Koraput BA in Odisha Circle is having 23 total working executives and as on today Support Association is having 21 members out of total 23 executives and its Branch will be formed at BA level as per new guidelines. That means here only SNEA branch will exist and there is no possibility of any branch of other association as no second association will get 20 members as per the condition put thereof.
 - b. Further, if two executives working at Koraput BA are transferred from Koraput BA without posting substitute for administrative reasons or two executives get superannuation retirement or opt for Voluntary Retirement from Koraput BA, automatically membership of that existing branch will be less than 20 and the existing branch will also be forced close and no chance of formation of any branch of any association in that BA.
 - c. If BA Head makes some influence and want to be vindictive against the prominent Office Bearers of existing Branch of Koraput BA, he only has to force or pressurise or influence few Executives to withdraw membership of that association and so that the total membership will reduce below 20 and the branch will lose its existence and BA Head can move ahead fearlessly by divide and rule policy to close the BA level Branch may it be of any association

This is one of examples and such situation will arise in any Branch of any association at any time and this is neither in interest of BSNL and nor in the interest of Associations and also it may not be intention of management, but it is happening and hence we request to take corrective action and remove the condition of minimum 20 members for formation of Branch and let the Branch may be continued to be formed as per the guidelines issued by SR Cell, the facility of grant of immunity may be made available only to OBs of Branches having minimum Five or more than five members.

E. Legal complications due to the modifications issued, REA Rules for following Constitutions:

1. Quorum to any Meeting is important and any meeting conducted without quorum makes such meeting as illegal. There is always reluctance on part of Executives to attend meetings at SSA HQ and chances of their presence at BA HQ for association meetings are less and, in this condition, maintaining Quorum and conducting meetings legally become the most difficult task.
2. For formation of new District Body Quorum is must and with these modifications and formation of Branches only at BA Level, the present stringent condition quorum cannot be fulfilled as required by Constitution of Association and any BA level branch formed without requisite Quorum is violation of Constitution will be

non-constitution Branch. This will be treated by the administration as a violation as per REA Rules.

3. The SNEA constitution permits the existence of any District Branch if there are more than 10 members and hence, we have agreed for the existence of a Branch with ten or more members.
4. This provision in constitution was framed many years ago when more than two lakh Executives were working in BSNL and all Executives were allowed to become members of any Association after formation of BSNL.
5. Over the period the total numbers of Executives are reduced as there is no fresh recruitment in mass. After VRS, there is a drastic reduction in the total number of executives and we have seen that in many Districts Branches the number of total members has reduced to the figure of single digits.
6. We have already received a proposal for amendment of the provision of constitution and making it to minimum five by replacing earlier minimum ten. We do not have any option and we will have to modify the constitution, which can be decided only by the forthcoming All India Conference and till time we cannot change the constitution.
7. As per REA Rules, the associations have to follow the constitution for having a branch at SSA level with minimum ten members and SR cell is compelling us for closure of SSA Braches and forcing us to violate the constitution. If Majority and Support Associations follow the instructions for closure of SSA Branch, we will be booked for violation of constitution and if we continue with SSA Level Branches we cannot adhere to guidelines issued by SR Cell for medication of Immunity. Here, SEWA, Majority and Support Associations are trapped and hence need corrective action for removal of stringent condition of minimum 20 member for formation of Branch.

F. No of OBs eligible for grant of Immunity:

1. We agreed that the number of executives in OAs are also reduced and we will not insist for continuing immunity for all the three OBs i.e. DS, ADS and DT at a time, but one/two among them depending on total membership should be continued to be granted immunity which will be interchangeable if it is permitted for less than three OBs and if any particular BA/SSA has more than 100 memberships then one separate District Branch at office of BA and another Branch for executives in Field units may be allowed to exist.
2. We have already submitted that we do not have any issue on applicability of immunity on the number of the members of that particular association in that Operation Area/SSA and we are once again suggesting the following.

