



P. Abhimanyu
General Secretary

BSNL EMPLOYEES UNION

Central Head Quarters

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Main Recognised Representative Union.
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BSNLEU/204 (NC)

08.10.2020

To,

Shri Arvind Vadnerkar,
Director (HR), BSNL &
Chairman, National Council,
Bharat Sanchar Bhawan,
H.C. Mathur Lane,
Janpath, New Delhi – 110 001

Sir,

Sub: - **Deadlock created by the Management in holding the 39th meeting of the National Council – requesting to take necessary corrective step - req.**

We wish to bring the following to your kind notice, for favour of your kind consideration and appropriate action.

It is regrettable that, the 39th meeting of the National Council, scheduled to be held online on 07.10.2020, could not be held. This meeting has been organised much belatedly, as a result of which a lot of serious issues of the Non-Executives have got accumulated. It is unfortunate that, these issues could not be discussed yesterday.

The developments which compelled the Main Recognised Union to boycott yesterday's National Council meeting, is nothing but a creation of the Management. We accuse that the misuse of official position, as well as the playing of double game by some in the Corporate Office, has thrown the entire National Council into a limbo.

BSNLEU has already made it amply clear that, it is not against the nomination of a non-member, by the Second Recognised Union. Whereas, BSNLEU only demands that, this right should be extended to it also. In fact, based on the direction of the Hon'ble Kerala High Court, BSNLEU has already demanded, vide it's letter no.BSNLEU/204(NC) dated 05.02.2015 that, the Union should be permitted to nominate non-members to the Staff Side of the National Council (copy of the letter enclosed).

The Hon'ble Kerala High Court, in it's direction given on 04th September, 2013, in the W.P.(C) No.13605 of 2013, has emphatically told that, it is the discretion of the Management whether to accept, or not to accept the nomination of a non-member, given by the Recognised Union. We are reproducing hereunder, the relevant portion of the order of the Hon'ble Kerala High Court.

“This Court had while issuing the interim order directed the 2nd respondent not to induct or grant membership to anyone of the Unions which has not secured the prescribed 7% votes in the referendum. Admittedly for a Union to nominate a member to the various councils acquiring 7% of the votes is the mandate. That being the position, I do not find anything wrong with the interim order, but in view of the doubt expressed by the learned counsel for the 3rd respondent, I clarify that the direction to the 2nd respondent is not to accept nomination of any of the Unions which has not secured 7% votes in the referendum. ***If the qualified Unions give any such nomination, it shall be open for BSNL to take appropriate decision in the matter.***”

As per the above direction, the Union which has not secured 7% votes, has no right to nominate its member to the Councils. However, if the Qualified union nominates a non-member, it is open to the Management, to accept or not accept. Thus, the Management will be well within its power to accept the nomination of a non-member, made by the Recognised Union.

It was unfortunate that the Management did not consider our above mentioned request at that time. However, now that the nomination of a non-member by the Second Recognised Union has been accepted by the Management, we demand that the same right may kindly be extended to the Main Recognised Union also, which is quite consistent with the direction of the Hon'ble Kerala High Court. By doing so, the Management can rectify its discriminatory decision and can thereby break the deadlock that has been created in the holding of the 39th meeting of the National Council.

We request you to kindly look into the matter and to take appropriate decision to break the present stalemate.

Thanking you,

Yours sincerely,



[P. Abhimanyu]
General Secretary

- Copy to: (1) Shri R.K. Goyal, PGM(Pers.), BSNL C.O., Bharat Sanchar Bhawan, Janpath, New Delhi – 110 001
(2) Shri Saurabh Tyagi, Sr.GM(Estt.), BSNL C.O., Bharat Sanchar Bhawan, Janpath, New Delhi – 110 001
(3) Shri A.M.Gupta, Sr.GM(SR), BSNL C.O., Bharat Sanchar Bhawan, Janpath, New Delhi – 110 001
(4) Shri Ashutosh Gupta, GM(Admn.), BSNL C.O., Bharat Sanchar Bhawan, Janpath, New Delhi – 110 001
(5) Ms. Samitha Luthra, GM (Rectt.), BSNL CO., Bharat Sanchar Bhawan, Janpath, New Delhi – 110 001
(6) Shri Manish Kumar, GM(Restg.), BSNL C.O., Bharat Sanchar Bhawan, Janpath, New Delhi – 110 001
(7) Shri A.K. Sinha, DGM(SR), BSNL C.O., Bharat Sanchar Bhawan, Janpath, New Delhi – 110 001