



P. Abhimanyu
General Secretary

BSNL EMPLOYEES UNION

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BSNLEU/ 211 (Formal Meeting)

24.04.2021

To,

Shri Arvind Vadnerkar
Director (HR) BSNL,
Bharat Sanchar Bhawan,
Janpath, New Delhi – 110 001

Sir,

Sub: - **Submission of items for the Formal meeting to be held with the Director (HR) on 17th May, 2021 - req.**

Ref: - **Corporate Office letter no.BSNL/31-3/SR/2020 dated 13.04.2021.**

With reference to the letter cited above, we wish to submit the following items for discussion in the Formal Meeting with the Director (HR), to be held on 17th May, 2021.

(1) Resuming the negotiations for wage revision of the Non-Executives.

The DoT, vide its letter no.F.62-2/2016-SU dated 27th April, 2018, has categorically directed the BSNL Management to enter into wage negotiations with the Recognised Trade Unions in BSNL, sign an agreement on wage revision and to send the same for the approval of the DoT. After forming the Joint Committee for Wage Negotiations and after holding several rounds of discussion in the Joint Committee, the BSNL Management has abruptly abandoned the wage negotiations. This is a violation of the directive contained in the aforementioned DoT letter. It is also not out of context to mention here that, the DPE guidelines, issued in respect of the Wage Revision of the Non-Executives of the CPSEs, do not intend to deny the Non-Executives of their Wage Revision. We also wish to bring to your kind notice that, a vast majority of the Non-Executives in BSNL have already reached the maximum of their pay scales and are languishing in stagnation. Under these circumstances, we earnestly request the Management to immediately resume the Wage Negotiations and to sign the agreement.

(2) Non-implementation of the order of the Hon'ble Kerala High Court, in the WP(C) No.29212/2020 (B), dated 17th February, 2021.

The Hon'ble Kerala High Court, in its order dated 17th February, 2021, in the WP(C) No.29212/2020 (B), has laid down that, the freezing of IDA is not applicable to the Non-Executives of BSNL and that, the IDA should be paid to them. However, the BSNL Management has passed on the ball into the court of the DoT and is remaining silent. This is violation of the order of the Hon'ble Court. The onus for paying the 5.5% IDA that has become due from 01.10.2020, as well as one more instalment of IDA that has become due from 01.01.2021, lies with the BSNL Management. Since, the CMD BSNL is a respondent in the aforementioned court case, the BSNL Management should take immediate steps to implement the order of the Hon'ble Kerala High Court.

(3) Violation of the transfer liability of Non-Executives.

The transfer liability of the Non-Executives is within the SSA. However, in the guise of implementing the Consolidation of Business Areas, the BSNL Management, vide its letter no. 4-02/2014 - Restg. Vol. V (Pt.) dated 27.08.2020, has introduced a provision to transfer the Non-Executives out of their SSAs. The Management did not even bother to consult this vital issue with the Recognised Unions. This arbitrariness of the BSNL Management is deplorable. BSNLEU has already protested against this violation of the existing transfer liability of the Non-Executives. It is strongly demanded that, the existing transfer liability of the Non-Executives should be maintained.

(4) Holding of various LICEs for the Non-Executives.

BSNLEU is continuously urging upon the Management to hold the various LICEs of the Non-Executives. Since these LICEs are not held for the past many years, the career prospects of the Non-Executives are jeopardised. For the past several months, the Management has been telling that, the LICEs would be held soon after completion of the Restructuring. It has also been assured by the CMD BSNL that, the process of Restructuring would be completed by April, 2021. Since, April is coming to a close soon, the Management is requested to immediately take steps to hold the various LICEs.

(5) Issuing of Presidential Orders to the Non-Executives, who are recruited by the DoT, but who were posted after 01.10.2000.