Sr	Number of exclusive members in OA/SSA	Number of OBs eligible for grant of Immunity and formation of Branch
1.	0 to 5	Branch will be formed & existing but immunity will not be granted to any OB.
2.	6 to 20	One at a time interchangeable among DS, ADS and DT
3.	21 to 40	Two 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.
4.	41 to 100	All three DS, ADS and DT eligible at a time
5	101 and above	Two separate Branches with BA office and Field Units with DS, ADS and DT of both the branches

G.Period of paid membership for becoming OB of association: As per the modifications it is proposed that one has to be a member of Association for a period of one year to be eligible for election as OB of the association. More restriction has been put that any OB claiming immunity from transfer should be a member of that association for at least for one year. BSNL is not allowed change of membership of association, withdrawal of membership except once in a year in June /July ERP Window, then there is no need of putting this condition as no one can change membership except one month from 16th June to 15th July of financial year. Rather it should be as Membership of the office Bearer claiming immunity should have been a paid member of the association since the window last opened for changeover of Membership.

H.Restrictions on granting Immunity for newly elected OBs: Due to this condition of minimum one year membership, after closure of window for membership options, one has to wait for one year to change membership and after completion of changing membership, he has to wait for one more year to become OB that to be if he is elected and then he has to serve as OB for six months to become eligible for grant of immunity means for minimum two years, he/she will not get immunity. This is nothing but direct denial/withdrawal of facility granted to OBs to safeguard from vindictive actions which is against principle of granting immunity as directed by DoPT/DoT. It is requested to modify this clause as for becoming Office Bearer in any association, he/she should be a basic member with salary deduction through ERP of that association at least for three months before the date of elections and he should have been elected on the post eligible for immunity before the date of Transfer.

I. 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.

J. Continuation of Immunity on Re-election of OBs:

1. There is no mention about continuity of immunity in case of re-election of the OBs and some circles are interpreting these guidelines as per their wish and will and efforts are made to deny the immunity to re-elected OBs.
2. Rather management should support such OBs who have good experience of association working and grant him immunity when he is holding post of OB eligible for grant of immunity on the date of transfer order issued as being followed for years together. If anyone gets elected to such a post before his transfer order, then it is no mistake on his part and he needs to be granted immunity.
3. But vide letter under reference 6, UP East Circle has withdrawn the facility granted as DS and when he is elected as ACS and holding both the post parallelly for three months stating that he is not elected on post of immunity before six months. {Copy attached}.
4. We can understand the action of ceasing immunity if one OB changes his affiliation from one association to another association and no one should be

allowed to grab and misuse the facility of immunity from two different associations without any gap and changeover of membership.

5. As such, it is requested to modify/clarify that OB availing immunity on one post is re-elected on the same post or any other post which also is eligible for grant of immunity, then he/she should be granted immunity in continuation of the granted immunity till the recognition of Association and that particular Body. After that he will be transferred at the earlier post or other post as per new options called and given by him/her. This clarification will clear to the issues created by certain officers in the field units.

K. Nomination of Observers for Election Process:

1. 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 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.
2. 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.

