

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PEITION NO. 14532OF 2018

Sanchar Nigam Executives' Association

&Ors.

... Petitioners

V/s

Chairman & Managing Director of

Bharat Sanchar Nigam Ltd.

... Respondents

**AFFIDAVIT IN REJOINDER OF
PETITIONERS**

I, Mahadev S. Adasul, Age 51years, Circle Secretary, Sanchar Nigam Executives' Association, Maharashtra Circle, PetitionerNo. 2 herein do hereby state on solemn affirmation as under:

1. I say that the Petitioners have been served with copy of Affidavit In Reply filed on behalf of Respondents on 8th January 2019 and in rejoinder therein, I am filing the present affidavit.
2. With reference to para 1 of the Affidavit In Reply, the content therein are not admitted.
3. With reference to para 2 of the Affidavit In Reply, the contents are being fallaciousare denied.
4. With reference to para 3 of the Affidavit In Reply, it is denied that there is any disputed questions of fact involved in the present Petition and that therefore the present Petition is not maintainable. The present Petition on the contrary, exhibits gross malafides and bias on the part of the Respondents, and in particularly of Respondent No. 4, who out of personal ego, has taken absolutely arbitrary actions against the Petitioners. The entire chronology of events clearly demonstrates there has been colorable exercise of power on the part of the Respondents. It is denied that the Petition pertains to election

or to election rules. The only election with which Respondents are really concerned is the election conducted for the purpose of recognition of the associations under the provisions of BSNL (Recognition of Executives' Association) Rules 2014. It is an admitted position that elections conducted under the said Rules for recognition of Associations is not under challenge in the present Petition. The election of Petitioner No. 1 Association as majority recognized association, in the election conducted under the provisions of the said Rules, has not been withdrawn or set aside, in any manner, on account of any of the orders which are impugned in the present Petition. The issue involved in the present Petition is about the administrative action of the Respondents in refusing to recognize Petitioner Nos. 2 and 3 as Office Bearers of the Association. Petitioner Nos. 2 and 3 have been elected as Circle Secretary and District Secretary of Petitioner No. 1 Association by way of their internal election process of the Association. The said election is not in questioned in any manner. It is the administrative decision of the Respondents in refusing to recognize the status of elected officer bearers of the association, which is questioned in the present Petition.

5. With reference to para 4 of the Affidavit In Reply, it is denied that Respondent No. 3 is aggrieved by his transfer in the present Petition or that the issue involved in the present Petition is a service matter. The transfer orders of Petitioner Nos. 2 and 3 have not been challenged in any manner in the present Petition. On the contrary, a specific statement has been made in Para 28 of the Petition that the grievance of the Petitioner Nos. 2 and 3 with regard to transfer and charge-sheet are not included in the present Petition and their right to challenge the same before the appropriate forum is specifically reserved. It is pertinent to note that, the impugned orders dated 08.10.2018 and 17.10.2018 refusing to recognize the status of Petitioner Nos. 2 and 3 as elected office bearers of Petitioner No. 1 association is not a service matter. Election of the

Association or the status of office bearers of such association are not conditions of service. Therefore the Petitioner Nos. 2 and 3 cannot approach Central Administration Tribunal for challenging the orders dated 08.10.2018 and 17.10.2018. Rather the Central Administration Tribunal does not have jurisdiction under the provisions of the Administrative Tribunals Act 1985 to entertain disputes with regard to status of elected office bearers of an Association.

6. With reference to para 5 of the Affidavit In Reply, it is denied that Petitioner No. 2 has admitted at any place in the Writ Petition that he was holding 2 posts simultaneously, for a period exceeding three months. Holding of 2 posts simultaneously for a period up to 3 months is specifically permitted under the constitution of Petitioner No. 1 Association. The Petitioners have specifically referred to Clause 3 (c) (ii) of the constitution, which provides that '*no member shall hold simultaneously 2 or more elected office bearer posts in the association for more than 3 months. If he fails to tender his resignation from any one of the posts, within 3 months of being elected to new post he will forfeit the right to hold of the posts.*' The Petitioner has further contended that Petitioner No. 2 tendered his resignation of the post of Deputy General Secretary by letter dated 17.12.2017. The period of the CHQ body of which Dy GS is part was not extended as on 20.09.2017, the day petitioner No. 2 was elected as CS. Therefore the contention that the Petitioner No. 2 had giving any admission as alleged is totally ludicrous.
7. With reference to para 6 of the Affidavit In Reply, the Respondents have admitted in this paragraph that the issue in the Writ Petition is purely in '*administrative nature*'. It is denied that Writ Petition is pre-mature. The Petitioners have already produced along with Petition at Exhibit-Y, copies of representations dated 30.10.2018 and 05.11.2018. The said representations were made in respect of the impugned actions.

