

SANCHAR NIGAM EXECUTIVES' ASSOCIATION MAHARASHTRA CIRCLE



M. S. Adasul,

Circle Secretary

PH- (O) 022- 26467386, Mobile. 9423082352.

E-Mail: sneamh@gmail.com.

To,

Shri. Peeyush Khare,
Chief General Manager Telecom,
A Wing, 6th Floor, BSNL Admn Bldg,
Santacruz (W), Mumbai-400054.

No. SNEA/MH/Cir Carr/2017-2019/74

Dated 25th May 2019.

Sub: Request for intervention to grant facilities to recently co-opted CS & CP SNEA MH as per the unanimous resolution passed in Emergency CEC Meeting.

Ref: Letter No. CGMT/MH/Admn-I/SNEA(I)/2018-2019/Part File/67 Dated 15/03/2019,

R/Sir,

It is well known that since Oct 2018, the issue of holding post of CS SNEA MH has been matter of dispute between Maharashtra Circle Management and same was challenged by SNEA MH in Hon. High Court of Bombay vide petition No 14532 of 2018. However, before first hearing of the case scheduled on 07/02/2019, one of the Petitioner was called by GM HR Admn Mumbai and was assured to resolve the grievances with condition of withdrawal of petition in Hon High Court of Bombay.

Apart from this, AGM Legal Mumbai in submission of reply to Hon High Court Bombay in the same petition has informed that petitioner has not exhausted channels available for redressal of administrative grievances. The submission further says that BSNL has comprehensive channels and hierarchy and persuaded channels of communication available to BSNL employees/Association for addressing and seeking redressal of such administrative issues. The copy of letter No. 11024/17/2012-ISS Dated 02/11/2012 issued by Govt of India, Ministry of Statics, and Programme with heading submission of representation and manner of its disposal was attached with this submission. **Annexure-A**

The reply further states that the hierarchy in such administrative cases in BSNL is CGMT MH Circle followed by Director HR , then Chairman and Managing Director, (CMD) BSNL, then Secretary DoT i.e. Administrative Ministry. It is also submitted in said reply to Hon Court that BSNL has established principle and mechanism available to each and every employee/ Association to first seek the administrative redressal of the grievances and exhaust all means of redressal within administrative framework of Public sector Undertaking and administrative machinery.

Thus SNEA MH believed on conditional assurance by GM HR Admn Mumbai to resolve grievances if Court case is withdrawn and submission of AGM Legal Mumbai in Hon High Court Bombay to resolve the grievances if applied through existing mechanism. Accordingly, the advocate of petitioner has informed Hon High Court of Bombay at the beginning of first hearing itself that Respondent No.2 has assured to redress the grievances and this petition has been seen as hurdle in redressal of these grievances by Respondent No. 2. On this Hon Court has asked the Advocate of Respondent about his say and he has confirmed the say that respondent No 2 will look into grievances of petitioner if represented and accordingly conveyed his consent to withdraw the said court case. Thus, mutual consent of advocates of the Petitioners and respondents the Hon Court said case was disposed off. In the judgment, it has been clearly mentioned that Dispute raised by Petitioner Nos. 2 and 3 is being examined by Respondent No.2. It is not in dispute that challenging pending before this Court is hampering the consideration. **Annexure-B.** Thus, Hon Court permitted advocate for petitioners to seeking leave to withdraw the case keeping all contentions open and respondent has no objection on it.

After withdrawal of Court case on 07/02/2019, corrective action has been taken by SNEA MH by holding Circle Executive Meeting and in a unanimous resolution for co-option for

post of CS & CP SNEA MH was passed. The details of co-option were conveyed to GM HR Admn Mumbai by Com. M.N. Kotambe as O/G CS and ACS SNEA Maharashtra vide Letter No. SNEA/MH/Emgc CEC Corr/2018-19/2 Dated 11/02/ 2019 **Annexure-C** and has requested to grant the facilities of the recognized association to both the co-opted Circle Office Bearers of SNEA MH as eligible under BSNL REA Rule 2014.

Instead of granting facilities to any of the co-opted Circle office Bearers, vide Letter No. CGMT/MH/Admn-I/SNEA (I)/2018-2019/Part File/67 Dated 05/03/2019, DGM Admn Mumbai has asked for copy of recognition/approval of SNEA CHQ as per SNEA Constitution clause No. 3 (F) (ii). **Annexure-D.** The SNEA constitution clause No. 3 (f) (ii), states that **each elected body** in an Organizational level shall be recognized by the next higher body in the Organizational set up. The recognition will be ratified by the respective Working Committee /Executive Committee concerned, if appealed against.

This particular clause of SNEA constitution is applicable for approval of newly elected entire Body and nothing is said about co-option, but DGM Admn continues to wrongly interpret the different clauses of SNEA constitution and destabilize functioning of recognized association. The Circle Body of SNEA MH is functional since 19/09/2017 and DGM Admn Mumbai has never asked for recognition of higher body when it was actually required for recognition of Circle Body and without any letter of recognition from SNEA CHQ. The Maharashtra Circle has already recognized the newly elected Circle Body of SNEA MH vide letter No. A/Admn-I/SNEA/2017/Fol. II/32 dated 05/12/2017 and the said recognition continues and it is not appealed by anybody. **Annexure-E.** But in contradictory action, now again recognition is being asked when it is not at all required & when there is no such provision in constitution of SNEA or in BSNL REA Rule 2014.