L. Time bound Entry in ERP by administration and its punishment to OBs:

1. As per this letter, the holding of post of OBs is to be decided on the basis of the entry in ERP and nothing is mentioned about the failure of the Administration in making the entry of election of OB eligible to grant of immunity and fixing responsibility or to take decision on such disputed issues in favour of executives.
2. Further entry of OBs is to be made by Administration within one month and not done then it can do with approval of Circle head up to three months and beyond three months, approval is required from SR cell BSNL CO.
3. In overall process nothing has been mentioned as fixing responsibility against officers who do not make entry in ERP even the same has been duly intimated by DS/CS of association but action is not taken for approval of District/Circle Body and no action has been taken in making entry in ERP.
4. We fear that some officers may be deliberately delaying this entry of OBs in ERP so that the OB will be a sufferer and he will never get immunity by quoting the reason that on the day of transfer his/her entry was not there in ERP and hence not eligible for immunity. This issue has been created by UP East Circle (Reference 6) and instead of date of Elections, the date of entry in ERP is being taken as criteria for counting period as OB, which is wrong. {Copy Attached}.
5. Instead of disputing on date of election, its entry in ERP etc, BSNL should issue guidelines for sending administrative representatives for condition of Elections at all three levels and apart from observation of smooth conduction of fearless elections, additional responsibility should be fixed with him/her for making entry of newly elected OBs in ERP within 15 days of elections.
6. Once elections are held in the presence of the administrative representatives, the date of elections should be counted as the starting point for granting facility as OB of any association and there is no need of approval from different levels for making entry in ERP. There is a need of a mechanism to deal with all such issues, but nothing has been mentioned about remedial action or authority to decide such disputes created by SSA/Circles.

M. Concept of BA in Metro Circles: Further, in the Metro Circles of Chennai TD and Kolkata TD there is no BA concept and only OAs are existing. Thus in case of both

these Circles, only one Circle Branch will exist when membership is about 300 to 400 executives. Hence for taking care of issues and grievances of members, there is need of continuation of District/SSA/OA Level Branches and it cannot be centralised at BA Level as being proposed. It is wrongly assumed that CTD and CHTD do not have an area outside of Metro Cities. Other districts from TN State are also part of CHTD Circle and hence practically BA concept exists in the CTD & CHTD also and hence BA/SSA level branches also needs to be allowed to Function with facility of immunity to OBs may be depending on membership.

N. Continuation of Circle Office Branches:

1. The Circle Office Branches are permitted and functioning for all Unions and Associations and it is wrongly interpreted by some Circles that there is no separate existence of Circle Branch at any Circle and Executive at Circle Branch are to be merged with the SSA Branch at Circle HQ. This has been proactively shared by CGMT/GM HR UP East Circle during discussions with CS SNEA UPE and have asked for closure of Closure of Circle Office Branch or get clarification from BSNL CO SR Cell showing existence Circle Office Branch.
2. As per guidelines issued by BSNL 11% Executives of Total Strength of Circle are to be posted in Circle Office. Further with revised norms issued by BSNL CO many activities are centralised at Circle Office and more and more executives are being posted at Circle.
3. Also there is different administration at BA existing within Circle and at Circle HQ and hence issues are also different for BA and Circle Office and needs to be taken up with BA Head or GM HRA/CGMT. Hence the separate existence of Circle office Branch and SSA /BA Branch at HQ of Circle for all associations is fully justified and needs to be restored.

O. No Modifications in facilities granted between two MVs: The facilities of REA Rules should not be modified between the consecutive Membership verification and should be proposed in consultation of association/s recognised after MV and in the present case it would have been better if these modifications are discussed and decided after completion of third Membership verification due in Aug 2023.

P. Compulsion of ERP data of subscription deduction for deciding Membership:

1. As per this letter, membership of the association will be decided on the basis of the Deduction of Association subscription from Salary. But it may be please seen that this is not authentic data and some mischievous Account Officers are playing with membership of Associations by stopping subscription of particular association of Individual Executives and neither he/she is nor DS /CS of concerned association is aware about it.
2. In Salary slip only Association subscription 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. In some cases, subscription is deducted to more than one association without knowledge of individuals. In some cases, AO Salary stops deduction of subscription from one Association and starts it to a new Association without knowledge of concern and in the majority of cases on transfers the subscription of Association is stopped.
3. As such, the record of ERP may be taken as base for the confirmation of membership, but in case some mischievous activity or unknowingly and due to oversight, the subscription deduction is stopped, modified then in such disputed cases, the option submitted by individual may be treated as final and only ERP should not be base for deciding the membership as mentioned now.
4. If our suggestion for online provision of option for change of membership in ESS is implemented and name of Association is mentioned in the Salary slip of individuals, all these possibilities of misuse and wrong deductions will be taken

care of and membership confirmation can be done through ERP without any dispute.

