

SANCHAR NIGAM EXECUTIVES' ASSOCIATION MAHARASHTRA CIRCLE



M. S. Adasul,

Circle Secretary

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To,

Shri. R. C. Chavan,
Dy. General Manager Admn,
% CGMT Maharashtra Telecom Circle,
A Wing, 4th Floor, BSNL Admn Bldg,
Santacruz (W), Mumbai-400054.

No. SNEA/MH/Cir Corr/2017-2019/49

Dated 24th October 2018.

Sub: Forfeit of right of holding post Circle Secretary SNEA MH Circle-reg.

Ref: 1. Letter No. CGMT MH/Admn-I/SNEA (I)/2018-19/Part File/36 DT 17/10/2018.

2. Letter No. CGMT MH/Admn-I/SNEA (I)/2018-19/Part File/32 DT 08/10/2018.

3. Letter No. SNEA/MH/Cir Corr/2017-2019/47 Dated 11th October 2018.

4. My resignation dated 17/12/2017 from the post of DyGS SNEA CHQ

With reference to above subject and letter under reference, we are not surprised to see your letter forfeiting my right of holding post of Circle Secretary SNEA Maharashtra Circle. We are aware that this letter was ready on the day when you have called for explanation from me about holding of double posts. We were also sure that any reply on our part will not be given consideration and such arbitrary letter will be issued. We can say it confidently just because on the day letter was issued for calling explanation from me, AGM legal Mumbai has filed caveat in Hon. High Court Mumbai and Hon. CAT Mumbai and its copy was served to me on next day. On 19/10/2018, again I have received another caveat notice from JTO Legal Mumbai and he has served two caveats against this order one is of Hon High Court Mumbai and another is of Hon. CAT Mumbai. In history of BSNL, we have never seen that caveat is filed before taking any action against any executives and leader of association thereby anticipating court case. This makes it clear that you and your management is well aware that you are doing wrong, but attempt are made to create pressure and harass SNEA leaders as we have raised voice against wrong doing of management and mainly Shri. Peeyush Khare, CGMT.

We are only surprised to see that when every details have been updated to you and Shri. Aman Jaiswal GM HR Admn Mumbai in person during discussions

and both of you have agreed to the facts that I am not holding two posts, and till such letter is being issued by taking direct action for which you are not having powers. This letter shows that as usual you have not applied your mind here also and you are working in blind approach and continue to sign the letters as directed by seniors.

Though during discussions with GM HR Admn Mumbai on 17/10/2018, I have assured to reply this letter immediately with supporting documents, but I am submitting it after delay of about six days of the receipt of your letter as I was on leave due to emergency hospitalization of my father due to low sugar.

We once again put on record that since the issue has raised on BSNL Day celebrations by AUAB Mumbai, the Circle Management has started vindictive actions against leaders of AUAB, and attempts are being made to suppress the voice of leaders of Unions/Associations. In attempt to suppress the voice of these leaders and mainly to teach lesson to the leaders who have signed this letter, already one-sided action has been taken against Com. Anil Dubey DS SNEA Mumbai by issuing him charge sheet on flimsy grounds and then by issuing his arbitrary transfer to Bhandara without assigning any reason.

In next attempt, explanation was called from Com. Hrushikesh Walavakar DS AIBSNLEA Mumbai and his transfer was also proposed to Gadchiroli and he was threatened for unconditional surrender including condition to keep away totally from association activities and you know about it better than us. Further letter has been issued to Com. Milind Ingale DS NFTE BSNL Mumbai calling for explanation for not holding elections in time and action seems be taken against him also. Till today, only Com. Yeshwant Kekare DS BSNLEU seems to be spared as till no action has been initiated against him & his association except direction to his superiors to keep keen watch on his activities. This may be game plan of your management to divide AUAB Mumbai and harass one by one and keep them under pressure. Such unethical actions with your signature is nothing but direct attempt to suppress the voice of Unions and Associations in BSNL and we condemn such unethical act on part of management.

Now, regarding forfeiting of my right of holding post of Circle Secretary SNEA Maharashtra Circle. I will like to inform you that I have got this right of holding respectable post of Circle Secretary of SNEA Maharashtra from the members of SNEA Maharashtra Circle in valid Election process and till the members of SNEA MH directs me to surrender the post, no one else including

your management can stop me from holding this post. As such, this one sided and biased letter is not acceptable to us and same we have already conveyed while acknowledging this letter.

