



P. Abhimanyu
General Secretary

BSNL EMPLOYEES UNION

Central Head Quarters

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Main Recognised Representative Union.

Dada Ghosh Bhawan, 2151/1, New Patel Nagar,

Opp. Shadipur Bus Depot, New Delhi-110008

E-mail : bsnleuchq@gmail.com, Website : www.bsnleu.in

BSNLEU/510 (T&P)

12.04.2023

To,

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

Sir,

Sub:- **Denial of the facility of 'Immunity from Transfers' - case of Shri Anand Narayan Singh, District Secretary, BSNLEU, Vadodara - requesting for your kind intervention- req.**

Ref: - **BSNLEU letter no.BSNLEU/510(T&P) dated 09.03.2023.**

In continuation of the letter cited under reference, we would like to bring the following to your kind notice for favour of your kind intervention.

Vide letter cited under reference, we have brought to the notice of the Corporate Management that, Shri Anand Narayan Singh, who is the District Secretary of BSNLEU, Vadodara district, Gujarat circle, is being denied the facility of 'Immunity from Transfers'. He has been transferred from Vadodara to Amreli district. We have also stated in our letter cited under reference that, transferring Shri Anand Narayan Singh, away from Vadodara district will completely cripple the functioning of BSNLEU in that district.

We have strongly pleaded that, Shri Anand Narayan Singh, being the District Secretary of the Main Recognised Representative Union, enjoys the facility of 'Immunity from Transfers' and that, he should not be transferred away from Vadodara district. However, neither the Gujarat circle administration, nor the Corporate Management has considered our appeal. It is being stated that, Shri Anand Narain Singh is not entitled for the facility of Immunity from Transfers, since he had already availed the facility once. Further, the administration states that, the facility of immunity from transfers will be available only for the first term and not for the subsequent terms. This argument of the Management is totally incorrect. In this connection, we would like to bring the following to your kind notice.

The facility of 'Immunity from Transfers', being extended to the office bearers of the Recognised Trade Union, for more than one term, is not a new one. Even during the times of the DoT, Recognised Trade Unions have been granted with the facility of 'Immunity from Transfers' for more than one term. The DoT, vide letter number 69-18/70-SPB-I dated 07.12.70 has stated the following.

"(d) With the mutual goodwill between the Union and the local officers and subject to the administrative convenience, the office bearers elected to above said offices of the Union may stay at the Headquarters station even longer than one year." Copy of this order is enclosed as Annexure 1.

From this, it becomes clear that, the facility of Immunity from Transfers is to be granted not only for the first term but beyond that also.

The above stated DoT order has been implemented in BSNL, ever since it's inception. However, subsequently, the BSNL Management vide letter no.F.No.BSNL/5-1/SR/2012 (Vol.II) dated 13.03.2015 issued a letter wherein it is stated

".....The facility once enjoyed at any level viz., CHQ, Circle or SSA will not be available for the second time in the same capacity either in the same Union or in any other Union, in case the incumbent so joins another Union." A copy of this letter is enclosed as Annexure (2).

The Recognised Trade Unions objected to this restriction and took up the matter strongly with the then Director (HR) and demanded that, the facility of 'Immunity from Transfers' should not be restricted only for the first term, but should be extended to the subsequent terms also, as has been existing since the time of the DoT. A lot of interactions took place between the Recognised Unions and the then Director (HR). As a result of this, the then Director (HR) was pleased to accept the demand of the Union to continue with the facility of 'Immunity from Transfers', not only for the first term, but for the subsequent terms also, as has been existing from the DoT period. Accordingly, the BSNL Corporate Office, vide letter number F.No.BSNL/5-1/SR/2012 (Vol.II) dated 07.05.2015, issued instructions to all the Chief General Managers, wherein it is stated,

".....further with mutual goodwill between the Union and local officers and subject to the administrative convenience, the office bearers elected to above said offices of the Union may stay at the H.Q Station even longer then the Recognised period." A copy of this letter is enclosed as Annexure 3.

From the above referred documents, it becomes amply clear that, the facility of immunity from transfers has to be extended to the specified office bearers of the Recognised Unions, not only for the first term, but for the subsequent terms also. This facility has been extended to the recognised trade unions right from the days of the DoT, and also from the inception of BSNL.

We aware that, the Corporate Office has issued letter, restricting the facility of Immunity from Transfers to the office bearers of the recognised associations, only for the first term. In this connection, we would like to submit that, Recognised trade unions of the Non-Executives should not be treated at par with the associations of the Executives. The Non-Executives are having trade union rights, as enshrined in the various Acts of the land. Whereas, the Executives are not having such trade union rights. Further, the service conditions of the Non-Executives and that of the Executives are totally different. Hence, whatever orders that the Corporate Office has issued for the Executives, should not be made applicable to the trade unions of the Non-executives also.

In view of the foregoing, the earnestly appeal to you sir to kindly cancel the transfer order of Shri Anand Narain Singh, district secretary, BSNLEU, Vadodara, so as to allow the trade unions of the Non-Executives to avail the facility of immunity from transfers beyond the first term of their office bearership.

Thanking you,

Yours sincerely,



[P. Abhimanyu]
General Secretary

Encl: As above.

