

UNITED FORUM OF EXECUTIVES ASSOCIATIONS COMPRISING (AIBSNLEA & AIGETOA)
CHQ, New Delhi

No: UF/CMD/RPS /16-17/2

Dated the 31st October 2016.

To,

Shri Anupam Shrivastava Ji
Chairman and Managing Director
Bharat Sanchar Nigam Limited
Janpath, New Delhi.

Subject: Delay in disposal of various cases slapped against Ex-General Secretary, AIGETOA Shri R.P. Shahu and victimization thereof and non-settlement of genuine grievances, Regarding.

Ref:

1. United Forum Letter no. UF/CMD/RPS/16-17 dated 07-10-2016
2. Your office letter no. BSNL/7-9/SR/2016 dated 27.10.2016

Respected Sir,

Reference is invited to SR Section letter under reference on the captioned subject. We are thankful to SR section that after twenty days they have come up with a reply to our submission which is nothing but a veiled threat given to the very existence of the associations in BSNL. All this while, we were thinking that management is duly considering this issue and is trying to dispose of the case on merit but it is indeed regret to mention that all this time, which management has taken, was to draft a threatening letter to the constituents of the forum in which they have denied the very existence of the issue itself.

First of all, we would like to inform that the cases which SR cell is referring to as an individual does not pertain to an individual but is a clear case of victimization of the chief executive of an institution called AIGETOA while pursuing the cases pertaining to the members. **General Secretary of any association is not an individual but he acts as the voice of thousands and thousands of the executives and any victimization of the top post is equivalent to the victimization of thousands and thousands of the executives.** We take strong objection to the verbatim used in the letter which directly or indirectly is trying to suppress the genuine voice of the executives and its representatives. **Calling the case of General Secretary, an individual case is one more step in that direction and will definitely disturb the mindset of the members of the association as well as this forum and hence it is indeed a matter of common interest.**

Further, it appears that before writing such letter in response to the forum's submission in the case of victimization Sh R. P. Shahu, the then, General Secretary of AIGETOA, HR unit has not even gone through the issues raised. Had they would have gone through the details of the issue raised, they should have been aware that the forum has never raised any individual issue to get favor and in future also it will never raise any individual issue to get any undue favor from authority.

But when, somebody acts against the provision of rules and law with misuse of the authority to victimize even an individual member or executive, the association as well forum has every right to protest against such misuse of the authority and will always raise the matter. The issue gains further significance, as the individual referred in this case happens to be an Ex-General Secretary and the cases have been slapped while pursuing the issues related to the members. It is highly unfortunate that instead of realizing the gravity of the matter and resolving the same on merit, management has chosen the path of issuing threats and which can never be accepted.

Any Referendum Rules does not give any management, the right to suppress the voice against injustice. Even before referendum, management is threatening associations and its representatives in the name of CDA and referendum rules. **Right to raise the voice against injustice is provided by Indian constitution and the same cannot be denied in the name of any rule.** The reply of GM (SR) is more like a warning letter to representative of the forum with a threat that more cases can be slapped against, Shri R.P. Shahu, the then General secretary, AIGETOA which puts a serious a question mark on existence of associations and right of freedom of speech in BSNL. **Instead of taking steps in resolving issues, management is trying to create industrial unrest by issuing threats.** We strongly object and condemn this reaction form BSNL management. With this kind of adamancy shown without getting into the details of the cases and in resolving various issues of BSNL executives, the executive associations are being forced to launch frequent agitations as HR group is not showing any seriousness in resolving the long pending HR issues of executives Though associations are trying hard to resolve the issues through mutual discussions, the failure of HR Unit of BSNL in resolving issues at appropriate time is solely responsible for these frequent unrest and agitations in BSNL. **Therefore, instead of preaching CDA & Referendum rules and issuing veiled threats, HR unit should meticulously study the reasons for unrest amongst the minds of the executives and try to resolve them on merit.**

In the case of Sh R P Shahu, who is not only the member of a constituent association of the Forum but also an ex-general secretary, authorities have apparently gone beyond limits of rules and laws, to suppress the voice which has been raised while fighting for the rights of the members and that may have created uncomfortable situation for some. **We would like to further emphasize, that to represent the matters pertaining to the principle of natural justice, request from any individual is not needed, hence citing CDA rules to tell that Shri R.P. Shahu is liable for action for something in which he is not even involved, proves our contention that he has been victimized just because he raised voice against injustice and with this reiteration by management, it is also proved that management instead of trying to create congenial environment, is prepared to go to any extent to suppress the voice against injustice.** We as representatives of a responsible association cannot watch silently on such gross injustice and any attempt by management to crush the voice shall be resisted lock, stock and barrel by the members of the forum.