This letter is part of vindictive actions started after AUAB Mumbai as all such actions are being taken after BSNL day Celebrations on 01/10/2018. If you and your management was really concerned about the holding double post then you should have immediately acted on 20/12/2018 or at least by end of December 2017 and should not have waited for October 2018 as being done now. Further in last ten months so such indication, letter or warning is issued and directly explanation is called and within three days one sided and out of powers, illegal action has been taken and this clearly establishes vindictive attitude of management. By believing on the growth and development stories of CGMT, we have not raised many issues, which are affecting BSNL and its financial conditions, but now we will have to raise these issues are you are provoking us to go through these guidelines by encroaching the constitution of SNEA.

Further, you are exaggerating facts that I am holding two posts i.e. post of DyGS SNEA and CS SNEA MH and in support, you have mentioned that I was elected as DyGS in Sept 15 and CS in Sep 17 and your office at BSNL CO has not received my resignation. Here you are neglecting the facts that I have already informed you that I have resigned from the post of DyGS SNEA in Dec 2017 just before completion of three months of my election as CS SNEA MH, I have submitted resignation in time to President SNEA CHQ. Copy attached.

We are aware that though you as DGM Admn Mumbai and Shri. Aman Jaiswal GM HR Admn Mumbai may agree with the facts that I am not holding post of DyGS SNEA CHQ, but Shri. Peeyush Khare CGMT MH will not agree for that as he is much annoyed with the letter written by AUAB Mumbai and has started vindictive action against leaders all Unions and Associations and this letter is also part of such vindictive actions. As such, this time also chances are there that my submission will not be accepted, but as an official formality I am submitting it leaving it to CGMT MH & his wisdom.

It is glad to see that since last fortnight, you and your management is deeply studying the Constitution of SNEA definitely so as to find fault with us but the issues are not taken in right prospective. Our request is not to read only points, which you can use to keep us on toes and creating pressure thereof, but please study it to the depth. If you study it with right intention, you will find that

nothing is wrong as being propagated by you and there is no need of any action on your part as being taken by you.

As per the constitution of SNEA, the resignation from the post of office Bearers is given to the President at that respective level. In case of post of DyGS, I am supposed to submit the resignation to President SNEA CHQ which I have submitted him on 17/12/2017. As per constitution of SNEA under clause 5 (a) (vii) he has to take advice of CWC and then he can accept it. After my resignation on 17/12/2017, no CWC meeting has been held till today, this formality has not been completed and hence my resignation is not handed over to SR Cell as expected by you. Our next CWC meeting is due on 27/11/2018 at Ludhiana as Pre AIC CWC Meeting and with advice of CWC, President will approve it and same will be then sent to SR Cell to complete official formality by GS SNEA CHQ. It would have been better, if you could have confirmed the facts from SR cell as well as from GS or President SNEA CHQ. As such question on my part to submit resignation directly to SR Cell as expected by you is unwanted and SNEA constitution do not permit me to write directly to SR Cell and submit the resignation from the post of DyGS SNEA CHQ.

You also can see that as per the constitution of SNEA 5 (c) (iii), any correspondence on behalf of SNEA CHQ with BSNL CO is to be done by GS and any individual office Bearers including President are not empowered to directly write to SR Cell or any other office. GS is the only authority to do so and he also has not intimated about my resignation to SR Cell as till President has to discuss it in CWC Meeting and formally approve it. Then only my resignation can be conveyed by GS SNEA to SR Cell BSNL CO as expected by you. In similar manner, I have earlier also resigned from the post of DyGS SNEA on 13/04/2016 to President SNEA CHQ, but after discussions in CWC Meeting, it was not accepted and I was directed to continue as DyGS SNEA CHQ. You may find that my this resignation dated 13/04/2016 has also not reached to SR Cell. As such, you will find that I have not given any misleading information to you as alleged by you and it is problem on your part that you have not discussed and understood the matter to depth and attempts are being made in fabricating baseless allegations against SNEA which is recognized association in BSNL.

It is fact that as per clause 3(c) (ii) of SNEA constitution, no member is allowed to hold simultaneously hold two post for more than three months and I have rightly followed it. I was elected as CS SNEA MH on 20/09/2017 while I was

holding post of DyGS SNEA CHQ also. Here SNEA constitution permits and you also have agreed that I was allowed to hold both the post for period three months i.e. up to 20/12/2017 and I have submitted my resignation on 17/12/2017 which is before completion of three months of my election as CS SNEA MH. As such there should not be any issue as being created by you and Circle management at the stage when the CHQ Body has completed the extended period of three years also on 08/09/2018.

