



BSNL

Phone: Off. 23353245, 23316656, 23315677
Resi. 25706166, Fax : 011-23351877

E-mail : csingh465@gmail.com
Website: www.nftechq.co.in

NATIONAL FEDERATION OF TELECOM EMPLOYEES

BSNL

Regn. No. 4906, Dated 17/09/2001

MS-II, Q.No. 21 & 17, Atul Grover Road, New Delhi-110001

TF-05

Dated:-13-07-2022

To,

Director (HR)
BSNL Board
New Delhi.

Subject:- Unjustified treatment with 191 TSM of Darbhanga BA, regarding –
Issuance of Presidential order.

Respected Sir,

Kindly recall my submission on dated 21-06-2022 on the subject, while I met your honour in your office chamber at 5.30pm. Further we submit some more points and information in support of genuineness of conferment of temporary status and regularization as regular mazdoor of 191 casual mazdoors of Darbhanga SSA.

In Darbhanga BA (Erstwhile SSA) 191 Casual Mazdoors were conferred temporary status with effect from 01-08-1998 on the direction of Hon'ble CAT Patna in OA No.-599 of 1996 with MA 147/98, dt-18-02-1999.

The GMTD Darbhanga granted temporary status to 191 Mazdoors based on Hon'ble CAT Patna order in OA cited above. Vide No.- GMTD/DBN/DRM/2000-2001, dt-01-05-2001. Later in 2002 the Darbhanga SSA were bifurcated into three other SSA which (i) Shamstipur (ii) Begusarai and (iii) Khagaria in 2002. Again in 2003 one Madhubani SSA was also came inexistence bifurcating from Darbhanga.

Thus after all these bifurcation out of 191 temporary status mazdoors came under the jurisdiction of these new SSA's and all the SSA's regularized the those TSMs who were under their jurisdiction.

(i) Darbhanga SSA regularized 140 TSMs combined for Darbhanga and Bhagalpur vide letter No.-GMTD/ Rectt/TSM-RM/49, dt-18-07-2002.

Out of these 142 RMs came under the jurisdiction of Madhubani SSA in 2003 after bifurcation of Darbhanga and Madhubani.

(ii) The TDM Shamstipur regularized 17 TSMs as regular mazdoor as per norms and rule of regularization and no where it is mentioned that these RMs are provisional or adhoc. Hence these RMs are out of the 191 TSMs of combined Darbhanga SSA but after going through all the records and verifying working days of TSMs the TDM Shamstipur issued regularization letter for these 17 TSMs vide letter No.- TDM/SAM/E-17/TSM-REGULAR/03-04, dt-18-09-2003. According to the regularization records these RMs have got regularization without any comment thus they should be treated as regular Mazdoors and extended all the facilities including presidential orders.

- (iii) 24 numbers of TSMs came under the jurisdiction of Begusarai SSA after bifurcation from Darbhanga and these 24 TSMs were regularized as RM by the TDM Begusarai vide letter No.-TDM/BGS/A-16/Casual labour, dt-21-05-2003.
- (iv) 10 numbers of TSMs came under the jurisdiction of Khagaria SSA after bifurcation from Darbhanga and these TSMs were regularized vide No.-TDM/KHI/E-1/DRM/Part, dt-27-02-2003.
- (v) Out of 140 TSMs regularized as RM by the GMTD Darbhanga, 38 numbers of Mazdoors came later under the jurisdiction of Madhubani SSA and presently they are working under the Madhubani operational area.

All the RMs irrespective of their jurisdiction were chargesheeted under rule 36 of BSNL CDA rule, based on direction of Corporate office new delhi. It is also a vital question that in the order of Corporate office chargesheets were to be issued to 140 RMs of Darbhanga SSA only but all the RMs where chargesheeted irrespective of their working jurisdiction.