Copy to: Ms. Anita Johri, PGM (SR), BSNL C.O., Bharat Sanchar Bhawan, Janpath, New Delhi- 110 001

Annexure-1

VI. Immunity from transfer

1 (a) Concession of immunity from transfer from the Headquarters of recognised Unions/Associations is applicable to their office bearers during the first year of their election to the offices of Executive or General Secretary, Assistant Secretary and Financial Secretary (or Treasurer) of Class III or Class IV Union whether they are All India, Circle, Divisional or Branch Unions (if the constitution and by-laws of the Central Union permit opening of such branches);

(b) If there are several office bearers with the same designations,

the concession applies during the first year of the office to only one of each category, i.e. Chief Executive or General Secretary, Secretary, Assistant Secretary and Financial Secretary (or Treasurer) as may be nominated by the Unions ;

(c) The concession ceases to be applicable to the above Union office bearers on promotion to higher posts ;

(d) With the mutual goodwill between the Union and the local officers and subject to the administrative convenience, the office bearers elected to above said offices of the Union may stay at the Headquarters station even longer than one year ;

(e) If the office bearers working at other stations are elected to these offices, i.e., Chief Executive or General Secretary, Secretary, Assistant Secretary and Financial Secretary (or Treasurer), they may be brought on temporary transfer to the headquarters of the Union during the first year of election and may be retained there even for longer than one year but with the goodwill between the Unions and the local officers and subject to administrative convenience only ;

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

69-18/70-SPB-I dated 7.12.70

2 The orders regarding grant of immunity from transfer to Union office bearers should be followed strictly except on administrative grounds. Bringing the Chief Executive of the Unions to their Headquarters should also be followed if an appropriate post in which the Chief Executive could be posted, is available.

69-52/72-SPB-I dated 23-3-1973

3 Where it is not possible to observe the general principles laid down in the instructions on the concession of immunity from transfer, a report should be sent to the Directorate indicating the circumstances under which it is not possible to extend the facility even in the first year of term of office with the Union.

69-52/72-SPB-I dated 2.1.1974

4 Subject to the administrative exigencies, this concession of immunity from transfer may be granted for the 2nd year also to the office bearers of such of the Associations/Unions whose constitution provides Conference/Elections in two years, instead of annually.

69-7/77-SPB-I dated 2 0. 4 1977

Annexure-2



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-110 001

F.No. BSNL/5-1/SR/2012 (Vol.II)

Dated : 13.03.2015

To

All Chief General Managers,
Bharat Sanchar Nigam Limited

Sub: Immunity from transfer to the recognized representative Unions of non-executive employees in BSNL – regarding

Ref : This office letter No. BSNL/5-1/SR/2012/Vol.II(ii) dated 25th April, 2013

Sir,

In pursuance of the discussions held in the 31st meeting of National Council on 25th September, 2014 on the issue of immunity from transfer to the office bearers of the Non-Executive unions, it has been decided to extend the concession of immunity from transfer from CHQ of the union to the General Secretary, Assistant General Secretary and Financial Secretary (or Treasurer) of the recognised Unions, i.e. Main Recognised Representative Union and the second Recognised Representative Union upto the recognition period of the concerned Union. This concession shall also be applicable to the corresponding office bearers of the recognised unions at Circle and SSA level, as well. The facility once enjoyed at any level, viz. CHQ, Circle or SSA will not be available for the second time in the same capacity either in the same Union or in any other Union, in case the incumbent so joins another Union.

2. The relevant provisions of Recognition Rules for electing majority union(s) of non-executive employees in BSNL, circulated vide No. BSNL/5-2/SR/2012 dated 26th December, 2012, i.e. Clauses A (3), C (4) and D (3) of Chapter VIII regarding 'Trade Union Facilities' shall stand accordingly modified.

Yours faithfully,


(Manohar Lal)

Asstt. General Manager(SR-II)

Copy to :

1. ES to CMD, BSNL
2. ESs to all Directors, BSNL Board
3. General Secretary, BSNLEU
4. General Secretary, NFTE-BSNL
5. F.No. BSNL/39-3/SR/2014
6. Guard file

Annexure-3



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-110 001

F.No. BSNL/5-1/SR/2012 (Vol.II)

Dated: 07.05.2015

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Ref : This office letter No. BSNL/5-1/SR/2012/Vol.II(ii) dated 25th April, 2013

Sir,

In partial modification of instructions issued vide this office letter of even number dated 13.03.2015 on the above subject, I am directed to say that in pursuance of the discussions held in the 31st meeting of National Council on 25th September, 2014 on the issue of immunity from transfer to the office bearers of the Non-Executive unions, it has been decided to extend the concession of immunity from transfer from CHQ of the union to the General Secretary, Assistant General Secretary and Financial Secretary (or Treasurer) of the recognised Unions, i.e. Main Recognised Representative Union and the second Recognised Representative Union upto the recognition period of the concerned Union. This concession shall also be applicable to the corresponding office bearers of the recognised unions at Circle and SSA level, as well. Further with mutual goodwill between the union and the local officers and subject to the administrative convenience, the office bearers elected to above said offices of the union may stay at the H.Q Station even longer than the recognized period.

Yours faithfully,

(Manohar Lal)
Dy. General Manager(SR)

Copy to :

1. ES to CMD, BSNL
2. ESs to all Directors, BSNL Board
3. General Secretary, BSNLEU
4. General Secretary, NFTE-BSNL
5. F.No. BSNL/39-3/SR/2014
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