Copy of representation dated 05.11.2018 was also submitted to the Chairman and Managing Director of BSNL as well as to the Director HR. The Petitioners additionally requested for a formal meeting with Respondent No. 2 by letter dated 24.12.2018, a copy whereof annexed hereto and marked as **Exhibit-A**. The Petitioners have also submitted reminder dated 19.12.2018 to Respondent No. 2 with copies thereof to Chief Managing Director and Director-HR, copy whereof annexed hereto and marked as **Exhibit-B**. As a matter of fact, General Secretary, President and Assistant General Secretary had a specific meeting with CMD of BSNL on 23.10.2018 in respect of issues involved in the present Petition. In the said meeting, CMD had assured to speak with CGM MH. Since Director HR was busy on 23.10.2018, she could not participate in the said meeting. Since the issues were not resolved, one more meeting was held on 02.11.2018 between office bearers of the Central Headquarters' of Association and GM (SR) and during the course of the said meeting, GM (SR) spoke with GM HR / MH with regard to the grievances of the Petitioners. The details of meeting which took place on 23.10.2018 and 02.11.2018 have been published by Petitioner No. 1 Association on its website by GS. Copies whereof are annexed hereto and marked as **Exhibit-C** colly. The Respondents are well aware of all these factual aspects but have still chosen to raise hypertechnical ground that the Petitioners did not approach higher authorities with regard to their grievances and directly approached this Hon'ble Court. In the letter dated 17.10.2018, it is mentioned that management will not any cognizance of the correspondence made by petitioner No 2 as Circle secretary of the SNEA association Maharashtra Circle. It is once again denied that any disputed question is involved. The reliance of the Respondents on OM dated 02.11.2012 issued by '*Ministry of Statistics & Program Implementation*' is completely misleading and irrelevant. Apart from the fact that the said OM is not endorsed either by

BSNL or DoT, the said OM is issued circulating order of Central Administration Tribunal, Mumbai holding that appeal or representation with regard to service dispute should not been directly sent to higher authorities unless lower authorities have already rejected the claim or refused relief or ignored any unduly delayed disposal of the employee's representation.

8. With reference to para 7 of the Affidavit In Reply, the Petitioners have no comments to offer.
9. With reference to para and 8 of the Affidavit In Reply, the reliance of Respondent on Rule 14 (2) of the BSNL (REA) Rules 2014 is misplaced. Firstly, the Petitioner Association has duly complied with its Constitution. Secondly, under Rule 15 of the BSNL (REA) Rules 2014, failure to comply with conditions of the Rules entails withdrawal of recognition accorded to the Association, after issuance of a show cause notice. Admittedly no Show Cause Notice is issued under Rule 15 of BSNL (REA) Rules 2014 alleging the violation of any Rules, nor any order is passed withdrawing recognition of the Association. Furthermore, the action under Rule 15 can essentially be taken only by the BSNL Corporate Office and not by the Circle Office. However what has been done in the present case is that the Circle Office has illegally withdrawn status of Petitioner Nos 2 and 3 as office bearers of the association. Such action is not contemplated in any manner under the provisions of the BSNL (REA) Rules 2014. Further contention of the Respondents that as per SNEA Constitution, period of District Body is for two years and that election of District level has to be held within scheduled period of two years is factually incorrect. So far as the district bodies are concerned, Para (2) (a) (ii) of SNEA Constitution provides that Telecom District Council shall meet once in two year. Except this provision, there is no mandatory provision in the Constitution of SNEA to the effect that the maximum tenure of district body is for two years or that election of the district

