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TELE LABOUR

Organ of National Federation of Telecom Employees (BSNL)

Regd. No. 4906 dated : 17.9.2001

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February, 2011

Editor - General Secretary

Vol. LVI No. 2

BLOODLESS REVOLUTION IN EGYPT

The Great people of Egypt revolted against dictatorship, despotic rule, unemployment and corruption. The Egyptians followed the path of Ahinsa, preached by Mahatma Gandhi, to topple the dictator who ruled for 3 decades.

We salute the people of Egypt.



FATE to be decided within Two Years

The NFTE-BSNL has maintained from house top that the verdict of the workers in 5th verification will decide the future of company and workers both. This has not been without valid reasons. Today the BSNL is in loss due to utter neglects by DoT/Govt. and management for last six years. The union at the helm of affairs during the period was also not at all serious on the issues confronting the company. The workers have been apprised of during campaigns not only with the grim picture of the company but also the how the interests of employees have been ignored in promotion scheme, Wage Revision, 78.2%, IDA merger, Bonus, CDA Rules 2006, SC/ST reservation, Pension Rule etc. However, the workers gave verdict in favour of status-quo for another two years which NFTE has already accepted with all humility and hope that the workers issues will be resolved and company protected by the majority union.

In last six years the NFTE took part in all the struggles sponsored by BSNLEU forgetting their past approach towards our struggles upto year 2004. We have no hesitation to reiterate that the taste of participation in the so-called joint struggles sponsored by BSNLEU had been bitter as issues could not be clinched and settled due to lack of seriousness. The NFTE had a very bitter

and painful taste in December, 2010 strike as during the struggle period itself they propagated that the **NFTE is divided in two parts**. This was enough to understand if the **BSNLEU was serious about the interest of company and workers or for disruption of NFTE**. The *conduct and behaviour of BSNLEU in December struggle period was most unbecoming and unprecedented no responsible union will indulge in disruption at the time of struggle*. We have to keep all these in our mind and heart for any truck with BSNLEU in future. *NFTE can neither be party for ruination of the BSNL nor for mortgaging the interest of workers*.

NFTE will strive hard to strengthen further the BSNL Workers Alliance to safeguard the interest of employees. ■

Pension Revision of pre 2007 retirees

Cabinet has already approved the pension revision proposal and orders are most likely to be issued by DoT within February, 2011. Internal Finance of DoT is taking time in vetting the orders.

Retirees will get benefits of 68.8% IDA merger and 30% fitment like serving employees. ■

Parliament March on 23rd February, 2011

The Central Trade Unions viz INTUC, AITUC, CITU, HMS etc. are organising Parliament March on 23rd February against Disinvestment etc. in PSU.

NFTE Secretariat met on 9th February and decided to participate in the programme with full force. ■

Before the Honourable High Court of Kerala at Ernakulam

(Special Original Jurisdiction)

W.P.(C) No. of 2010

National Union of BSNL Workers (FNTO) : Petitioner

Vs.

Union of India and others : Respondents

SYNOPSIS

The petitioner is a registered Trade union represented by the Assistant General Secretary. The petitioner along with other Union were repeatedly requesting respondents 1 and 2 to make necessary arrangements in the Code of Discipline (COD) to suit the present needs of the employees of the 2nd respondent. As pressure mounted on the issue of framing a new COD for BSNL, finally the management called a meeting on 16-9-2010. In that meeting, 11 Unions favoured the change of existing COD. In the same meeting, the Chairman of the 2nd respondent Informed the participants about the tentative programme for elections. Even though the petitioner demanded Intervention of the 3rd respondent informed the participants about the tentative programme for elections. Even though the petitioner demanded Intervention of the 3rd respondent, no action was taken by the 3rd respondent.

At present, the Management has reorganized only two association on adhoc basis and extended facilities to them. To evolve a consensus between the 2nd respondent and the unions, a meeting is to be convened under the Chairmanship of chief a Labour Commissioner to make necessary amendments requesting for modification of the existing COD, no action was taken.

