



All India Graduate Engineer Telecom Officers Association

(An Association of DR Graduate Engineers / Account Officers of BSNL)

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No. GS/AIGETOA/97

Dated 05-01-2015

To

Sh. A.N. Rai

The Chairman & Managing Director, BSNL
Bharat Sanchar Bhavan
Janpath, New Delhi

Subject: Notice for protest against victimization of representatives of this association raising the legitimate issues and against the authorities making mockery of the corporate culture.

Respected Sir,

With the huge disappointment this is to bring to your kind notice that this association is forced to observe **countrywide lunch hour protest on 20th Jan-15 and indefinite Dharna from 23rd Feb-15 at BSNL CO by All CHQ and Circle representatives** against the victimization of the General Secretary of this association raising legitimate issues and against the authorities making mockery of the corporate culture. This association seeks your kind intervention to stop victimization and act upon the merit of the issues. If, the issues do not resolve on merit, this association will be forced to intensify the protest. Details of the issues are given below.

- 1. Disposal of Representations/Appeal against the random salary deducted without following the departmental proceeding for the month of Aug-13, Sep-13, Feb-14 and March-14-:** in some circles specially in MP Telecom circle, DDOs have straight way lowered the basic pay for the month of Aug-13, Sep-13, Feb-14 and Marc-14 randomly on account of unauthorized leave without passing any order by competent authority and without any intimation to the officer concern which is not only against the BSNL CDA Rule, FR, SR and CCS leave rule but also against the basic principle of natural justice. In most of the cases they have deducted the HRA, Allowances, retiral benefits also along with Basic Pay and DA even for the more number of days than they remain on leave. Although most of the circles have refunded the salary so deducted but

Administration of MP Telecom Circle despite the recommendations of SSA heads is showing adamancy and still not refunded. even representations/appeal of the officers made to SSA Head/Circle Head against random salary cut are not being disposed off. It is worth here to mention that all the executives in MP Telecom Circles had applied leave well before time and many get sanctioned too. Some of the officers who's leaves were not sanctioned had not been communicated about consequences and rejection of their leave as per the provision of CCS leave rule. it is very much clear from the BSNL CDA rule, Fundamental rules and CCS leave rule that authority to decide the "No work no Pay" on account of unauthorized leave is SSA head and same cannot be applied without giving appropriate chance of hearing to the officer concern. It is very much clear from the prevailing rules and guidelines still Circle Administration has called clarification on invoking "No work No Pay" from SR Cell of BSNL CO which is pending since last 10 months i.e. more than total birth time of a baby. It is needless to mention that issuing clarification timely has no financial implication and also not against the provision of the company but despite of several letter addressed to CMD BSNL in this regard could not make any difference to the authority and clarification is still pending with SR cell of BSNL CO.

Representations/Appeal of officers in MP Telecom Circle need to be immediately disposed off with refund of salary and suitable action against the responsible authority for random lowering of Basic Pay , need to be initiated as the lowering of basic pay hence HRA, allowance and retiral benefits without following departmental proceeding is against the provision of the rules and also against the basic principle of natural justice.

2. Withdrawal of vindictive/unlawful suspension and charge sheets issued to the representatives/members of AIGETOA in MP Telecom Circle protesting against non-resolution of very genuine issues from 7th to 13th March-14 and conduction of independent inquiry: Under the banner of AIGETOA MP some of the representatives and members have protested against following long pending issues:

- I. Open Threat by CGM MP to the members to leave AIGETOA and making adverse remark against the CHQ leadership in development meeting held at Indore on 6th march-14. (Recoding available)

- II. Refund of salary and suitable action against the DDOs who have lowered the basic pay of the officers' randomly without intimation to the officer concern and without having any order passed by the competent authority.
- III. Non implementation of corporate orders in respect of EPF like digital signature, issuing EPF statement, settlement of EPF transfer cases, revised option of EPS etc. due to which almost all the direct recruits are suffering with one or other anomaly in maintaining EPF account.
- IV. Random transfer and relieving of the officers violating all the transfer policy especially in GMTD Jabalpur and Panna SSA.

Almost 35 members were peacefully protesting during lunch hour at the Circle office Bhopal from 7th March-14 followed by which GM (Admin/HR) Sh Prakash Ballal has called representatives for discussion on 12th March-14. During the discussion GM (Admin/HR) instead of resolving issues on merit, has started threatening for suspension, charge sheets and police action if protest is not immediately withdrawn. Such adamancy and threat by GM (Admin/HR) has provoked and forced association to intensify the protest hence then the Circle Secretary AIGETOA MP appealed members through call and SMS for full day dharna followed by which GM (Admin/HR) again called the meeting of representatives and heated arguments took place over the issues. This is needless to mention that the said protest was organized under the banner of AIGETOA MP in the leadership of Circle Secretary but leaving him aside then the All India President and other three members of the association have been suspended and issued charge sheets individually under rule-36 of BSNL CDA rule without even conducting preliminary inquiry of the incident. It is worth to mention that BSNL CDA rule does not provide any such scope for fixing the unilateral and individual responsibility and serving charge sheets under rule-36 against the group activity without conducting independent preliminary inquiry.

GM (Admin) has also applied police force and filed fake FIR to police against all the protesting officers on 13th March-2014. During the Police investigation GM (Admin/HR) has submitted list of officers on 24th April-2014 against whom FIR was filed but on 26th April-2014 he has withdrawn the names of other officers except R P Shahu then the All India President of this association. It is on record that then the Circle Secretary Sh S K Gupta has collected lakhs of rupees from individual in

the name of settlement of fake police FIR, followed by which GM (Admin) Sh Prakash Ballal has written letter to police for not taking action against other officers except R P Shahu which clearly indicates that GM (Admin) has acted on targeted basis to get the favor of other officers against Sh R P Shahu and transaction of money collected by Sh S K Gupta has played great role for withdrawing the names from police FIR which need to be seriously inquired.