BSNLEU has already brought to the notice of the BSNL Management that, several Non-Executives, who were originally recruited by the DoT, but whose appointment was made by BSNL, should be issued with Presidential Orders. Several Benches of the Hon'ble CAT and the Hon'ble High Courts of Kerala, Jaipur and Punjab, have already given judgements that, the above mentioned employees should be treated as DoT Recruits and that, they should be issued with Presidential Orders. However, the BSNL Management has filed an SLP in the Hon'ble Supreme Court on this matter. The filing of an SLP in the Supreme Court is tantamount to delaying justice to the affected Non-Executives. This issue was discussed in the Formal Meeting held with the Director (HR) in January, 2020 also. However, the case is still lingering on in the Hon'ble Supreme Court. Hence, it is fervently requested that, the BSNL Management should withdraw this SLP filed in the Hon'ble Supreme Court and pave the way for the implementation of the orders passed by the Hon'ble High Courts.

(6) Banning of peaceful dharna, hunger strike, etc., in BSNL.

The BSNL Management is not allowing the peaceful holding of dharna, hunger strike, etc., by the employees. Vide its letter no.BSNL/7-1/SR/2020 dated 17.02.2021, the Management has issued instructions to disallow the holding of peaceful agitations such as dharna, hunger strike, etc. In this connection, we would like draw the attention of the Management to the judgement of the Hon'ble Supreme Court, delivered in a bunch of public interest litigations on July 23, 2018, wherein it has been upheld that, the right to peaceful protests is a fundamental right, guaranteed under Article 19(1)(b).

In this connection, we would like to state that, organising hunger strikes by trade unions, has been taking place in BSNL since the inception of the Company and even before that, during the days of the DoT. Observing hunger strike is a universally accepted Gandhian form of peaceful agitation. Hunger strike means nothing, but **observing fasting** by the employees, with the view to seek settlement of their justified demands. Such hunger strikes are being organised without causing any dislocation to the services.

Further, in its aforementioned letter, the BSNL Management has stated that, all the activities during working hours (beyond lunch hours), resulting in cessation / retardation of work, like dharna / hunger strike, amount to strike. We wish to tell the Management that, nowhere in the Industrial Disputes Act, dharna and hunger strike are termed as strike. In view of this, we request the BSNL Management to withdraw its instructions contained in its letter no.BSNL/7-1/SR/2020 dated 17.02.2021.

(7) Non-declaration of JTO LICE results in Punjab circle.

The results of the JTO LICE under 50% quota, held on 26.05.2019 in Punjab circle, have not been declared so far. This was due to the pendency of court cases. We also wish to bring to your kind notice that the results of the JTO LICE, held under 50% quota, in December, 2016, are also not declared so far. Further, the candidates who got qualified in JTO LICE, held in September 2016, are also not deputed for training till date, due to the legal wrangling. Since, the future of a substantial number of Non-Executives, who are aspiring to get promoted as JTOs, is in jeopardy, an immediate intervention by the Corporate Office is very much required. In this connection, we are informed that, except one candidate, all other candidates who had gone to the court, have already withdrawn their cases. Under these circumstances, the results can now be declared, by reserving one post in respect of the candidates who has still not withdrawn the case.

(8) Considering the request transfers of DR JEs.

It has been brought to the notice of BSNLEU that, many DR JEs, who have already completed the stipulated period of service in the circles to which they are recruited, have applied for transfer under Rule 8, to their native circles. Even though, they are entitled for these transfers as per Rules, the Management is not effecting their transfers under the pretext of 'staff shortage'. On one side, the Management had retrenched around 80,000 employees under VRS, on the plea that they were in surplus. However, after implementing the VRS, the Management is not implementing transfers on the plea of 'staff shortage'. BSNLEU strongly demands that the legitimate right of the DR JEs, to go on transfers as per their entitlement under Rules, should not be denied. It is requested that, all the DR JEs, eligible to go on transfer under Rule 8, should immediately be relieved.

(9) Transfer of DR JEs out of Leh SSA, on completion of two years of service.

BSNLEU has already brought to the notice of the Management that, the DR JEs posted in the Leh SSA of J&K circle, are languishing in the sub-zero temperatures prevailing in that part of the country. The Union has also demanded that, the requests of those JEs to go on transfer to the other SSAs of J&K circle, on completion of two years of service in Leh SSA, should be considered. It is once again requested that the Management should resolve this issue on humanitarian grounds.

Thanking you,

Yours sincerely,



[P. Abhimanyu]
General Secretary

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