



P. Abhimanyu
General Secretary

BSNL EMPLOYEES UNION

Central Head Quarters

Ph.: 011-25705385
Fax : 011-25894862

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/200 (REGN)

08.05.2023

To,

Shri P.K. Purwar
CMD BSNL,
Bharat Sanchar Bhawan,
H.C. Mathur Lane, Janpath,
New Delhi – 110 001

Sir,

Sub: - **Notification for holding protest demonstrations on 11.05.2023, against encroachments being made by the BSNL Management, into the trade union rights – req.**

Ref: - BSNLEU letter no.BSNLEU/510 (T&P) dated 12.04.2023.

With reference to the letter cited under reference, written to the Director (HR), we wish to bring the following to your kind notice, with the fond hope that the issue would be settled amicably.

It is very unfortunate that, the BSNL Management is making encroachments into the already existing trade union rights, with the view to cripple the functioning of the Recognised Trade Unions in BSNL. At this juncture, we avoid discussing what has happened in the past. At the same time, we wish to bring to your kind notice, how a trade union right, which has been bestowed on the trade unions even during the days of the P&T Department and thereafter during the days of the DoT, is being encroached by the BSNL Management now.

This facility of Immunity from Transfers has been granted to the Recognised Trade Unions, to enable the office bearers of the Unions to remain in the Head Quarters and to carry out their trade union functioning in a hassle-free manner. Herewith we have enclosed instruction issued by the erstwhile P&T Department, vide letter no.69-18/70-SPB-I dated 07.12.70, wherein it is stated "**....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.**" This letter of the P&T Department is attached as **Annexure-1**

However, in March, 2015, the BSNL Management tried to curtail this facility. Vide F.No.BSNL/5-1/SR/2012(Vol.II) dated 13.03.2015, the BSNL Management issued guideline stating that "**the facility of immunity from transfers enjoyed once at any level, will not be available for the second time.**" This letter is attached as **Annexure-2**. The Recognised Trade Unions stoutly protested the encroachment by the Management into the facility of immunity from transfer. There were a lot of agitational programmes and talks were held between the Recognised Unions and the then Director (HR).

After indepth discussion of the issue, the BSNL Management agreed to follow the instructions issued by the P&T Department, vide letter no.69-18/70-SPB-I dated 07.12.70 (Annexure-1). The agreement reached between the Recognised Trade Unions and the Director (HR) is communicated to all the CGMs vide



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F.No.BSNL/5-1/SR/2012(Vol.II) dated 07.05.2015. Wherein it is stated as follows *"....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 Head Quarters stations even longer than the recognised period."* Copy of this letter is attached as Annexure-3.

In this connection, we wish to bring to your kind notice that, despite the existence of all the aforementioned instructions, issued by the P&T Department, as well as by the BSNL Management, which ensure the facility of Immunity from Transfers, the Gujarat Circle Administration has transferred **Shri Anand Narayan Singh, District Secretary, BSNLEU of Vadodara district in Gujarat circle**. This is totally wrong and hence unacceptable. The issue was discussed by the circle union of BSNLEU with the circle administration, Gujarat circle.

Since the issue was not settled, vide letter cited under reference, BSNLEU wrote a detailed letter to the Director (HR), wherein all the aforementioned points are explained with the relevant documents. The President and Dy.General Secretary of BSNLEU met the Director (HR) on 19.04.2023 and discussed the issue at length. However, all our pleadings have fallen on deaf ears. In the above mentioned interaction, the Director (HR) has made out the following two conditions:-

- (i) *Immunity from Transfer facility will be available only for one term and will not be available for the second term.*
- (ii) *Executives cannot become office bearers of Non-Executive trade unions.*

Regarding the above conditions, we wish to state that, the Management cannot restrict the facility of Immunity from Transfers only for one term. This is violation of the Corporate Office instructions contained in the letter number F.No.BSNL/5-1/SR/2012(Vol.II) dated 07.05.2015, which is enclosed as Annexure-3.