level must be held within a period of two years. Therefore the very basis of passing of the Impugned Order dated 08.10.2018 itself is fundamentally erroneous. On the contrary, the recognition of Petitioner Association is upto 12.12.2019. Furthermore, the letter dated 16.04.2018 issued by BSNL Headquarters specifically directs that the immunity from transfer to the office bearer should be for entire period of his /her Association as the status of recognized / support association subject to the condition that the executive continues to hold any of the three posts. The Petitioner No. 3 continued to hold the post of District Secretary and as per the letter dated 16.04.2018, he is entitled to continue as District Secretary for the entire period during which the Association has the status of recognized association. The Respondents themselves accepted this position and recognized the status of Petitioner No. 3 by issuing order dated 25.06.2018 (Page No. 100). The Respondents took summersault only out of ego issue because Petitioner No. 3 raised the issue of expenditure on BSNL Foundation Day Celebrations as well as mixing award distribution function of TWWO in BSNL day function. The contention that “*due to unconvincing reply*” facilities of SNEA Circle Office District Branch Mumbai has been withdrawn can only be treated as ludicrous. There is nothing in the Constitution of SNEA which mandates that the District Secretary cannot hold the post beyond the period of two years. The Respondents themselves admitted the status of Petitioner No. 3 by issuing Order dated 25.06.2018 (Page 100). So far as the case of Shri S. R. Potul is concerned, he continues to be recognized as Treasurer of Mumbai District Body. There are some more similarly placed individuals across Maharashtra who continues to function as District Body representatives beyond the period of two years. Their names are as under :-

- i) Shri. Anil Gathadi
- ii) Shri K.K. Gaidhani
- iii) Shri D.R. Bhogade

- iv) Shri H.K. Malviya
- v) Shri K.B. Patil
- vi) Shri P.G. Wankhede
- vii) Shri S.N. Tandle
- viii) Shri S.W. Kohadkar
- ix) Shri S. H. Gandhi
- x) Shri S.R. Wani
- xi) Shri G. N. Gharde
- xii) Shri D.B. Dongre
- xiii) Shri A.B. Kshirsagar
- xiv) Shri S.A. Tambe

10. With further reference to Para 8 of the Affidavit in Reply, the contention that no intimation/communication has been received regarding tendering of resignation by Petitioner No. 2 is completely misleading. The Respondents never expected any such intimation/communication about Petitioner No. 2 tendering resignation of the post of his Deputy General Secretary CHQ. This issue was raised only after Petitioner No. 2 supported the case of Petitioner No. 3. Otherwise the Respondents were well aware of the position that Petitioner No. 2 was elected as Circle Secretary Maharashtra on 20.09.2017. The Respondents were also aware of the position that the Petitioner No. 2 was holding the position as Deputy General Secretary CHQ from 08.09.2015 onwards. The Respondents never raised any doubt as to whether Petitioner No.2 was holding two posts simultaneously since 20.09.2017. This issue was raised only after Respondent No. 2/4 decided to take vindictive action against the office bearers of the Petitioner Association. While taking specious plea that no intimation of resignation by Petitioner No. 2 was received, Respondent are not applying same law to Petitioner No. 2 as is applied to Petitioner No. 3. For Petitioner No.3 Respondents contend that his tenure as District Secretary automatically came to an end on completion of period of two years (even

though there is no such provision in the Constitution and same has been officially extended by Respondents vide letters dated 08.05.2018 and 26.05.2018). However, when it comes to Petitioner No. 2, they do not recognize the same principle that the tenure of Petitioner No. 2 as Deputy General Secretary automatically come to an end on 08.09.2017 (even though there is a specific provision in para 3 (g) (iii) limiting the tenure to two years.) This again exhibits malafides in the minds of the Respondents.

11. With further reference to para 8 of the Affidavit in Reply, the contention that Petitioner No. 2 did not submit any documentary evidence in support of his contention that he resigned from the post of DyGS in December 2017 is misleading. In the Reply dated 11.10.2018, Petitioner No. 2 had specifically shown willingness for submitting any additional information needed. Petitioner No. 3 during personal meeting with the GM HR Admn Mumbai had once again shown willingness to submit copy of resignation letter, but it was informed to Petitioner No. 2 that the same was not necessary. However, it appears that the Respondent No. 2 / 4 had already taken a decision to withdraw the status of Petitioner No. 2 and to transfer him before he could submit reply to the letter dated 08.10.2018. This is clear from the fact that by letter dated 08.10.2018 and 09.10.2018, Petitioner No. 2 was served with copies of Caveats filed before this Hon'ble Court and before Central Administrative Tribunal. This means that even before the Petitioner No. 2 submits his reply, caveats were filed by the Respondents. Copies of said letters dated 08.10.2018 and 09.10.2018 along with caveats are annexed hereto and marked as **Exhibit-D** colly.
12. With reference to para 9 of the Affidavit In Reply, I have no comments to offer.

