

SANCHAR NIGAM EXECUTIVES' ASSOCIATION

MAHARASHTRA CIRCLE



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To,

Com. George Varghese,
Chairman, SNEA Constitution Committee, SNEA CHQ,
@ Kerala Circle.

No. SNEA/MH/Cir Corr/2017-2019/75

Dated 25th May 2019.

Sub: Request for clarifying certain doubts about interpretation of constitution of SNEA.

Dear Comrade,

You are kind aware that since last October 2018, CGMT MH Circle has started series of Vindictive actions against leaders of SNEA MH by fabrication of charges on name of violation of different clauses of the Constitution. There after SNEA MH has raised certain issues with GS SNEA CHQ and its copies to President SNEA CHQ, but none of letter is replied by GS SNEA in writing expect recent one email reply about co-option of post of CS SNEA MH.

During discussions on SNEA CHQ CS Whats app group, you have shared your opinion and given some directions to resolve the stalemate. On behalf of 2.5 thousand comrades of SNEA MH, please accept our sincere thanks and gratitude for same. But even after your clarifications and clarifications by other senior comrades on this group, till the issues created by CGMT MH Circle on name of violations of Constitution are not cleared and dilemma continues. In last reply by email, GS has directed to go for fresh CEC Meeting for co-option for the post of CS SNEA MH or to go for Circle Conference for electing new Body.

As such, it has been requested by many of the comrades of SNEA MH that we should seek opinion from the Chairman of Constitution committee so that further course of action can be decided in clearing deadlock in smooth functioning of SNEA MH.

1. Where SNEA constitution with amendments approved in AIC Ludhiana has been published? If published, please provide its copy.
2. Where new clause 4 (f) (xx) in SNEA constitution for holding e- CWC meeting is applicable for CEC Meeting also or it is limited only for CWC Meeting.
3. Certain amendments are approved in the constitution of SNEA in AIC Ludhiana. What is date for effecting these amendments as per the constitution of SNEA?
4. In case of no resignation from any of the post in case of any OB holding more than one post whereas per clause No. 3 (c) (ii), all the posts will be automatically forfeited after three months and he will be automatically defunct on completion of three months. Which is competent authority to declare any OB defunct from all the posts in such case?
5. What is time limit for taking action of forfeit of post of any Office Bearer? Can forfeiture ordered once TERM of concerned body is over? What is provision in constitution for issuing orders for backdated forfeiture by any Office Bearer in SNEA?
6. Which clause of SNEA constitution permits anybody to open the disputed issues of last TERM of SNEA CHQ Body? If it can be opened then where any time limit has been fixed for such re-opening of issues.
7. If management transfers any member of SNEA and he is protesting and appealing for justice against transfer and not joining at New Place of posting by registering protest in writing. His salary is stopped by management and hence his subscription is not deducted from salary and he is paying subscription in cash to District Treasurer. In such cases where his membership will continue at working SSA or his/her, Membership will be automatically transferred to new SSA.
8. The clause 3 F (ii), it has been referred for recognition of new Body by higher level Body. Where this clause is applicable for co-option of any post or it is applicable only for new Body as specifically mentioned in the constitution?
9. Where such recognition of lower body is required from Higher Body or GS/CS alone? Does constitution gives right to GS/CS to keep on hold any co-option or he is bound by constitution to convey either its recognition or rejection?

10. Where something should happen to take any such action against any Office Bearer, or GS is empowered to take, direct action, and issue punishment without given any opportunity to put his side.
11. Where GS has authorization as per SNEA constitution to decide on withdrawal of charge of CS and handing over it to any of the Office Bearers against resolution of CEC Meeting at any time? Where GS has right to overrule the Resolutions of the CEC Meetings?
12. Please confirm about competent authority to decide on dispute on holding more than one post by any of the Office Bearer.
13. If out of two-post hold by any OB, one post is of District Level and one post is Circle level, then what is role of GS CHQ in such situation? Where GS is empowered to act against any District/Circle level OBs directly or matter needs to be referred to concerned Circle or District in case of any such complaint?
14. Please inform under which clause of constitution, taking written acknowledgement of resignation submitted to President/GS/CS/DS from any post by any office Bearer is made as mandatory.
15. Where BSNL management has any locus standi on holding more than one post in SNEA by any office Bearers at any level? Where BSNL management has any authority to take action against an individual Office Bearer of SNEA for holding double post as per the constitution of SNEA or as per BSNL REA 2014?
16. In case of Dispute between say of CS & GS or Circle & CHQ, which is competent authority in SNEA to decide on such dispute?
17. What is role of President SNEA CHQ in dispute of GS/CHQ and any of the CS/Circle?
18. Can both CGMT and GS SNEA can take simultaneous action on CS SNEA MH for same cause with gap of three months?
19. Where GS SNEA is empowered to take decision at his own on forfeiture of post of any CHQ or Circle office Bearer?
20. Where it necessary to discuss about resignation of any CHQ OB in CWC Meeting or it can be unattended without any discussions for long time?
21. If I was continue to hold post of CS SNEA MH in Jan 2019, then please confirm where action of CGMT MH was wrong?
22. In case of any benefit of doubt in interpretation of constitution, it should be passed to SNEA Member or to the BSNL management.
23. Where it is mandatory to GS to reply, acknowledge to correspondence made by any of the member or Office Bearers? Where communication by Email is permitted or is it legal as per SNEA constitution?
24. What is provision in SNEA constitution for declaring any office Bearers or ex Office Bearers disqualified for any election in SNEA at any level?

Comrade, SNEA MH is under trouble for last seven months due to deliberate wrong interpretation of SNEA constitution. Hence, to go ahead with resolution of ongoing conflict, SNEA MH is in need these certain clarifications. We would be most happy, if you could clear doubt, as you are the supreme to the constitution committee.

Please respond at the earliest may be before 31/05/2019 and oblige.

Encl: AA

**M. S. Adasul,
Circle Secretary,
SNEA Maharashtra**

Copy to:

1. The President SNEA CHQ for kind information and n/a please.
2. All other CHQ OBs SNEA CHQ for kind information and n/a please.
3. All CS SNEA throughout India for kind information please.
4. All COBs, DS and CWC/CEC Members, SNEA MH for kind information please.
5. Com. Ajay Trivedi, CS SNEA UP East & Member SNEA Constitution Committee with request to convey views on interpretation of different clauses of constitution.
6. Com. Dilip Saha, AGS SNEA CHQ & Member SNEA Constitution Committee with request to convey views on interpretation of different clauses of constitution.
7. Com. S. D. Majumdar CS SNEA MP Circle & Member SNEA Constitution Committee with request to convey views on interpretation of different clauses of constitution.
8. Com. B.G. Patel CS SNEA Gujarat Circle & Member SNEA Constitution Committee with request to convey views on interpretation of different clauses of constitution.