

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



**Central Headquarters
New Delhi-110001**

**President
P. Venugopal**
Mob:09443200177
E-mail:presidentaibsnlea@gmail.com

**General Secretary
Prahlad Rai**
Mob:9868278222
E-mail:gsaibsnlea@gmail.com

**Financial Secretary
T.C. Jain**
Mob:9868188748
E-mail:tcjain_1957@yahoo.co.in

No. AIBSNLEA/CHQ/Dir (HR)/2016

Dated 02nd May 2016

To,

Shri Anupam Srivastava
CMD BSNL
New Delhi -110 001

Subject: Sexual Harassment of woman employee at workplace- Case of Smt.V.K.Sobha, SDE --Inert and negative attitude of the Kerala Circle administration in disposing the victim's complaint by favoring culprits instead of giving justice to victim--violating Govt. of India Acts and Rules by the Company-reg.

Respected Sir,

It has come to our notice that, a letter No .DGM (Admn/HR) /Genl/2016/Pt.I/47 dated 25th April 2016 has been issued by the DGM (Admn. /HR) office of the Chief General Manager Telecom, Kerala Circle, Trivandrum addressed to all GMs / Chief Engineers attached to CGM's office , on the subject matter " Ratification of decision taking during the period from 23-9-2015 to 30-10-2015".

The full text of the said letter is reproduced below:

"No. DGM (Admn/HR) /Genl/2016/Pt.I/47 dated 25th April 2016

To

PGM (NWO-CM)/PGM (Finance)/ALL GMs, Circle Office/Chief Engineers(Ele)/Civil. Sub: - Ratification of decision taking during the period from 23-9-2015 to 30-10-2015.

Corporate office has clarified that Shri. L.Anandaram is the CGM from 23-9-2015 onwards. Accordingly all the orders and approvals issued by Shri M.S.S Rao during the period from 23-9-2015 to 30-10-2015 may be put up for ratification or otherwise. Necessary action may be taken by the concerned units.

Sd/-

DGM (Admn/HR)

O/o Chief General Manager, Telecom, BSNL Trivandrum."

Though it appears to be a simple communication on the matter of regularizing some sort of administrative lapse, we cannot simply take it without a pinch of salt. We have reasons to sense behind this the presence of some hidden schedule framed in collusion with the leadership of a trade union and an association desirous to bailout some of their activists involved in heinous anti-women activities amounting to criminal offense of harassment of women at work-place.

The wordings "**ratification or otherwise**" mean that the present circle administration wants to ratify some routine orders and on the same time wants to invalidate certain decisions related to disciplinary actions initiated during the period from 23-9-2015 to 30-10-2015 in Kerala circle. It is noticed that one of the associations is now celebrating this letter in websites. They wanted to quash all disciplinary actions now under process against the culprits involved in the "mass harassment of woman employee at work-place" in CGM's office at Trivandrum happened on 1-9-2015.

. Continued..2

The fact is that, Shri. M.S.S.Rao continued in the office of CGM Kerala circle and held the post of CGM Kerala for the above cited period from 23-9-2015 to 30-10-2015 legitimately and lawfully.

On 16.9.2015, Shri. L. Anantharam, the present CGM was transferred from the post of Senior General Manager, West Godavari Telecom District, AP Circle in the place of Shri. M.S.S. Rao. In that transfer order, there was a direction to Sri. MSS Rao to remain on 'compulsory wait' without transferring him to any post. Shri. M.S.S. Rao who was holding the post of Chief General Manager, BSNL, Kerala Circle challenged the afore-said transfer order in OA No. 180/00734/2015 before the Central Administrative Tribunal, Ernakulum Bench. The Central Administrative Tribunal admitted the Original application on 18.9.2015; however did not grant interim stay of the said transfer order. Shri M.S.S Rao, then challenged the afore-said interim order dated 18/9/2015 in OP (CAT) No.153/2015 filed before the Hon'ble High Court of Kerala. After hearing both sides, the Hon'ble High Court of Kerala disposed of that OA by judgment dated 23/9/2015.

In Para 9 of the judgment the Hon'ble High Court court stated, "*..... it is not necessary to disturb him, until the matter is finally adjudicated by the C.A.T, in accordance with the directions that we proposed to issue. In this context, we take notice of the contention of the learned counsel for the BSNL, that the third respondent has taken charge today in the morning. Since he is a junior officer, it is only appropriate that he hands over charge to the petitioner immediately.*" In Para 10(i), the order states "*Ext.P3 order of the Central Administrative Tribunal is set aside to the extent it has disallowed the interim relief sought by the petitioner*". In Para 10(iii) the order states "*in the meantime, Ext. P1 shall be kept in abeyance and the petitioner shall be permitted to continue as the Chief General Manager of BSNL, Kerala Circle*".

