

# BSNL EMPLOYEES UNION

Recognised Union in BSNL

(Registered Under Indian Trade Union Act 1926. Regn.No.4896)

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BSNLEU/ 211 (Formal Meeting)

12.12.2019

To,

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

Sir,

Sub: - ***Submitting of additional items for the formal meeting - req.***

Ref: - **BSNLEU letter no. BSNLEU/211 (Formal Meeting) dated 06.12.2019.**

We wish to bring to your kind notice that we have already sought a formal meeting, vide letter cited under reference, to discuss certain issues which are emergent in nature. We wish to include the following two issues also, to be discussed in this formal meeting. We request you to kindly include these items also for the discussion.

**(1) Employees recruited by the DoT and sent for training prior to 01.10.2000 and who joined duty after the formation of BSNL – requesting to treat them as DoT recruitees absorbed in BSNL, based on the order of the Hon'ble Kerala and Rajasthan High Courts.**

There are several officials working in BSNL, who were recruited on Compassionate Grounds by the DoT and were sent for pre-appointment training prior to the formation of BSNL, i.e., before 01.10.2000. However, before the completion of their training, BSNL was formed. Thus, they joined duty in BSNL. All these officials should be treated as DoT recruitees, since they were recruited and sent for training by the DoT. However, these officials are treated as BSNL recruitees, as a result of which their eligibility to government pension is jeopardised. The affected officials have approached various courts. It is important to mention that the Hon'ble CAT, Jaipur, Hon'ble CAT, Chandigarh, Hon'ble High Court of Rajasthan and Hon'ble High Court of Kerala have held that these officials should be treated as DoT recruitees. The Hon'ble Kerala High Court has observed as follows in it's judgement.

***"...17. We do not hence find any reason for Union of India to take a view, in the case of the petitioners who were recruited and dispatched for induction training, from being considered differently from those positioned identically when there was a change effected in the pension rules with effect from 01.01.2004; as revealed from the O.M relied on by the Jaipur Bench of the Administrative Tribunal."***

The judgements given by the various courts as mentioned above, speak volumes about the justification to treat these employees as DoT recruitees. However, instead of implementing the judgement, BSNL has filed an appeal in the Hon'ble Supreme Court. Hence, it is requested that BSNL should take the needful steps to pave the way for the implementation of the judgements of the Hon'ble Rajasthan High Court and Hon'ble Kerala High Court.

**(2) Violation of DoP&T orders in the matter of validation of the caste certificates of the ST employees of Maharashtra circle.**

Based on a flimsy complaint given by an organisation called OFROT, more than 800 ST officials belonging to Maharashtra circle are being harassed in the name of validation of caste certificates. The DoP&T letter no.36011/1/2012-Estt.(Res.) dated March 14, 2016 and DoP&T letter no.36022/1/2007-Estt.(Res.) dated 20<sup>th</sup> March, 2007 (copies enclosed) state that the caste certificates of ST employees should get validated by the appointing authority itself, through the District Magistrate, District Collectors and Deputy Commissioners of the District.

However, these orders of the DoP&T are not being implemented in Maharashtra circle. Instead of getting the caste certificates validated by the appointing authority, the ST employees are being harassed to get their caste certificates validated through the caste scrutiny committee formed by the Maharashtra state government. BSNLEU, vide it's letter no.BSNLEU/318(MH) dated 14.08.2019 (copy enclosed) has demanded that the DoP&T orders should be implemented in the matter of validation of the caste certificates of the ST employees of Maharashtra circle. The matter is discussed several times with the Director (HR). However, despite our pleas, once again the Maharashtra circle administration, vide it's letter no.A/DE/SC-ST/False-Fake/Caste Certificate/2016-17/Vol-II/Conf/80 Dated at Mumbai, 3.12.2019 (copy enclosed) has directed that the ST employees should apply online to the caste scrutiny committee, to get caste validity certificate. It is also stated in that letter that, action would be taken against all the employees who do not apply online before 13.12.2019.

Thanking you,

*Yours sincerely,*



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

Encl: As above.