



BHARAT SANCHAR NIGAM LIMITED
(A GOVERNMENT OF INDIA ENTERPRISE)
SR Cell, Corporate Office
8th Floor, Bharat Sanchar Bhawan,
Harish Chander Mathur Lane,
Janpath, New Delhi-110001

No. BSNL/20-6/SR/2019

Date: 03.02.2022

To

All CGMs,
Bharat Sanchar Nigam Limited.

Subject: Clarification regarding Unions/associations facilities after consolidation of SSA (now OA) in Business Area (BA).

Sir,

I am directed to refer to the subject mentioned above and to say that references have been received from various circles seeking clarification regarding facilities to Unions/Associations, consequent to VRS and after restructuring. Clarifications sought from this office are as mentioned below:

Sl No.	Query Raised	Clarification
1.	Constitution of Councils- Merger of Circles/SSA.	Rule 12 of Rule VI of Part 1 of BSNL Recognition of Non-Executive's Unions and Representation in the council Rules states that "In case of merger or re-organization of Circles/SSAs, the circle/Local Councils shall also be re-organized accordingly.
2	Whether immunity is to be provided at Area Office level also after consolidation of erstwhile SSAs?	As per Restructuring Cell letter dated 08.03.2021, erstwhile SSA has been designated as Area Office and "merged SSAs may be read as Consolidated SSAs". Therefore, existing instructions on immunity shall be applicable (copy enclosed).

This issues with the approval of competent authority

Encl: as above


03/02/2022
(P. K. Gupta)
Assistant General Manager (SR)



BHARAT SANCHAR NIGAM LIMITED
(A GOVERNMENT OF INDIA ENTERPRISE)
SR Cell, Corporate Office
8th Floor, Bharat Sanchar Bhawan,
Janpath, New Delhi-110 001

No: BSNL/20-6/2019-SR

Dated 24.12.2020

To

All Chief General Managers,
Bharat Sanchar Nigam Limited.

Subject: Clarification related to Consolidated instructions on facility of immunity from transfer extended to Recognised Unions/Association and Support Association.

I am directed to refer to the above said subject and to say that this office has issued on 11.09.2020 a consolidated instruction on the facility of immunity from transfer to the office bearers of Recognised Representative Association and Support Association.

Associations eligible for "immunity from transfer" have expressed their concern about the provisions contained in para 2.5, which states "The concessions are not guaranteed and cannot be claimed as a matter of right. They are always subject to administrative exigencies". They have apprehended the misinterpretation and arbitrariness in its application by not granting the intended benefit of immunity without bonafied reasons.

It is clarified that intention of the Management is to provide invariably the facility of immunity from transfer to the eligible office bearers of the recognised Unions/Association and Support Association so that they may work without the fear of victimisation.

It is further clarified that the said provision contemplates a situation which may arise, when Management may not be in a position to extend the facility to any office bearer due to administrative exigencies. However, the decision of not extending the immunity to any eligible office bearer should be resorted to only in an exceptional situation and after placing such proposals with full justification for prior information to CGM concerned in Circles and Director(HR) in Corporate office.

Yours faithfully,

Encl: Copy of letter dated 11.09.2020


24/12/2020
(Sunita Arora)

AGM (SR), BSNL CO
Tel.No.011-23766063

Copy for information to:-

- (1) PGM (Pers) BSNLC.O.
- (2) PS to Director (HR)
- (3) General Secretaries of all Unions/Associations.



BHARAT SANCHAR NIGAM LIMITED
(A GOVERNMENT OF INDIA ENTERPRISE)
SR Cell, Corporate Office
8th Floor, Bharat Sanchar Bhawan,
Janpath, New Delhi-110 001

No. BSNLCO-SR/14(13)/13/2020

Dated 11.09.2020

To

All CGMs, BSNL
PGM (Pers), BSNL C.O.

Subject: Consolidated instructions on the facility of immunity from Transfer extended to Recognised Representative Association and Support Association.

I am directed to convey the consolidated instructions on the facility of immunity from transfer extended to office bearers of Recognised Representative Association and Support Association in BSNL as per enclosure attached.

Encls:- As above



(Sunita Arora)

Asstt. General Manager (SR)
Tel. No.011-23766063

Copy to:-
1. CGM (BW /EW /Arch.)
2. GS. BSNLEU / NFTE.
3. GS, AIGETOA / SNEA.

Consolidated instructions on the facility of immunity from Transfer extended to :-

- (i) **Recognised Representation Association and**
(ii) **Support Association -**

1. The facility of immunity from transfer from the CHQ/Circle/SSA of recognised and Support Association is granted under "Bharat Sanchar Nigam Limited (Recognition of Executives' Association) Rules, 2014 [BSNL(REA), REA, Rules, 2014].