In compliance to that order Shri. M.S.S. Rao continued to function as the Chief General Manager of BSNL, Kerala Circle. The BSNL did not obtain any stay order for this from the appropriate court of law. Accordingly, for Shri. M.S.S.Rao, it was obligatory and lawfully to continue in the post of CGM, Kerala Circle, till it is revised by the apex court.

When it was challenged by BSNL in SLP (C) No. 29617 / 2015, the Hon'ble Supreme Court by order dated 30-10-2015, granted leave and disposed of the appeal and passed the following order:-

"Learned Additional Solicitor General appearing for the appellants makes a statement before us that respondent No-1 will not be transferred out of Trivandrum. He further says that respondent No-1 will be posted as Principal of the Regional Training Telecom Centre, Trivandrum and that the post will not in any manner be subordinate to the Chief General Manager, which respondent No-1 is currently holding. The transfer of the petitioner will not affect his salary, benefits, perquisites and conditions of service. In view of the above, the impugned judgment of the High Court is set aside to the limited extent that the transfer of respondent No-1 has been kept in abeyance. The Tribunal is not precluded from deciding the case within the time schedule given by the High Court. The Civil appeal is disposed of."

As per the order of the Hon'ble Supreme Court dated 30/10/2015 in CA No. 9183 / 2015, the judgment of the High Court is set aside to the limited extent that the transfer of respondent No-1 has been kept in abeyance. Obviously, this cannot have a retrospective effect, but became effective only on 30-10-2015, i.e, on the date of disposal of the civil appeal. Accordingly, the continuance of Shri M.S.S.Rao in the office of CGM, BSNL, Kerala circle was legitimate and his holding the post of CGM Kerala during the period from 23-9-2015 to 30-10-2015 was lawful. These being the facts, it is a needless and futile exercise at this stage, to establish that Shri. L.Anandaram was the CGM for the period from 23-9-2015 to 30-10-2015.

Continued..3

Even then, we are not against the decision/ proposal of the present circle administration to ratify the orders and approvals issued by the former CGM Shri. M.S.S. Rao during the period from 23-9-2015 to 30-10-2015, if it is with a true spirit and intention for regularization. **But we are apprehensive and unhappy in its move to undo or revise the disciplinary action initiated during that period against the wrongdoers involved in “harassment of woman employee at work-place” happened on 1-9-2015 in CGM’s office at Trivandrum.** If the ratification is proposed purely on some technical grounds, then all proceedings of the disputed period should be ratified by the authority, but should not be altered or revised to any extent. **If certain bold and unavoidable decisions related to disciplinary proceedings against offenders taken by the incumbent CGM during 23-9-2015 to 30-10-2015, are going to be nullified in the guise of such illogical grounds, we would say that the administration lacks will-power to resist the muscle-power of miscreants and shamefully colludes with their hateful egotism.**

It is reiterated that the written complaint filed by Smt. V.K. Sobha, SDE (PR) a member of this association, against some trade union activists who abused and sexually harassed her on 1-9-2015 while she was attending an official meeting in the office of the CGM, BSNL, Kerala circle, in the presence of CGM and several higher level officers, still remains unsettled. Unfortunately the BSNL administration which is supposed to act strictly in accordance with the stringent provisions contained in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013, has been adopting a very inert attitude in this case, often taking steps favoring the culprits instead of imparting justice to the victim. The Company could not dispose the petition submitted by the victim even within six months, but it remains unattended and unsettled now after a long period of eight months.

Now we infer from the letter No. DGM(Admn/HR) /Genl/2016/Pt.I/47 dated 25th April 2016 of Kerala circle,(quoted above) that, they are further attempting to erase the case citing technical grounds based on illogical reasoning, as detailed already. You are hereby requested to refer all our previous correspondences and personal discussions in this regard and make an immediate interference to ensure that full justice is done to the victim of sexual harassment and the culprits are awarded with befitting punishment in accordance with the law of the land.

It is also requested to please take notice that if the company continues the same inert attitude and give further harassment to the victim, this association will be forced to start appropriate agitation programs without serving a further notice.

Hope your good self will realize the seriousness of the issue and do justice to the affected member.

With kind regards

Yours Sincerely

Sd/-
(PRAHLAD RAI)
General Secretary

Copy for kind information & necessary action to:

1. Shri N.K. Gupta, Director (NWP-CFA), BSNL Board, New Delhi-110001
2. Smt. Sujata Ray, Director (HR), BSNL Board, New Delhi-
3. Shri D. Chakraborty, GM (Pers.) BSNL CO New Delhi-110001
4. Shri A.M. Gupta, GM (SR) BSNL CO New Delhi-110001