13. With reference to para 10 of the Affidavit In Reply, the contents therein are denied and it is submitted that as against specific provision limiting the tenure of CHQ Body and Circle Body (with provision for extension), there is no specific tenure for District Bodies provided in the Constitution.
14. With reference to para 11 of the Affidavit in Reply, the contents therein are misleading and hence denied. The Petitioner did not hold posts of Deputy General Secretary and Circle Secretary simultaneously for more than three months. It is denied that validity of election of Petitioner no. 3 was valid up to 14.09.2017 only. There is no such provision in the Constitution.
15. With reference to para 12 of the Affidavit in Reply, it is reiterated that the Petitioner No. 2 did not hold two posts for more than three months.
16. With reference to para 13 of the Affidavit in Reply, it is submitted that Petitioner No. 2 had shown willingness to submit documentary evidence. The Petitioner No. 2 had personally met GM HR Admn Mumbai and had shown willingness to submit the copy of resignation letter. However, since the Respondents had already decided to take action against Petitioner No. 2 (which is apparent from the fact that Caveats were filed well before submission of reply to show cause notice), no opportunity was given to Petitioner No.2 to submit documents. The contention that the resignation letter dated 17.12.2017 is not acknowledged by office bearers CHQ New Delhi is misleading. Meeting was held at Bhuvaneshwar on 15th / 16th December 2017 and during the course of the said meeting, a decision was taken to extend the tenure of the CHQ Body by one year w.e.f. 06.09.2017. The Petitioner No. 2 was required to tender resignation only because of such decision to extend the tenure up to 08.09.2018. Therefore the Petitioner tendered resignation by Hand at Bhuvaneshwar on

17.12.2017. On account of tendering the resignation outside the CHQ Office of SNEA, there is no acknowledgement of the said letter. It is also pertinent to note that the BSNL Management did not officially approve extension of tenure of CHQ up to beyond 06.09.2017. It is only after CHQ meeting of 28th to 30th September 2018 that CHQ Body given intimation to BSNL about retrospective extension of the body. Without specifically approving such retrospective extension, it was mentioned in the letter dated 30.08.2018 (Page 197) that holding of elections beyond 08.09.2018 was illegal. Thus the tenure of the Petitioner No. 2 as Dy. General Secretary had indeed come to an end on 06.09.2017 by efflux of time or in any case on 17.12.2017 when he tendered his resignation.

17. With reference to para 14 of the Affidavit in Reply, the contentions therein are absolutely misleading and erroneous in that there is no provision in the constitution of mandatory holding elections of district bodies within two years.
18. With reference to para 15 of the Affidavit in Reply, the Respondents have admitted that the status of Shri S.R.Potul as Treasurer was continued to be recognized by the Respondents beyond 14.09.2017 and till date. Only because his case is highlighted by the Petitioners, the Respondents have now shown intention to review the case. However, as pointed out hereinabove, there are more such similar cases in Maharashtra Circle. The Respondents cannot go on reviewing all the decisions only for the purpose of justifying their illegal actions in case of Petitioner nos 2 and 3.
19. With reference to para 16 of the Affidavit in Reply, the contents therein are absolutely misleading and denied. The Respondents were well aware of the fact that the period of two years of office bears of District Body had come to an end on 14.09.2017. It was specifically stated in the letter dated 22.06.2018 (Page 99) that “*in normal course the period of*

district body is for two years from the date of election and it is extended till the next election of District office bearers and all these district bodies are functional as on today". The Respondents were thus fully made aware of the fact that despite expiry of two years the district bodies had continued to exist. The Respondents took conscious decision to extend immunity to Petitioner No. 3 with full knowledge of the fact that period of two years from his election had expired.