We again want to emphasize that the forum is not raising the disciplinary issue of Sh R. P. Shahu but raising the voice against the authorities who are violating the disciplinary procedure to victimize the ex-general secretary of AIGETOA. We once again would like to bring to your notice, the following facts of the case:

1. Sh. R P Shahu, in the capacity of the then General Secretary argued and raised the voice against non-implementation of transfer orders of some executives on promotion issued from higher office i.e. BSNL CO. Non-compliance of the orders of higher office is indeed, a violation of the rules and certainly cannot be cited as an individual case.
2. When the voice was raised by the then General Secretary AIGETOA, GMTD Jabalpur, instead of relieving the officers on promotion, issued memorandum of charge sheets followed by punishment order slapping allegation of misconduct on the then General Secretary, AIGETOA.
3. It is well set law and basic principal of natural justice that complainant himself cannot be judge in his own case but the then GMTD acted as complainant as well as judge in issuing punishment order to Sh R P Shahu without even conducting any inquiry and without giving him even chance of being heard.
4. Appeal case of Sh R P Shahu is pending before O/o Director (HR) for more than one year without citing any reasons which is against the provision of disciplinary rules. Even Sh R P Shahu was called for personal hearing in the month of April 2016 but was not even supplied with attendance certificate and order sheet. As a result, he could not even claim his TA/DA as per the provision of the rules. This again spells injustice.
5. Sh R P Shahu was served one more charge sheet under rule-36 of BSNL CDA Rule by the same officer for the content of the association website updated during his tenure of General Secretary. GMTD Jabalpur/SSA Head was neither the authority to monitor the act of Association nor the disciplinary authority for the representatives of the association but the action was taken by the GMTD apparently beyond his authority and served charge sheet to Sh R P Shahu against the act of the association. All limits of the justice has been broken with this charge sheet running since last three years without any inquiry or action. SR cell, instead of taking remedial action, is citing it as an individual case, which adds further impetus to the victimization.

Going through the above facts, it is again clarified that this forum is raising the voice not in favor of Sh R P Shahu but

1. Against the act by authorities for crushing the genuine voice.
2. Against the violation of rules and basic principle of natural justice in victimizing the representatives of any Association.
3. Against the delay in disposing off the appeal cases on merit and time limit set by the provisions of the rules.

We sincerely hope that call of the forum shall be taken with due consideration and management is requested to dispose of the cases on merit as per the provision of the rules without favoring any officer. Further, the forum also requests to conduct an independent inquiry in relieving of the four officers from Jabalpur and ascertain if authority has been misused in issuing punishment order without conducting any inquiry and issuing charge sheet to the then General Secretary for website content.

Vide the letter under reference at Sl. No. 1, we tried to avoid conflict with a sincere hope that management will respond positively by disposing the case on merit, but from GM SR Office letter under reference, the intent of management is quite clear

and calling this issue, an individual issue, which is closely associated with faith and belief of the executive in system and in particular in HR practices of BSNL, management has gone one step further in rubbing salt to an already non-healed wound. **We have left with no option but to launch immediate protest action as sitting silent on the issue just on the pretext of forthcoming referendum, will be equivalent to failing in duty of the association to act as watch dog against any injustice and wrongful acts. We cannot let HR group enjoy a HR holiday on the pretext of the referendum.**

Accordingly, we hereby serve the following organizational action program to protest against the unjustified act of management and to request management to resolve the issue:

Demands:

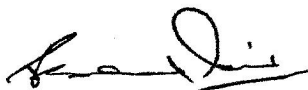
- 1. Disposal of various cases slapped against Ex-General Secretary AIGETOA Shri R.P. Shahu on Merit.**
- 2. Independent enquiry into the whole case as raised and submitted by the Ex-General Secretary Sh. R.P. Shahu.**

Protest action Program:

1. 15th November 2016: Lunch hour Demonstration at all SSA/Circle/BSNL CO.
2. 23rd November 2016 : One day Dharna at SSA/circle/BSNL CO
3. Non-Cooperation along with Black Badges shall also be in effect from 23rd November 2016 till resolution of the issue and
4. 30th November 2016: One day Dharna at BSNL CO. All Executives across the country will gather at BSNL CO.

Still at this belated stage, we feel that management will take cognizance of the seriousness and sentiments of the people associated with the issue and will dispose of the cases slapped against Shri R. P. Shahu, the Ex-General Secretary AIGETOA **on merit** and will not compel us to intensify the program further. In case, management do not take cognizance of the issue, responsibility of the industrial unrest shall lie on Management.

*With kind regards,
Yours Sincerely*


(PRAHLAD RAI)
GS, AIBSNLEA
9868278222

31/10/2016


(Ravi Shil Verma)
GS, AIGETOA
8373967633

Copy to:

1. Smt. Sujata.T. Ray, Director (HR), BSNL Board
2. Shri N.K. Gupta, Director (CFA), BSNL Board.
3. Shri N.K. Mehta, Director (Enterprise), BSNL Board
4. Shri R.K. Mittal, Director (CM), BSNL Board
5. Shri Dev Chakraborty, Sr. GM (Pers), BSNL CO
6. Shri A.M. Gupta, GM (SR), BSNL CO.
7. Shri S.K. Sinha, GM (Admin), BSNL CO