

INDIAN TELECOM SERVICE ASSOCIATION

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(Central Headquarters)



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No. : ITSA- BSNL /2019/

Date : 20.02.2019

To

The Secretary (Telecom)
Department of Telecommunications,
Sanchar Bhawan, 20, Ashoka Road,
New Delhi -110001

Subject: Non-payment/inordinately delayed payment of salary, allowances and various contributions of the ITS Officers deputed/ deployed in MTNL/BSNL - Discriminatory and improper treatment .

- Reference: 1) Our earlier letter dated 23/06/2018 on the above subject.
2) Letter No. A-11013/64/2012-Abs Cell (II-A) dated 11.03.2013.
3) BSNL letter No. 16-4/2018/CB(P) dt. 18.6.18(copy enclosed for ready reference).

Respected Madam,

With due regards we submit that we have already brought to your kind notice vide our letter under reference that the ITS officers who are deputed/deployed in BSNL/MTNL are being deprived of their basic claims and rights guaranteed to a Government servant which includes Salary, Transport allowance as per entitlement, CGHS medical facility; availing General pool Accommodation, right to seek appointment on deputation in other govt. departments, right to get repatriated back to DoT etc.

ITS officers deputed/deployed in MTNL have not been paid their salaries and other allowances for the month of January, 2019 till today i.e. 20.02.2019. Though salary was paid in BSNL in the first week of February but their GPF, leave salary, pension contribution and bank EMIs though deducted from their salaries have not been deposited with the prescribed account. Despite clear cut guidelines, disbursement of these essential contributions has been stopped by BSNL Management.

We respectfully submit that such act of the BSNL/MTNL management is in total violation of deputation/deployment order issued by DoT vide letter No. A-11013/64/2012-Abs Cell(II-A) dated 11.03.2013, which clearly lays down that

the deployed officers shall be drawing pay and allowances as are admissible to the Government officers of the equivalent grade. Such a change amounts to a major change in service condition of ITS officers detained unlawfully in BSNL and who are waiting for repatriation.

Madam, we respectfully submit that ITS officers are constrained to work in BSNL/MTNL despite their unwillingness and the unequivocal directions of the Hon'ble High Court of Delhi in petition No. WP(C) No. 22515-22518 of 2005 order dated 17.04.2012 to repatriate the officers who have not opted to get absorbed in BSNL/MTNL. Despite the said order, BSNL and MTNL have unlawfully detained our officers on degraded terms and conditions of service. It is congruous to mention that a contempt petition No CCP(C) 243/2013 is pending before Hon'ble High Court of Delhi.

Despite clear and unequivocal orders of Hon'ble Delhi High Court the managements of BSNL/MTNL have not relieved ITS officers as a result ITS officers have been constrained to work in BSNL/MTNL on Foreign Service without their willingness.

The association has already approached CMD BSNL to impress upon him to settle the issue without any further delay. During the meeting it came to our notice that these contributions have not been disbursed since October 2018. Further, the EMIs against various personal loans have also not been disbursed to banks.

Madam, the ITS officers deployed in MTNL/BSNL are also central government officers, and on joining Government service, a person does not mortgage or barter away his basic rights as a human being, including his fundamental rights, in favour of the Government. The Government, only because it has the power to appoint does not become the master of the body and soul of the employee. The association of an employee with Government is regulated by rules framed under article 309 of constitution of India. The fundamental rights, including the rights to life under Article 21 of the Constitution or the basic human rights are not surrendered by them. The provision for timely payment of salaries made in the service rules ensures non-violation of the right to life of the employees. Such acts of BSNL are in total violation of the guaranteed protection and rights granted under Article 21 of the Constitution of India. Delaying Salary or part of salary is a blatant violation the article.

Hence, it is requested to kindly direct the BSNL/MTNL management to make payment of salary and allowances every month within prescribed time (on the last date of same month) and settle all pending contributions toward GPF/LSPC. It is also requested that if BSNL/MTNL are not in the position to make payment of salary &



allowances to the deployed ITS officers, they should be repatriated forthwith in compliance of the orders of Hon'ble High Court of Delhi in Petition No. WP(C) No. 22515-22518 of 2005 order dated 17.04.2012 in letter and spirit.

We also submit that our officers are very much agitated and prepared to relinquish their charge in BSNL/MTNL and report back to DoT office, in case they are not paid their salary and allowances on the last day of the same month as per rule.

We hope that our representation is taken in right perspective and immediate necessary orders will be issued to the all concerned.

Thanking you in anticipation,

With profound regards,

Yours Sincerely,



President, ITSA

Copy to : for kind information and immediate intervention in the matter

- 1) The Cabinet Secretary to Govt. of India, New Delhi
- 2) The Secretary, DoP&T, Govt of India, New Delhi
- 3) The Member (Services), Telecom Commission, Sanchar Bhawan, New Delhi.
- 4) CMD, BSNL, BSNL Bhawan, New Delhi.
- 5) CMD MTNL New Delhi

