



**P. Abhimanyu**  
General Secretary

# BSNL EMPLOYEES UNION

Central Head Quarters

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Main Recognised Representative Union.  
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BSNLEU/204 (NC)

11.12.2020

To,

**Shri Arvind Vadnerkar,**  
**Director (HR), BSNL,**  
**Bharat Sanchar Bhawan,**  
**H.C. Mathur Lane,**  
**Janpath, New Delhi – 110 001**

Sir,

Sub: - **Deadlock created in the functioning of the National Council- requesting to take remedial action - req.**

In continuation of the telephonic conversation that I had with you yesterday, on the subject mentioned above, the following is being submitted for your kind consideration and necessary action.

The 39<sup>th</sup> meeting of the National Council, scheduled to be held on 07.10.2020, had been postponed. The deviation by the Management, from accepted practice of approving nominations to the Staff Side of the National Council, is the reason behind the deadlock that has arisen in the smooth functioning of the National Council.

During my telephonic conversation with you yesterday, I made it amply clear that, the intension of BSNLEU is not to block the nomination made to the Staff Side of the National Council, by the Second Recognised Representative Union. On the contrary, the grievance of BSNLEU is only that, the Management is adopting double standards in the matter of accepting nominations to the Staff Side of the National Council.

This has already been sufficiently explained in our previous letters addressed to the Management.

As I suggested in my conversation with you, implementing the direction of the Hon'ble Kerala High Court, given on 4th September, 2013, in the W.P.(C) No.13605 of 2013, is the only solution to this deadlock. In the aforementioned order, the Hon'ble Kerala High Court has given the discretion to the BSNL Management, whether to accept, or not to accept the nomination of a non-member, given by the Recognised Union. I am reproducing the relevant portion of the aforementioned order of the Kerala High Court.

*"This Court had while issuing the interim order directed the 2nd respondent not to induct or grant membership to anyone of the Unions which has not secured the prescribed 7% votes in the referendum. Admittedly for a Union to nominate a member to the various councils acquiring 7% of the votes is the mandate. That being the position, I do not find anything wrong with the interim order, but in view of the doubt expressed by the learned counsel for the 3rd respondent, I clarify that the direction to the 2nd respondent is not to accept nomination of any of the Unions which has not secured 7% votes in the referendum. If the qualified Unions give any such nomination, it shall be open for BSNL to take appropriate decision in the matter."*

As per the above direction, the Union which has not secured 7% votes, has no right to nominate its member to the Councils. However, if the Qualified union nominates a non-member, it is open to the Management, to accept or not accept. Thus, the Management will be well within its power to accept the nomination of a non-member, made by the Recognised Union.

It is unfortunate that the Management did not consider our above mentioned request submitted earlier. However, now that the nomination of a non-member, given by the Second Recognised Union has been accepted by the Management, we demand that the same right may kindly be extended to the Main Recognised Union also, which is quite consistent with the direction of the Hon'ble Kerala High Court.

By doing so, the Management can rectify it's discriminatory decision and can thereby break the deadlock that has been created in the holding of the 39<sup>th</sup> meeting of the National Council.

Thanking you,

*Yours Sincerely,*



**[P. Abhimanyu]**  
**General Secretary**

Copy to: Com.Chandeswar Singh, General Secretary, NFTE BSNL, New Delhi.