- (vi) The chargesheets where issued to all the 38 RMs of Madhubani SSA also and inquiry in each of the case initiated and completed within a time frame. All the 38 RMs were awarded with punishment of lowering their basic pay for six month or 1 year the time period of the punishment have also reached the end. Now in the name of justice these 38 RMs should be extended all departmental facility like appearing in examination and issuing the Presidential order.
- (vii) Most surprising episode of the case is that all the chargesheets were withdrawn in the year 2018 and show cause notices were issued again to all the regular mazdoors irrespective of their work place and jurisdiction.
- (viii) All most all the regular mazdoors have knocked the door of Hon'ble CAT Patna which has issued the stay orders of the so cause.
- (ix) Some of the regular mazdoors knocked the door of Hon'ble CAT Patna against denial permission to appear in the LICE of Telecom Technician scheduled to held on 31-03-2017 and again on 20-08-2017 for this the Hon'ble CAT directed the BSNL circle management Bihar to allow them to appear in the examination Vide OA/050/00684/2014, order dt-25-09-2014. Against this direction BSNL appealed a civil writ jurisdiction case No.-14740 of 2018 in the High Court at Patna. The Hon'ble High Court dismissed the writ petition of BSNL on 24-01-2020 with a direction to obey the order of Hon'ble CAT Patna.

Neither the management has moved to apex Court nor the order of Hon'ble CAT Patna approved by Hon'ble High Court Patna have been implemented.

- (x) All these Regular Mazdoors have opted to be observed in BSNL in time frame fixed by the DOT and still all the option lying in the office GM BA Darbhanga and at the headquarters of other operational area under the jurisdiction of Dharbhanga BA.
- (xi) All these RMs enrolled in ERP system and their status are showing as observed ATT with a remark that Court cases are pending.
- (xii) Dozens of Court cases are pending related to these regular Mazdoors and BSNL management is expending lot of money to defeat the genuine cause of the Regular Mazdoors working since 1985 as Casual Mazdoor, with temporary status from 1998 and after regularization from 2002 – 2003 almost all have contributed for this organization for more than 35 – 40 years and some have retired and died and all most all are at the verge of retirement the management should give a sympathetical consideration ignoring the list lacuna of the case and taking consideration of more merits as submitted above of the case.

Some special features of the case:-

- (i) The then GM, DGM, DE (admin) were chargesheeted on complaint to do over look the lacuna at the time of granting temporary status as well as regularization as RMs, but they are exonerated from the charges and paid all the retirement benefits. Question is that when the officers concerned for the granting temporary status and regularization as RMs are not found guilty in the enquiry, how these poor workers who worked as labourer since 1985 are being harassed upto end of their carrier and life.
- (ii) In the list of 191 TSMs one Shri Hari Kant Jha placed at Serial No.-1 was expired, his widow is getting family pension and recruited on CGA.
- (iii) The screening committee/DPC constituted at the time granting TSMs and regularization have not mentioned any adverse entry in the file.
- (iv) The Presidential order have been issued to – (a) Shri Jagdish Sah T.T. serial No.-170 in the list of 191 TSMs who working at present under ETR Madhubani.
(b) Mithilesh Kumar Sah at serial No.-94 in the list of 191 TSMs of Darbhanga SSA. Whether all the charges which are troubled the other TSMs of the list 191 TSMs are not applicable to these two RMs because they are shifted under ETR?
- (v) Shri Manchit Prasad RM from that 191 group have been transferred to Muzafferpur and he was allowed to appear in LICE for Telecom Mechanic and promoted as Telecom Mechanic now he took VRS.

Further the question arise that right from 2001 onward verification of genuineness of the initial Mazdoors have not been done by the management on this point also the Hon'ble High Court Patna in case number 14740 of 2018 have mentioned a remark in favour of the employees of this 191 group of temporary status.

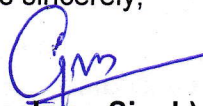
Beside these points several other valid points are also there which can be located on perusal of all the relevant records lying in the different offices of operational area as well as at Darbhanga BA.

Under the facts circumstances and facts mentioned above, we request your honour to kindly consider the case sympathetically to extend justice to a big number of suffering employees who have contributed a lot within 40 years for the nation through DOT and BSNL.

All the relevant documents are enclosed for ready reference.

With deep regards,

Yours sincerely,


(Chandeshwar Singh)
General Secretary