The attitude of respondents 1 to 3 in making necessary amendments to the cod to suit the present day needs of the employees is arbitrary, illegal and unsustainable and it violates article 14 of the Constitution of India. So also, the current COD is violative of Article 19(1)© of the Constitution with guarantees freedom of association. There was no representation for the 3rd respondent in the meeting held on 16-9-2010. Hence the writ petition for a direction to respondents 1 to 3 to frame new set of COD before the 5th Membership Verification to elect a majority union of non-executive in BSNL incorporating the provisions to ensure more than one trade union to be recognized is finalized and for other reliefs.

Dated this the 22nd day of November, 2010.

Counsel for the petitioner

**Before the Honourable High Court of
Kerala at Ernakulam**

(Special Original Jurisdiction)

W.P.(C) No. of 2010

Petitioner:

National Union of BSNL Workers (FNTO)

FNTO Bhavan,

LIG 575, Ponampilly Nagar, Cochin-682036
Represented by its Assistant General Secretary
Sri. K.K.Gopakumar,
'Premalakshmi', B.T.S. Road,
Edappally, Kochi - 382024

Respondents:

1. Union of India,
Represented by its Secretary,
Ministry of Communications and Information
Technology,
Electronics Niketan, Lodhi Road,
New Delhi - 110 003.
2. Bharat Sanchar Nigam Ltd.
(A Government of India Enterprise)
Represented by its Chairman and Managing
Director,
BSNL Corporate Office,
8th Floor, Bharath Sanchar Bhawan,
Harish Chander Mathur Lane, Janpath,
New Delhi - 110 001
3. The Chief Labour Commissioner (Central)
Ministry of Labour & Employment,
Shram Shakti Bhavan,
Rafi Marg, New Delhi - 110 001
4. National Federation of Telecom Employees
BSNL
Represented by its National Deputy General
Secretary
C.K. Mathivanan,
No. S.4, Sayani Complex,
354, K.H. Road, Ayanavaram,
Chennai-600 023.
and others

**Memorandum of writ petition (CIVIL)
Filed under Article 226 of the
constitution of India**

Statement of Facts

The petitioner is a registered Trade union with the Register of Trade unions having registration No, 4897. The Assistant General

Secretary is authorized to represent the petitioner. The 1st respondent is the union of India, the 2nd respondent is the Bharat Sanchar Nigam Ltd. (BSNL for the sake of brevity), a Government of India Enterprise owned and controlled by it and the 3rd respondent is the Chief Labour Commissioner (Central). Respondents 4 to 16 were arrayed as formal parties, Since no relief is sought against them.

2. The 2nd respondent is an Instrumentally of State within the meaning of Article 12 of the Constitution. The 2nd respondent is in existence on and from 1.10.2000 and consists of about 2.5 lakhs non-executive employees.

3. The employees working in the erstwhile Department of Telecom, Telecom Services and Telecom Operations (DOT, DTS and DTO) of the 1st respondent were transferred on deemed deputation to BSNL Two meetings of BSNL management with all the Federations/Associations/Trade Unions of the employees that existed in the erstwhile DOT, DTS and DTO were held on 22.8.01 and 28.9.2001. In these meetings, decision were taken with regard to the process for recognition of majority/representative trade union in BSNL. Among other things, It was decided that BSNL is an Industry/establishment and that the majority/representative trade union which will represent the non-executive employees will be elected through secret ballot as per the guidelines of Ministry of Labour and not through secret ballot as per the guidelines of Minister of Labour and not through check off system. Even though there was no consensus on the 'code of Discipline' (COD for the sake of brevity). It was forced on the Trade Unions. The Unions were having no other option but to accept the out dated COD. Accepting the same was a pre condition to participate in the verification. Several

circulars and instruction have been issued by BSNL management clarifying many aspects of the COD from time to time. Under the COD, amongst other things, it was drawn up that membership verification through secret ballot will be held biennially for electing majority/representative trade union at the National and at the circle levels. Thus, 4 biennial elections have been held. There are 35 telecom circles across the length and breadth of India and election was held in all the 35 telecom circles. All the cumulative valid votes polled in all the 35 circles put together are counted and majority/representative trade union is elected.