20. With reference to para 17 of the Affidavit in Reply, I have no comments to offer.
21. With reference to para 18 of the Affidavit in Reply, the contents therein are absolutely false. By the letter dated 20.09.2011, it was specifically directed that "*the Corporate Office has decided to discontinue these Award Function till further orders*". It was further stated that Awards given at Corporate Circle, SSA Level would be given in inexpensive manner. Further contention that letter dated 20.09.2011 was issued based on "prevailing situation at that relevant time" is again misleading, in that the financial position of BSNL has worsened after 2011. Furthermore "Vishisht Sanchar Seva Padak" Award Distribution Function is same as BSNL Foundation Day. This is clear from subject of Order dated 22.09.2018, a copy whereof is annexed hereto and marked as **Exhibit-E**. Therefore the contention that there is no co-relation regarding celebration of BSNL Foundation Day on 01.10.2018 and letter dated 20.09.2011 is completely false and misleading. So far as the contention raised by the Respondent with regard to the responsibilities of Associations and the importance of TWWO Function are concerned, it is submitted that except in the year 2017 the function of TWWO was never held and in any case in combination of BSNL Foundation Day Function. Nowhere in the country any function, especially that of TWWO, is combined with function of BSNL Foundation Day. While the Respondents have

attempted to highlight the role of the associations to all overall growth of the company and promotion of TWWO, they have suppressed the fact that BSNL has not been able to pay timely salaries and allowance to its employees. To illustrate the full salary since month of November 2018 was not paid in time by BSNL to its employees. At several places BSNL has defaulted on payment of electricity bills leading to discontinuation of electricity connections of exchange buildings. In the joint Representation dated 28.09.2018, it was highlighted that 12% amounts were being deducted from medical bills of employees to reduce the expenditure. As against this, a lavish function was planned for which it was proposed to renovate the community hall as well as hire the chairs, PA team and other required facilities. It was also planned to make arrangement for lunch for all participants/employees which is clear from letter dated 22.09.2018. On account of joint representation dated 22.09.2018, the management was required to issue Corrigendum dated 29.09.2018 withdrawing lunch arrangement. Copy of Corrigendum dated 29.09.2018 is annexed hereto and marked as **Exhibit- F**. Subsequently the venue of the Award Function was also shifted to a conference hall. Thus the joint representation made by Petitioner No. 3 helped BSNL in saving funds of lacs Rupees.

22. With reference to para 19 of the Affidavit in Reply, the contents therein are misleading and hence denied. There can be no matter of doubts that the entire action taken by the Respondents arise out of ego of Respondent No. 4 being hurt. It is already stated hereinabove that caveats were served on Petitioner No. 2 before he could submit reply to the Show Cause Notice. So far as Petitioner No. 3 is concerned, by letter dated 29.09.2018 he was given time of seven days to submit his reply with regard to his continuation as District Secretary beyond two year. The said letter was received by

Petitioner No. 3 on 01.10.2018 and he thus had time till 08.10.2018 to submit his reply. However, on 08.10.2018 itself i.e. on the last date for submission of reply Charge Sheet was issued containing the charge relating to holding of post beyond tenure. This again shows that all the actions of the Respondents were pre-decided and have been taken out of malafide intention. By letter dated 01.10.2018 the Petitioner was asked to show cause within five days in respect of his behavior with senior management. The Petitioner No. 3 submitted his reply on 08.10.2018 by which time charge sheet was already prepared and served on Petitioner No.3.

23. With reference to para 20 of the Affidavit in Reply, the contention that letters dated 29.09.2018 and 01.10.2018 are not co-related or that process and cause of action both the letters are different are false and misleading,. The allegation of holding the post after expiry of two years was leveled in letter dated 29.09.2018 and the Charge Memorandum dated 08.10.2018 contains the said charge. Similarly allegation of opposing TWWO function was leveled in letter dated 01.10.2018 and a specific charge based on said allegation is included in the same Charge Memorandum.
24. With reference to para 21 of the Affidavit in Reply, the contention that the cause of action for letter dated 03.10.2018 is different from letter dated 29.09.2018 and 01.10.2018 is again false and misleading. Apart from the fact that the subject and reference of both the letters dated 01.10.2018 and 03.10.2018 are same, Petitioner No. 3 is also accused of outraging dignity of women by opposing mixing of function of TWWO with BSNL day function through a representation dated 28.09.2018. Thus, Charge-sheet dated 08.10.2018 is issued in respect of issues which formed subject matter of letters dated 29.09.2018, 01.10.2018 and 03.10.2018.