Further, you will find that when I was elected as CS SNEA MH on 20/09/2017, the two years period of CHQ Body of which DyGS is part was over. You can check and confirm that as per constitution of SNEA, clause no. 4 (a) (ii), the period CHQ Body is of two years and this CHQ Body has completed period of two years on 08/09/2017. There was no need of any immediate resignation from post of DyGS my side because as per the SNEA constitution the election of new CHQ Body was due on date of my election as CS SNEA MH or by next three months i. e. before December 2017 as only three months extension is permitted to CHQ Body in first phase of extension. This three-month extension period was approved by CWC Bhubaneswar held on 15th& 16th December 2017 as covering approval as per provisions of the constitution of SNEA. As it was found that immediate election of new Body of SNEA CHQ was not possible as many of the issues were pending same CWC has given extension of further nine months to CHQ Body.

After understanding that CWC Bhubaneswar which was held on 15th & 16th December 2017 has further extended beyond period of three months i.e. after Dec 2017 by nine months in second spell of extension as per constitution of SNEA, I have submitted resignation from the post of DyGS SNEA to Com. A. A. Khan, President SNEA CHQ on 17/12/2017 i.e. on next day of completion of CWC Bhubaneswar. (Copy Attached).

You will find that the period of CHQ Body is not officially extended by SR Cell BSNL Corporate office at any time, even though it has been approved by SNEA CWC Meeting held at Bhubaneswar held on 15th& 16th December 2017. Thus, when I have assumed charge of CS SNEA MH as being officially asked by you, I was not officially DyGS SNEA as our body was not extended officially after two years period. Further in CWC Bhubaneswar, I have discharged my duties as DyGS and Com. Sachin Sarode, ACS West SNEA MH has discharged duties of CS & has submitted report on activities of CS SNEA MH in the CWC Bhubaneswar.

Since then i.e. 17/12/2018, I am holding only post of CS SNEA MH and the post of DyGS SNEA CHQ is vacant and not filled in as CHQ Body is working in extended period of nine months which was up to Sept 2018. Also, no CWC meeting was held after CWC Bhubaneswar and as per clause 5 (F) (xviii) of SNEA constitution, CWC has powers to co-opt members to fill up vacancies of office bearers up to 25% to hold office for the remaining portion of the term or the next AIC whichever is earlier and hence this post is not filled in.

As such, when I was elected as CS SNEA MH, I was no more DyGS as no extension of CHQ Body has been issued by SR Cell BSNL CO, but till by respecting constitution of SNEA I have submitted resignation after knowing that period of CHQ body is further extended by nine months and hence the allegation that I am holding post of DyGS is baseless and far away from the facts.

As per clause 4(b) post of DyGS us being elected in All India Conference but it is non-functional post. If you go through the clause of functions of DyGS i.e. Clause No. 5, the post of DyGS is non-functional as no duties are assigned to this post and all other post of CHQ are assigned with specific posts as such there is no chance of availing any benefits as DyGS at any time.

Further, after Dec 2017, I have not availed any facility of the post of DyGS and there is no question of carrying out any functions as there are no duties/functions assigned to DyGS in constitution of SNEA and I am fully discharging my association duties only as CS SNEA MH.

I may have attended some functions of SNEA as CS & DyGS till Dec 2017 and thereafter I have represented all meetings as CS SNEA MH and no meeting either at Circle or at CHQ or at any other Circle or even I have not attended any official /unofficial meeting with management at District, Circle and BSNL CO management in capacity of DyGS and representing only as CS SNEA MH.

Thus it is crystal clear that when I was elected as CS SNEA MH on 20/09/2017, officially I was not holding post of DyGS SNEA CHQ. Till after understanding that period of CHQ Body is extended by nine months, I have duly resigned from the post of DyGS SNEA CHQ on 17/12/2017 and your say that I am holding post of DyGS has not correct.

As per the Clause 9 (c) (iii) SNEA constitution which states Circle Executive Committee shall exercise control over the affairs of the association pertaining to Circle Organization. Accordingly, in Circle Executive Committee Meeting held on 13th & 14th October 2018 at Jalgaon, which was attended and addressed, by

Com. A. A. Khan President SNEA CHQ and Com. K. Sebastin GS SNEA CHQ, we have discussed this issue raised by one of the SNEA members and also baseless complaints made by CS BEA MH Circle. After elaborate discussions on the organizational issues on such complaints, the Circle Executive Committee Meeting has passed resolution for full confidence on the present Circle Body and condemned the baseless complaints thereof. As such, there should not be any issue on such baseless complaints and there is no need of any action as being taken by your good office on such allegations.

