



**ALL INDIA
BHARAT SANCHAR NIGAM LIMITED
EXECUTIVES' ASSOCIATION**

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No. AIBSNLEA/CHQ/GM (SR)/2014

DATED: 30.01.2014

To

**Shri Neeraj Verma,
GM (SR), BSNL Corporate Office,
New Delhi- 110001**

Subject: Notification of BSNL (Recognition of Executives' Associations) Rules-2014- – Denial of fundamental rights -reg-

Reference: BSNL Corporate Office Notification No. BSNL/31-2/SR/2009 dated 6th January 2014.

Kindly see the BSNL (Recognition of Executives' Association) Rules,2014 notified vide corporate office notification dated 6th January 2014 cited above. Under Item No.(2) (Application), it is stated as follows:-

"2. -- Application:- These rules shall apply to all the Executives' Associations functioning in Bharat Sanchar Nigam Limited whose members have taken absorption in BSNL from DOT in Executive capacity or recruited /promoted by BSNL in an Executive capacity except officers who have taken absorption in Group 'A' capacity, and who have been allowed to form separate Service Association by Government."

Implications of Rule-2.

Rule -2- as quoted above, specifies that, officers who have taken absorption in to BSNL in Group A capacity are not covered by this rule. It implies that, an officer who belonged to Group-A before absorption is not permitted to be enrolled as a member in any of the existing executives' associations. It also implies that if any such member is inducted, it will be violation of the recognition rule and may result in withdrawal of recognition as per clause No.15 of the rule.

Rule-2 further says that such categories are allowed to form separate service association by the government. The fact is that the management prevents all the BSNL absorbed ITS or allied cadre officers from joining in any of the existing executives' associations. In fact, many of them are willing to remain as members of existing associations.

A group-A post can be filled by a member-officer of the existing association by way of his regular promotion as Group-A. The same or similar post can be filled by the so called direct Group-A officer taken absorption in group-A capacity also. There is no logic in viewing these two individual officers of the same grade in different ways. But it is done so in the newly notified recognition rules. Thus there will be a situation that, out of two officers in the same cadre with same status, one can be enrolled as a member and the other cannot be enrolled. This is a clear case of discrimination and violation of various factors of the fundamental rights and thereby a violation of constitutional provisions too. Obviously a government company cannot make a rule denying the constitutional rights of any individual or section. Thus, the recognition rules notified on 6th January 2014 will be void, unless the discriminatory condition stipulated in Clause-2 cited above is removed.

We would, therefore, request you to kindly revise the defective clause to avoid unnecessary litigations.

With kind regards

Yours sincerely,
-sd-
(Prahlad Rai)
General Secretary

Copy to:

1. Shri R.K. Upadhyay, CMD, BSNL, New Delhi – 110001
2. Shri A.N. Rai, Director (EB/HR), BSNL Board, New Delhi – 110001