25. With reference to para 22 of the Affidavit In Reply, it is denied that the reply submitted by Petitioner No. 3 was in any manner considered by the competent authority or that the competent authority was not satisfied with the explanation and that therefore disciplinary proceedings were initiated. As pointed out hereinabove, the threat to issue charge-sheet under BSNL (CDA) Rules was given in letter dated 01.10.2018. The Petitioner No. 3 submitted reply to the said letter on 08.10.2018 which was received by the office of Deputy General Manager (Admin) on 06.00 PM of 08.10.2018. However before receipt of the said reply, a Memorandum of charge-sheet was already prepared and signed by Respondent Nos. 2 / 4 on 08.10.2018 and the same in fact was served on Petitioner No. 3 by email at around 6.27PM. A copy of print of email received on 08.10.2018 at 6.27 PM is annexed hereto and marked as **Exhibit-G**. This shows that the action taken by the Respondents was pre-decided and a farcical show of grant of opportunity to Petitioner No. 3 was made. Petitioner No. 3 is not challenging charge-sheet dated 08.10.2018 in the present Petition and reserves his right to challenge the same before the appropriate forum.
26. With reference to para 23 of the Affidavit In Reply, the contents therein are denied and it is submitted that the Respondents deliberately took action in extreme hurry against Petitioner No. 3 and with a view to prevent his re-election as District Secretary, he was transferred out of Mumbai on 08.10.2018. It is denied that validity of office bearers of SNEA Circle Officers, Mumbai was only up to 14.09.2017. The timing of withdrawal of facilities to Petitioner No. 3 clearly speaks volumes about ill intention of the Respondents.
27. With reference to para 24 of the Affidavit In Reply, it is denied that any misleading information was given by the Petitioners with regard to Petitioner No. 3. As on the date of grant of immunity from transfer by order dated 25.06.2018, the

Respondents did not have any malafide intention in respect of Petitioner No. 3 and therefore with full knowledge of the fact that the period of 2 years from the date of election of district body was over, the Respondents still continued the immunity not only to Petitioner No. 3 but several other office bearers of district bodies. It is only after the incident of the BSNL Foundation Day of 01.10.2018 that the Respondents started taking malafide action against the Petitioners. It is denied that transfer of Petitioner No. 3 and further change of station is not as per administrative need. Respondents have conveniently avoided to deal with the issue of change of posting of Petitioner No. 3 from Kalyan to Bhandara on withdrawal of immunity. This further proves malafies in the minds of Respondents.

28. With reference to para 25 of the Affidavit In Reply, it is denied that Memorandum of Charge-sheet was issued after receipt of reply from Petitioner No. 3. As repeatedly demonstrated hereinabove, Petitioner No. 3 submitted reply to letter dated 01.10.2018 at 06.00 pm on 08.10.2018 by which Respondent Nos. 2 / 4 had already prepared and signed the charge-sheet and the same was indeed served on the Petitioner No. 3 by email at 06.27 pm on the same day when the reply was submitted by him. It is impossible to believe that the reply submitted by Petitioner No. 3 was considered; charge-sheet was drafted and signed within a period of 27 minutes. It is also a matter of fact the charge-sheet already contains allegations covered by letter dated 03.10.2018, for which the reply was actually prepared by Petitioner No. 3 on 09.10.2018 and was received by the office of Deputy General Manager (Admin) on 12.10.2018. This further proves malafide in the minds of the Respondents.

29. With reference to para 26 of the Affidavit In Reply, the contents therein are absolutely misleading and fallacious and hence denied. The factual position is already pointed out

hereinabove. It is reiterated that the Petitioner No. 2 did not hold 2 posts for a period exceeding 3 months. The Petitioner No. 2 not only tendered his resignation on 17.12.2017 but the tenure of the post of Deputy General Secretary otherwise came to an end on 06.09.2017. So far as submission of documentary evidence is concerned, Petitioner No. 2 during the course of meeting with General Manager (HR) had shown willingness to submit copy of resignation letter but General Manager (HR) informed Petitioner No. 2 that the same was not necessary. So far as non-acknowledgment of resignation letter is concerned, the factual position is already explained hereinabove. So far as letter dated 30.08.2018 of BSNL Corporate Office concerned, the same was not only issued after a period of almost 1 year after expiry of the tenure of CHQ body on 08.09.2017 but the same did not extend the validity of the body in any manner. On the contrary, there is no letter issued by the Corporate Office to SNEA acknowledging that the tenure of CHQ body was extended in any manner. Even if it is assumed for the sake of arguments that the letter dated 30.08.2018 amounts to retrospective extension of the CHQ body, the Petitioner No. 2 certainly did not know in September 2017 that he continued to function as Deputy General Secretary of CHQ body or that BSNL Corporate Office would subsequently extend the tenure of CHQ body.