Till you have some evidences and documents that supports your say that I have acted as DyGS SNEA CHQ or I have availed any facility as DyGS SNEA CHQ, after 17/12/2017, I will not have any hesitation in leaving post of CS SNEA MH as desired by your management and in such case you can only direct me to resign from post, but you do not have right to forfeit my ring to hold post of CS SNEA MH as being done by you now. In these circumstances, the charge of CS SNEA MH will be officially handed over to ACS SNEA MH till next elections for new Circle Body of SNEA MH and it will no way affect functioning of SNEA MH. Hopefully, this constitutional provision of handing over charge of CS to ACS will be agreeable to CGMT MH and he has no wish to stop total functioning of SNEA MH, thereby maintain fear factor in minds of association leaders so that no one dares to talk about his wrong doings now or in future.

As such, one sided action wherein management has no powers as per BEA Rules or as per constitution of SNEA on which you have shown reliance for forfeiting my right of functioning as CS SNEA MH without any evidences and supporting documents, and without knowing details to the depth, is not correct and hence not acceptable to us.

One side Shri. Aman Jaiswal GM HR Admn Mumbai is giving message that we have to give full stop at this stage to actions on both the side by forgetting what happened in past is past and we have to go ahead for growth and development of BSNL and we have till believed in his say. But another side you continue to take such repeated vindictive actions against leaders of Union & Association and this double stand of management is not going to benefit to BSNL even though it may temporarily satisfy ego of someone. **It is responsibility of the management to maintain industrial peace and harmonious relations and here we are finding that Circle management is behaving in totally irresponsible manner spreading hate and fear among the employees of BSNL**

to suppress voice of recognized association by taking illegal and malafide actions.

In our last letter, we have informed that till your good office needs some additional information on this subject of holding of DyGS post, we are ready for it. We have also requested to feel free to discuss with us before issuing any such unwanted letter to association, which is officially recognized through membership verification process held by BSNL Management. You have informally discussed & agreed on our stand and till you have chosen to issue such one-sided letter, taking direct action has created unrest among the executives.

Already it was assured by Shri. Aman Jaiswal, GM HR Admn Mumbai and Shri. Peeyush Khare, CGMT MH that lenient view will be taken on the vindictive action against Com. Anil Dubey DS SNEA Mumbai, but nothing has been taken care on the contrary in unfair manner, Com. Anil Dubey is being pressurized and compelled to keep away from association activities totally by resigning post of DS SNEA Mumbai and this cannot be accepted under blackmailing practices from management.

After this one-sided action, many of comrades have called us and have demanded to go for agitational programme but we still believe in dialogue and the words of Shri. Aman Jaiswal GM HR Admn Mumbai and we do not want to go for any agitation against such repeated vindictive actions and hope your office will not compel us by anymore such action as now unrest has reached its peak and any further step on your part may result spontaneous demonstration by the agitated comrades and entire responsibility will be with you and your management.

As such, your action to forfeit my right of holding post of CS SNEA MH is not correct and further action to forfeit my right as CS SNEA MH with retrospective effect w.e.f. 19th December 2017 is not correct and illegal as per the provisions of REA Rules and constitution of SNEA quoted by you in this letter.

Anyhow, I once again confirm that I am holding only post of CS SNEA MH and not at all holding post of Deputy General Secretary, SNEA CHQ since 17/12/2017, as refereed in your letter and request you either convey evidences & proof wherein I have availed benefits and facilities of DyGS SNEA CHQ after 17/12/2017, on which you have assumed that I am holding post of DyGS or withdraw this letter forfeiting my right to hold post of Circle Secretary SNEA Maharashtra Circle and its retrospective effect.

Further, it is requested to stop all such vindictive actions and please create working atmosphere and please maintain industrial peace so as to meet the present tough competition created by R-Jio and let us work for survival of BSNL with seriousness and not just for name sake.

Hoping for early action and response from your side.

Encl: AA

M. S. Adasul
Circle Secretary,
SNEA Maharashtra

Copy to:

1. Shri. Anupam Shrivastav, CMD BSNL for kind information please.
2. Mrs. Sujata Ray Director HR BSNL Board, with request to look into matter and stop the series of vindictive actions started by Shri. Peeyush Khare CGMT MH by exaggerating facts and misusing the powers of CGMT MH to suppress the voice of leaders of Unions & Associations in Maharashtra Circle on certain issues in the interest of BSNL, which he has taken as his personal insult.
3. Shri. Peeyush Khare, CGMT MH Circle for kind information please.
4. Shri. Aman Jaiswal, GM HR Admn Mumbai for kind information please.
5. Com. A.A. Khan, President SNEA CHQ @ New Delhi for kind info please.
6. Com. K. Sebastin, GS SNEA CHQ @ New Delhi for kind info please.
7. Com. Bharat Sonawane, CP SNEA MH for kind information please.
8. All COBs/DS of SNEA MH for kind information please.