Q. Delinking of publishing long stay list and grant of immunity:

1. Further, the clarification issued by Pers Cell vide letter No. BSNL CO-PRII/19(13)/2/2021-PERS-II dated 09/06/2022 about linking process of grant of immunity from date of publication of long stay list.
2. We have already made it clear that any co-option or premature elections for grabbing immunity should be discouraged but when elections are held on completion of tenure of earlier district Body then the facility of immunity should be continued to be granted without relating to the publication of long stay lists.
3. The publication of a long stay list is changing criteria and hence cannot be relied upon. The tenure of the District Body is important and we also agree that the said OB should be holding the post of OB eligible for grant of immunity on the date of Transfer order.
4. The Executive elected as OB after date of transfer order, will be naturally not eligible for grant of immunity, but he can be OB of the association and continue on this post at least for three months from his relieving from the working SSA and joining at new OA or till substitute arrangement is made in his place whichever is earlier.

R. Retrospective application of modified Guidelines: Some Circles/BA Heads and certain officers in their administration are vindictive towards associations and are misinterpreting the revised rules by applying it from retrospective dates as nothing is clearly mentioned in the modified guidelines for grant of Immunity. Hence it is clearly mentioned in all such letters about date of implantation/ effect of the modified guidelines/clarifications.

S. Additional Documents in support of our request for Restoration of SSA/OA Concept for association activities: We further submit the following points in support of our say in continuing the OA/SSA level existence of Association Branches.

1. This all of sudden change will destabilise the working of the associations and hence needs appropriate review of the proposal and it should be continued to be allowed, as allowed to Unions, as after VRS associations also have about the same membership as that of Unions.
2. Although, certain SSA are merged together and new administrative unit has been formed as BAs and earlier SSAs are redesignated as OA through Restructuring orders and the HR, Finance, Planning and Procurement processes are handled at BA level, the basic administration, Operation, maintenance of the Network and Sales and Marketing activities are still carried out at OA level which typically covers a vast geographical area covering different districts and hundreds of Kilometres. It is a fact that some of BAs are covering four SSAs and thus covering an area of 400 to 800 Kms of geographical area and hence function of Branches needs to be continued at OA level also.
3. In the recent past on 03/02/2022, (Reference 9), it has been clarified that the SSA concept will continue as consolidated SSA/OA, but the same SR Cell is denying the concept of SSA/OA Branch while modifying the facility of Immunity is not correct.
4. Further it may be seen that SNEA has membership more than other associations and in some cases more than unions at majority of Districts except few as after VRS number of executives are more or equal to number Non Executives left after VRS scenarios. This modification has a direct impact only on SNEA and hence we are putting all these details on papers and requesting for review of the decision.
5. In the draft policy for allotment of Accommodations for Unions and Associations issued by Letter No. BSNL/20-2/SR/2022 dated 18/07/2022 (Reference 1) also the concept of OA level branch is accepted.

6. There are no changes in the overall situation since these letters were issued by BSNL management and hence the concept of SSA level Branches of associations should be continued.
7. Further this revised BA level structure is applicable only for Majority, Support and SEWA associations and for other associations there are no restrictions on formation of branches even at Unit Level and there is no need of recognition. It may be please seen that for unions also, the existence of District Branches is allowed, but the same is denied/restricted only for Majority, Support and Welfare associations.
8. SEWA has mixed membership of Executives and Non-Executives and all Unions are allowed to have District Branch and why only SEWA is compelled to dissolve its District branches and why Majority and Support associations are directed to close the SSA/OA level District Branches needs proper investigation and understanding of intention behind it.
9. Management is allowing the existence of the Unions at District Level and denying the existence of Associations at District level when the total number of Executives and Non-Executive working in BSNL after VRS is about equal.
10. In some Branches the numbers of members of Associations are more than the members of the Unions in that particular District/Circle Branch. But Unions are allowed to continue District Branches and Associations with a greater number of executives in some Districts are compelled to close the District Branch.