30. With reference to para 27 of the Affidavit In Reply, the contents therein are denied and it is submitted that the timing of action taken by Respondents clearly speaks volume about their malafide intentions. It is denied that orders dated 08.10.2018 or 17.10.2018 are as per BSNL (REA) Rules 2014. The said Rules deal with the issue of grant of recognition to association. The said Rules do not, in any manner, determine internal affairs of the Association. It is denied that the cause of action of Petitioner No. 2 and Petitioner No. 3 are different.

31. With reference to para 28 and 29 of the Affidavit In Reply, the contents therein are repetitive in nature and deserves to be denied.
32. With reference to para 30 of the Affidavit In Reply, it is denied that the Petitioner No. 2 has admitted that his resignation has not been accepted by the President or General Secretary of SNEA Association. The reliance of the Respondents on email dated 06.04.2018 of Petitioner No. 2 is completely misleading. It is merely an internal correspondence between office bearers of Petitioners Association. Even after tendering the resignation of the post of Deputy General Secretary, email account of Petitioner No. 2 in the name of dygssnea@gmail.com continues to exist and has not been deactivated. However Petitioner No. 2 does not use the said email after tendering resignation. Petitioner No. 2 has a separate email in respect of his post of Circle Secretary. The Assistant General Secretary, Mr. P. P. Rao had erroneously sent an email to Petitioner No. 2 on his email account in respect of post Deputy General Secretary and for the purpose of convenience, the Petitioner No. 2 had replied to the said email. It is pertinent to note that the contents of the email dated 06.04.2018 entirely relate to the grievance and issues of the officials in Maharashtra Circle alone. This clearly shows that the said email sent by the Petitioner in his capacity as Circle Secretary of Maharashtra Circle and not in the capacity of Deputy General Secretary of SNEA. As a matter of fact, circle conference of Bihar Circle was held in Patna on 6/7.12.2017, which was attended by Petitioner No. 2 in the capacity of Deputy General Secretary. Subsequently, Punjab Circle conference was held on 22/23.12.2017, by which time the Petitioner No. 2 had tendered his resignation of the post of Deputy General Secretary. Accordingly, in the said circle conference held on 22/23.12.2017, the Petitioner was described as a Circle Secretary of Maharashtra Circle by GS.

Copy of relevant portions of website SNEA CHQ which with regard to Circle Conference of Bihar and Punjab Conference are annexed hereto and marked as **Exhibit-H**.

33. With reference to para 31 to 40 of the Affidavit In Reply, the contents therein are denied and what is stated hereinabove is reiterated. The said contents are repetitive in nature and have already been dealt with hereinabove.

34. I therefore pray that the Petition of the Petitioners be made absolute in terms of the prayers made therein.

Solemnly affirmed at Mumbai)

on this Day of January 2019)

(Mahadev S. Adasul)

Petitioner No. 2
(SANDEEP V. MARNE)
Advocate for Petitioners

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PEITION NO.14532 OF 2018

Sanchar Nigam Executives' Association
& Ors.

... Petitioners

V/s

Chairman & Managing Director of
Bharat Sanchar Nigam Ltd.

... Respondents

I N D E X

Sr No.	Exhibit	Description of Documents	Page Nos.
1		Affidavit in Rejoinder of Petitioners.	199-216
2	Exhibit- A	A copy of letter dated 24.12.2018.	217
3	Exhibit B	A copy of reminder dated 19.12.2018.	218-219
4	Exhibit C	A copy of details of meeting took place on 24.10.2018 and 02.11.2018	220-221
5	Exhibit D	Copies of said letters/Caveat dated 08.10.2018 and 09.10.2018.	222-238
6	Exhibit-E	A copy of Order dated 22.09.2018.	239
7	Exhibit-F	A copy of Corrigendum dated 29.09.2018.	240
8	Exhibit-G	A copy of print of email received on 08.10.2018 at 6.27 pm.	241
9	Exhibit-H	Copy of relevant portions of website SNEA CHQ which with regard to Circle Conference of Bihar and Punjab Conference.	242-243
9		Last page No.	243

Mumbai

Dated :January, 2019

Sandeep V. Marne
Advocate for the Petitioners