Further, in said clause it is clearly mentioned that the recognition will be ratified by the Circle Executive Committee concerned, if appealed against. Here in this case, no complaint, appeal challenging co-option of CS or CP SNEA MH has been received by management or by SNEA till today. Also, DGM Admn Mumbai has not asked for any issue, which needs ratification by CEC Meeting, but diverting matter and time is being killed by calling for unwanted and unconstitutional letter of recognition of higher body from ACS SNEA MH. If DGM Admn Mumbai would have referred any issue for ratification of this co-option resolution, same would have been ratified by CEC Meeting of SNEA MH Circle.

As such, the action by DGM Admn Mumbai calling for recognition from CHQ Body for co-option is unwanted for and is attempt to further delay the grant of facilities to both the co-opted Circle Office Bearers of SNEA MH and one more step to destabilize the functioning of recognized association in BSNL Maharashtra Circle.

Apart from these deliberate actions, AGM Admn Mumbai vide Letter No. CGMT/MH/Admn-I/SNEA (I) /2018-2019/Part File/67 Dated 15/03/2019 has conveyed by name to Com. M N Kotambe as CS & ACS SNEA MH that till co-option is approved signing of letters by Shri. M S Adasul as CS SNEA MH is unauthorized. **Annexure-F.**

Again, vide Letter No. CGMT/MH/Admn-I/SNEA (I) /2018-2019/Part File/71 Dated 03/04/2019 AGM Admn Mumbai has conveyed by name to Com. M. N. Kotambe as CS & ACS SNEA MH for advising Shri. M S Adasul not to write any letter as CS SNEA MH till co-option is approved and threatened for action as per BSNL CDA Rules 2014 against member for subversive of discipline. **Annexure-G.**

The malaise of these officers is clearly visible that even after passing three months of co-option since it is conveyed to administration asking grant of facilities, the letters of Admn section are being marked to Com. M. N. Kotambe enmarking him as CS SNEA MH. **It seems that DGM & AGM Admn Mumbai have assumed themselves as authority to decide who will be CS SNEA MH.** Thus, deliberate attempts are made to create confusion among SNEA members so that it affects the strength of SNEA and further division is created within SNEA. After co-option on post CS & CP, both the office Bearers were admired oath of allegiance in CEC Meeting Pune itself and the charge of CS SNEA MH is handed over by Com. M.N. Kotambe ACS to Com M S Adasul CS SNEA MH vide Letter No. SNEA/MH/Emgc CEC Corr/2018-19/2 on dated 11/02/2019. **Annexure-H.**

As per the constitution of SNEA, CS SNEA Maharashtra is duly elected and authorized Circle Office Bearer to represent about the concern of association on different HR &

Development points. In no way, the officers in Admn Section Mumbai have any right to reject letters for CS SNEA MH who has full mandate of members of Association and when AGM Legal has assured in Hon High Court of Bombay for redressal the grievances of SNEA MH.

Sir, it is to bring to your kind notice that since last seven months DGM Admn and officers under his control are involved in conspiracy and are attempting to destabilize the functioning of the recognized association in BSNL Maharashtra Circle on name of violation of constitution of SNEA. By now, the malaise in actions of DGM Admn and his team are clearly visible to all and unfortunately, there is no change in attitude of these officers towards SNEA MH.

The officers in Admn section have joined hands with the few Ex SNEA MH leaders who have lost the elections for post of Circle Office Bearers in last Circle Conference held at Nagpur. We are sorry to put on records that unethical alliance has been seen between concerned officers in Admn Section Mumbai and said 3-4 Ex SNEA leaders who have the lost elections. We smell some criminal conspiracy in it as this unethical alliance is acting for destabilizing the duly elected Circle Body of SNEA MH and making efforts to expel the certain elected office Bearers and get position in Elected Body by such illegal and forceful entry in the Circle Body. With this sole intention with malaise, this alliance seems to be doing efforts to destabilize the functioning of recognized association by searching different clauses of SNEA constitution.

In view of all above happening, I am submitting this appeal on behalf of thousands of members of SNEA MH who have given me full mandate for the same. **This first appeal from SNEA is made to your good self as per guidelines vide letter No. 11024/17/2012-ISS Dated 02/11/2012 submitted by AGM legal Mumbai in Hon. High Court of Bombay.**

Hence, it is requested to look into matter personally and direct concerned officers in Admn Section to grant facilities to CS & CP SNEA MH without calling for recognition from CHQ and allow the smooth functioning of recognized association in MH Circle.

It is also requested to direct concerned officers in Admn Section not to get involved any internal activities of recognized association SNEA and direct them to stop their deliberate activities to destabilize the functioning of recognized association.

The matter of approval of co-option and grant of facilities to co-opted COBs has been already delayed for last three months and DGM Admn Mumbai may be please advised to convey approval of grant of facilities to co-opted CS & CP SNEA MH or they should convey reasons for non-grant of facilities to co-opted COBs of SNEA MH.

We are hopeful this appeal by SNEA MH will be given due consideration for smooth functioning of SNEA MH, the recognized association in BSNL Maharashtra Circle.

With Warm Regards,

Encl: Annexure A to H

M. S. Adasul
Circle Secretary,
SNEA Maharashtra

Copy to:

1. Director HR BSNL Board for kind information please.
2. GM SR BSNL Corporate office New Delhi for kind information and with request to look into this long pending dispute between SNEA MH and Administration of BSNL Maharashtra Circle. **It is further requested to clarify where recognition of higher body is required second time for the Circle Body, which is already approved by the Circle Management.**
3. Com. K. Sebastin, GS SNEA for kind information please.
4. All other Office Bearers of SNEA CHQ for kind information please.
5. All DS/COBs/CWC Members SNEA MH for kind for information please.