4. COD evolves from the procedure/guidelines for deciding majority representative union formulated at the 16th session of India Labour Conference held in May, 1958 at Nainital.

5. The non-executive employees, who need to get any of their grievance redressed or who need to make any representation to the management have to necessarily go through the trade union or any other mode is impermissible and is in fact deprecated by BSNL management. This is in fact contra to the provisions and facilities extended to Trade unions under Trade union Act, 1926. In this view of the matter, the recognized/representative trade unions are given certain privilege such as office space, telephone lines and office bearers. Considering the volume and size of the establishment/industry, one representative trade union is grossly inadequate. There is provision for a second recognition at the circle level, In the event of any trade union securing more than 51% valid votes polled at the circle level, but for a trade union to become a representative trade union at the National Level by securing the highest number of votes/ The only condition is

that is should not secure less than 15% of the valid polled in the biennial secret ballot.

6. Until now, 4 Verifications of membership are over, once in two years thorough secret ballot. The recognized union, owing to its minority character is unable to cater to all cadres and sections of working numbering 2.5 lakhs and there is sever exploitation of non-executive employees due to this factor. Further the BSNL has also gone on loss for the first time this year after its formation.

7. Right form the process of election started in 2002, *Unions are demanding a separate COD for BSNL to suit its present conditions, particularly to recognize more than one union, minimum trade union facilities to all registered unions and proportionate representation in negotiating councils as per verified strengths.* But the management has been dilly dallying in considering this request. The 3rd respondent clarified in a meeting with unions arranged by the 2nd respondent that existing COD can be modified if there is consensus among the parties. A consensus among trade unions reached to grant minimum trade union facilities to appellant union 2 years back but management did not grant saying that it is their prerogative. A true copy of proceedings dated 18-12-08 showing record of discussions and decisions taken in the meeting held on 12-11-2008 is produced herewith and marked as Exhibit P1

8. As pressure mounted on the issue of framing a new COD for BSNL, finally, management called a meeting on 16-9-2010. In that meeting, out of 13 union participated. 11 unions opposed. A true copy of the proceedings dated 20-9-2010 showing record of discussions of the meeting held on 16-9-2010 is produced herewith and marked as Exhibit P2. The issues raised by the applicant unions in connection with change of

COD are discussed in the meeting. A true copy of the issues raised by the applicant Union for the change in COD is produced herewith and marked as Exhibit. P3.

9. The recognized union expressed their view that they are holding their executive body meeting in the next 15 days and hence wanted time to decide upon the issue raised for the change in the COD. 11 Unions demanded the Chairman of the meeting to take up the issue with the top management for a decision which chairman agreed, but in the said meeting itself, the date of next election and other formalities for election were announced by the chairman under the pretext of non consensus. 9 Unions objected to the stand and walked out.

10. In Ext. P2, the record of decision of the meeting held on 16.9.2010, The Chairman informed the participants about the tentative programme of elections namely;

1. Issue of letter for inviting applications - 01.10.2010
2. Last date for submission of applications - 31.10.2010
3. Issue of notification for holding elections- 01.12.2010
4. With drawal of applications -10.12.2010
5. Date of Election - 01.02.2011
6. Counting of votes by SROs in SSA - 03.02.2011
7. Declaration of results - 04.02.2011

The petitioner demanded intervention of the 3rd respondent by submitting a letter dated 23-9-2010. In the letter dated 23-9-2010, the petitioner requested the 3rd respondent to intervene in the matter and to defer the poll with old COD till a meeting under the Chairmanship of 3rd respondent is convened. It was also requested to taken immediate ac-

tion since election process is to start from 1.10.2010. So far, no action was taken by the 3rd respondent. A true copy of the letter submitted by the petitioner dated 23-9-2010 is produced herewith and marked as ExhibitP4.