As regards the Executives becoming office bearers of BSNLEU, we wish to state that, even after formation of BSNL, Executives have functioned as office bearers of Non-Executive Unions in the circles of Karnataka, Chennai Telephones and Punjab. The Management had accepted them. BSNLEU never encourages Executives to become office bearers of our Union. At the same time, when an established leader of BSNLEU becomes an Executive, we allow him / her to continue as office bearer of BSNLEU. **However, this happens rarely. Presently, in the whole country we have only one Executive as the office bearer of BSNLEU, viz., Shri Anand Narayan Singh, District Secretary, Vadodara.**

An Executive becoming office bearer of the Non-Executive Union is permissible as per the Indian Trade Unions Act and also as per the Constitution of BSNLEU, which has been approved by the Registrar of Trade Unions.

We also wish to bring to your kind notice that, the officers in the Corporate Office, including the Director (HR), are trying to *"make a mountain out of a mole"*. They are trying to paint a picture that, a large number of Union office bearers are availing the facility of Immunity from Transfers. This is nothing but completely falsifying the fact. In the whole country BSNLEU is having 33 circle unions. As per the order of the Corporate Office, in each circle union, 3 office bearers are entitled to avail the facility of Immunity from Transfers. But not even a single circle office bearer in all these 33 circles has availed the facility of Immunity from Transfer. Similarly, BSNLEU is having 372 district unions throughout the country. As per



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the Corporate Office order, 3 office bearers in each district are entitled to avail the facility of Immunity from Transfer. However, in the whole country, only 3 district office bearers of BSNLEU have availed the facility of Immunity from Transfers. They are:-

- (i) District Secretary of Vadodara (Gujarat circle).
- (ii) District Secretary of Srikakulam (AP circle).
- (iii) District Secretary of Kadapa (AP circle).

Apart from the three above mentioned office bearers of BSNLEU, no one else have availed the facility of Immunity from Transfers. But, it is unfortunate that the officers in the Corporate Office, as well as in some circles, are trying to paint a false picture that a large number of office bearers of BSNLEU are availing the facility of Immunity from Transfers, which is creating problem in maintaining the services and running the Administration.

We repeatedly knocked the doors of the CGM, Gujarat circle, PGM (SR), BSNL CO and the Director (HR), BSNL, to solve the problem amicably. However, the aforementioned authorities failed to apply their minds to this problem properly and to solve it amicably. ***Hence, left with no other option, the All India Union of BSNLEU is forced to give call for protest demonstrations throughout the country, to be organised on 11.05.2023, for the retention of the hard won trade union right of Immunity from Transfers.***

Still, we fervently hope that, the CMD BSNL would kindly look into this issue and would render the agitational programme superfluous. It is also informed that if the problem is not resolved amicably, we would be forced to intensify our agitational programme.

Thanking you,

Yours sincerely

[P. Abhimanyu]
General Secretary

Encl: As above.

Copy to: (1) Shri Arvind Vadnerkar, Director (HR), BSNL, Bharat Sanchar Bhawan, Janpath, New Delhi – 110001.
(2) Shri Vivek Banzal, Director (CFA), BSNL, Bharat Sanchar Bhawan, Janpath, New Delhi – 110001.
(3) Shri Sandeep Govil, Director (CM), BSNL, Bharat Sanchar Bhawan, Janpath, New Delhi – 110001.
(4) Shri V. Ramesh, Director (EB), BSNL, Bharat Sanchar Bhawan, Janpath, New Delhi – 110001.
(5) Shri Rajiv Kumar, Director (Fin.), BSNL, Bharat Sanchar Bhawan, Janpath, New Delhi – 110001.
(6) Ms. Anita Johri, PGM (SR), BSNL C.O., Bharat Sanchar Bhawan, Janpath, New Delhi- 110 001

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

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 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
6. Guard file