The Rule 10(5) and 10 A(4) of BSNL(REA) Rules, 2014 provide that the concession of immunity from transfer from the CHQ/Circle/SSA of Recognised/Support Association is applicable to the General Secretary, Assistant General Secretary and Financial Secretary (or Treasurer) up to the recognition period of the concerned Association, irrespective of the postheld or the cadre to which he/ she belongs. The facility enjoyed once at any level viz. CHQ, Circle or SSA will not be available for the second time at the same level either in the same Association or in any other Association, in case the incumbent so joins another Association.

2. Additional guidelines issued by SR Cell in the past are given below for ready reference for considering the immunity to eligible Office bearers of Executive Associations-

2.1 Instances have come to the notice of this office that office bearers of the Associations seek immunity from transfer and later it is found that they are elected as office bearer after their transfer orders are issued. In such cases, the misuse of this facility with an intention to avoid transfer cannot be ruled out hence it should be discouraged. It is, therefore, clarified that the facility of immunity from transfer shall not be available to those who become Office bearers (as prescribed under the rules/guidelines) of:

- a) Recognised Non-Executive Unions,
b) Recognised Executive Association and
c) Support Executive Association

after the issue of their transfer order.


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2.2 Clarification on the issue of Immunity from transfer to the Office bearers to be extended to Recognized/Support Association under BSNL (REA) Rules, 2014:

Query 1: As per Rule 10(5), the facility enjoyed at any level i.e. CHQ/ Circle/ SSA will not be available for the second time at the same level. The recognition period of the Recognised/Support Association is three years. Whether same Office bearer who has availed transfer on immunity during first year 2016-17 will be eligible for immunity from transfer on the same post for next year 2017-18 or not?

Clarification : An executive holding the office bearer post in Recognized/Support Association, as specified under BSNL (REA) Rules, 2014 is eligible for immunity from transfer for the entire period for which his Association has the status of Recognized/Support Association subject to the condition that the executive continues to hold any of the three posts in the Association.

Query 2: Whether "the second time", as mentioned in Rule 10(5), means the recognition of the same Association after three years consequent to next Membership Verification or formation of next body by the concerned Association as per their bye laws.

Clarification : The second time means "The recognition of the same Association again after three years consequent to next Membership Verification and not related to the formation of next body of the Association after their internal elections". Once an executive has availed the immunity facility, he will not be eligible at the same level in Recognized /Support Association. Here the level means CHQ Level, Circle Level and SSA Level.

Query 3: The recognition period of the Majority /Support Association is three years. However, election for formation of body at Circle/SSA level is being conducted every two years by the Association as per their bye laws. Therefore, there is chance that office bearers of a particular Association may not remain the office bearer in next body formation. Clarify that immunity from transfer to the office bearer should be for full three years i.e. recognition period of Association or the period for which concerned executive/employee is office bearer whichever is less.


11/9/2020

Clarification : The immunity from transfer to the office bearer should be for the entire period for which his Association has the status of Recognized/Support Association subject to the condition that the executive continues to hold any of the three posts.

If there are several Office bearers with the same designation in an Association, the concession will be granted to only one Office bearer of each category specifically nominated by the Association.

The above clarification is applicable to Executives' Associations only.

2.3 If the office bearers working at other stations are elected at HQ/Circle /SSA levels to the corresponding posts of General Secretary, Asstt General Secretary and Financial Secretary (Treasurer) they may be brought on temporary transfer to the headquarters of the Association up to the recognition period subject to administrative convenience.

The facility of immunity is only for bringing the eligible office bearers from other station to the headquarter of the Association of the level of the body of which he is the office bearer. In other words, the immunity cannot not be availed by the eligible Office bearers from transfer for continuing at a place other than headquarter of CHQ/Circle/SSA. Example 1 - A Circle Secretary working at a station (Say X) other than the Hqtr. of the Circle office may be brought to the Circle Hqtr. Example-2: AGS, CHQ of an Association working at some other place (say Y) can be brought to Delhi. But he will not be given immunity at the place X or Y.

2.4 The concession ceases to be applicable to the above Association office bearers on promotion to higher posts.


2.5 The concessions are not guaranteed and cannot be claimed as a matter of right. They are always subject to administrative exigencies.

2.6 All cadre controlling authorities are requested to make proper entry in the disposition list indicating the details of facility of immunity availed by the executives so that such cases shall be


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taken up considering the immunity availed on the previous occasions at the time of preparation of list for transfers.


AGM (SR)
11/9/2020