T. Suggestions by SNEA needs consideration for smooth functioning of association: Apart from the above suggestions and issues, we have given following suggestions in our letter under reference 2, which are not given consideration and hence there is no clarity among the field units and they are interpreting the issues as they think fit.

1. BAs having membership more than 100 can have two District Branches as one Branch at BA Head Office and another BA Branch for Executives in the field units of that BA and facilities may be granted depending on existing membership as proposed above.
2. Existing set up of District Branches at CGM headed offices should continue regardless of membership available at that particular SSA/BA Head Quarter. i.e. SSA/OA and Circle Office Branches need to be allowed functioning separately even though both exist in the same territory.
3. Minimum membership of opening any District Level Branch should be five and if membership of any association in SSA/OA is less than five, then these members can be part of existing Branch at BA HQ or nearby SSA as the case may be.
4. Further on grant of immunity, the executive concerned should be retained at the same place of posting and if his/her posting is changed from Telecom Circle to Non Recruiting Unit or vice versa even at same station, then it should be treated as transfer and he should not be again transferred on completion of period of immunity.
5. Further, while granting immunity to eligible OB his/her transfer should not be issued during the immunity period and after completion of immunity only his/her transfer order may be issued. If transfer is issued for reasons that data was not available with Administration, the OB concerned has not claimed for immunity etc, then the same needs to be cancelled while granting immunity and when the immunity period is over, then he/she should be considered for transfer as fresh as per his/her turn at that time.
6. The facility of grant of immunity on promotions may be restored and OB concerned may be retained at the same place if he /she was holding the post of OB eligible for immunity on the date of his/her Transfer. If any OB of association is following all

the norms of being member of association, being elected as defined by SR Cell and is one of the OBs eligible for Immunity, and its entry of his/her election on post of OB eligible for Immunity post has been made in ERP, then he/she should be granted immunity from transfer on promotion also and retained in same SSA/Circle. He/she may be transferred after completion of Immunity Period preferably by giving suitable options to choose.

7. For counting the number of members of a particular Branch for eligibility of immunity, date of elections of the concerned body should be the base and the same should be followed till the period of the elected body and due to reduction or addition of members no changes should be made in facilities granted to the concerned body.
8. We once again request that in case of dual/triple Membership by an individual i.e. submitting form of more than one association by an individual, corrective action may be taken by stopping deduction from all the associations and such non-member of any association is eligible to submit fresh request of any one association by applying his/her wisdom and understanding the issues a fresh.
9. The membership change over period is modified to yearly while it was earlier six monthly and during this period membership modification or even withdrawal is not allowed. This has created hardship to many executives for different reasons and hence it is requested that the Membership change over period should be restored to six monthly and this process should be allowed through ESS in Online mode.

Sir, we once again reiterate that SNEA is also against misuse of immunity by individuals and we do not have any objection in incorporating changes as per changed scenario but some of modifications made are directly affecting the functioning rather existence of association branch and the modifications framed are being wrongly interpreted by the Circle and BA Heads and their officers in administration and hence we request you to have deep review of clarifications issued on name of modification of immunity. The associations are supportive to the management and destabilising the associations in this manner will not help management in any way but it will cause serious impact on the working of BSNL as whole.

We reproduce that we are ready for any discussions required on these issues and concerns raised by SNEA and please arrange for discussions so that we also understand concern of management and if found good, we also will connivence the Circle/District branches the real concern of management.

Waiting for favourable action in restoration of functioning of associations and its branches.

With Warm Regards,

Sincerely Yours,


27/02/2023
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. GM Pers BSNL CO for kind information and n/a please