Apart from this Disciplinary Authority have every power to issue suspension order in adherence to the CVC guidelines but no one below the Appointing Authority has any power to decide on suspension. Four officers in MP Telecom Circle have been suspended by Disciplinary Authority and revoked without having sufficient reason as envisaged in CVC guideline and also complete report on suspension is not sent to the Appointing Authority for taking decision on suspension.

Individual suspension and charge sheets issued unilaterally and on pick and choose basis against the group and association activity without conducting preliminary inquiry and without going into the reason/merit need to be withdrawn and independent inquiry of the whole incident by shifting Sh Prakash Ballal from the post of GM (Admin) must be conducted for unbiased inquiry and fixing the responsibility of the incident.

- 3. Withdrawal of charge sheet and unilateral punishment against the General Secretary of this association for highlighting the vested interest of then the GMTD Jabalpur Sh A.C. Mishra and conduction of independent inquiry against the alleged vested interest of Sh A.C. Mishra in relieving of officers to BRABRAITT Jabalpur.** some officers from Jabalpur SSA promoted to SDE cadre through the LDCE held in March-2012 were posted to BRABRAITT Jabalpur in the month of July-13 and even circle office has relieved them to join BRABRAITT but then the GMTD Jabalpur Sh A.C. Mishra had stopped relieving of some officers from SSA on pick and choose basis just to satisfy his vested interest. General Secretary of this association talk telephonically to then the GMTD Jabalpur Sh A.C. Mishra and requested for relieving of the officers as their promotion had been badly affected but instead of considering the genuine request Sh A.C. Mishra has started threatening using unparliamentary languages. This association had highlighted through association website the threat,

wrongful deeds and vested interest of then the GMTD Jabalpur in reliving of officers promoted to SDE cadre and demanded inquiry. Sh A.C. Mishra then the GMTD Jabalpur misusing his authority has issued unilateral memorandum of charge sheets and issued punishment order of withholding of three increments with cumulative effects making reverse allegation of using unparliamentary language even without conducting inquiry. Appeal of the same was made to Director (HR) BSNL which is diverted to CGM MP and pending before him.

Apart from this Sh A.C. Mishra has initiated another disciplinary proceeding against the General Secretary of this association under rule-36 of BSNL CDA Rule against the content of the association website which highlighted his wrongful deed and vested interest in reliving of the officers. It is needless to mention that Sh A.C. Mishra then the GMTD Jabalpur had no authority to monitor the conduct of association and initiate disciplinary proceeding against the General Secretary for the act of association. Moreover BSNL CDA rule does not provide any disciplinary proceeding against such act of association in fact it is the duty of the association to highlight such corrupt activity by the top management and seek inquiry. Apart from this, it is well settled law that complinent himself cannot be disciplinary Authority. Ignoring all the rules and guidelines of the company Sh A.C. Mishra then the GMTD Jabalpur by misusing his authority has acted vindictively and just to crush the voice against his wrong deeds.

Charge Sheets and inquiry initiated by Sh A.C. Mishra then the GMTD Jabalpur under rule-36 of BSNL CDA Rule against the General Secretary of the association for highlighting his corrupt practice and seeking inquiry need to be withdrawn as charge sheets is initiated vindictively against the provision of BSNL CDA Rule and A.C. Mishra is not the Authority. Inquiry must be initiated against the alleged vested interest of Sh A.C. Mishra in reliving of officers to BRABRAITT Jabalpur. Appeal pending before CGMT MP Telecom Circle against withholding of three increments with cumulative effects need to disposed off on merit as punishment is ordered by complinent itself and without conducting inquiry with intension to crush the voice against his corrupt practice.

- 4. Suitable instruction and action against authorities of SR cell, Establishment Cell and Restructuring Cell of BSNL CO who are just**

making mockery of company rules and culture: GM (Admin) Sh Prakash Ballal has asked clarification from SR Cell of BSNL CO on 14th March-2014 and even issued reminder for the same but clarification is still pending even after passing of more than 9 months. Due to the said act of SR Cell of BSNL CO representation/ Appeal of hundreds of officers in MP Telecom Circle are pending and suffering with their random salary cut including HRA, allowances and retiral benefits and hence highly demotivated. Similarly official meeting of the committee on introduction CPSE cadre hierarchy in BSNL and finalization of standard pay scale was held on 17 Nov-2014 but minutes of the official meeting is not issued. Even attendance certificate to the participants from association side is not issued by the Establishment Cell due to which undersigned is facing problem in claiming this meeting as official visit. It is needless to mention that authorities sitting in A.C. Rooms of corporate office are not directly involved in core business of the company but they do act as policy making and facilitator by issuing clarifications to field units in case of doubt so that smooth transaction of business can take place. It is ridicules that despite several representations by this association to the authority including CMD BSNL, SR cell, Restructuring Cell and Establishment Cell of BSNL CO are reluctant to act upon which shows their level of arrogance and making mockery of the company rules and culture.

Suitable instruction and action against the authority of SR, restructuring Cell and Establishment Cell of BSNL CO needs to be initiated who are simply making the mockery of the corporate culture.

Sincerely Yours

(R P Shahu)
General Secretary

Copy to:

1. Sh. Anupam Srivastava Ji, Director (CM) BSNL CO New Delhi for kind intervention.
2. Sh. N.K. Gupta Ji, Director (CFA), BSNL CO New Delhi for kind intervention.
3. Sh. Shameem Akhtar Ji, Sr. GM (SR), BSNL CO New Delhi.