11. As for executives of BSNL are concerned, at present the management has recognized only two associations on adhoc basis and extended facilities to them. The 2nd respondent has circulated a note to give representation and facilities for unions with would have 5% stake after formal Verification of membership, It is to be submitted that in the meeting held on 16.9.2010 nether the 3rd respondent nor the Deputy Chief Labour Commissioner was Invited and there was no representative for the Labour Department of reasons best know to the 2nd respondent. The attitude of the 2nd respondent is to deal with only one union even though it did not have the majority support on its own. It is *obvious that both the recognized unions and the management are hand in glove in suppressing the genuine rights of 2.5 lakhs of employees.* Hence the majority unions *appealed for considering their demands and to conduct the 5th membership verification only after effecting required changes in the out dated COD or framing new rules to extend recognition to more than one union.* Only this will ensure democracy in the trade union functioning the collective bargaining for majority employees. That was the reason why the petitioner was insisting the 2nd respondent to make necessary amendments to the present COD and requesting the 2nd respondent to postpone the election till 5th membership verification is conducted.

12. To evolve a consensus between the 2nd respondent and the unions, a meeting is

to be convened under the Chairmanship of Chief Labour Commissioner to make necessary amendments to the COD. If the election process is started without making necessary amendments or changes to COD, serious prejudice would be caused to more than 2.5 lakhs of employees in as much as the present COD is out dated and it has to be amended with suitable changes to suit the present day needs.

13. The petitioner submitted a representation dated 30.8.2010 to the 2nd respondent requesting to modify the existing COD and the next verification of membership is to be held after adoption necessary changes in the present COD. A true copy of the letter dated 30.8.2010 is produced herewith and marked as Exhibit P5

In the above circumstances, the petitioner is left with no other efficacious alternate remedy the to approach this Honorable court by peruming this writ Petition of the following among other;

GROUND

1. The decision taken by the 2nd respondent at the meeting on 16.9.2010 for starting election process is illegal, arbitrary and against the principles enunciated under Article 14 of the Constitution of India and hence it is bad in law.

2. The petitioner is a registered Trade union of BSNL employees and there are about 2.5 about 2.5 lakhs of non-executive employees in the BSNL. The need to more than one Union is to cater the interest of large number of employees. This was not considered by respondents 1 to 3.

3. The petitioner as well as respondents 4 to 16 were repeatedly representing respondents 1 to 3 to amend the COD to suit the present day needs of the employees with

ought to have been accepted by the 2nd respondent.

4. Even though the petitioner as well as respondents 4 to 16 were representing appropriate change in the COD in respect of the employees, the union were accepting the present out dated COD since it was a precondition to participate in the Verification of Membership.

5. The COD evolves from the procedure/ guidelines for decoding majority representative union which was formulated at the 16th session of Indian Labour Conference held in May, 1958 at Nainital. The non-executive employees who need to get any of their grievances redressed or who need to make any representation to the Management have to necessarily go through the trade union which was in fact deprecated by the 2nd respondent. This is in fact contra to the provisions and facilities extended to trade union under the trade unions Act.

6. Considering the volume and the size of the establishment/industry, one representative trade union is grossly inadequate. There is a provision for second recognition at circle level, but for a trade union to become a representative trade union at the National level by securing the highest number of votes and it should not secure less than 15% of valid votes polled in the biennial secret ballot. This is an outmoded process which is against the interest of the large number of employees.

7. Even though four Verifications of membership were over, the recognized union is unable to cater to all cadres and sections of workmen numbering 2.5 lakhs and hence the unions were demanding a separate COD for BSNL to suit its present conditions. Even though it was pointed out in the meeting held on 16-9-2010, the request of the unions was

not considered and on the other hand, tentative programme for holding election was declared. This attitude of the 2nd respondent is illegal, arbitrary and opposed to the principles of natural justice. The union at the meeting held on 16.9.2010 informed the 1st and 2nd respondents that in order to evolve a consensus with regard to appropriate changes in the COD, the meeting must be under the Chairmanship of Chief Labour Commissioner, It was not considered and contrary of the demand, election process was declare.

8. It is also submitted that the COD violates Art. 14 of the Constitution of India. The representative union allowed as per the COD typically owes allegiance to a particular political party. For workers who are members/allied to a different political party, there is no means for ventilating their grievances. So, in effect only workers owing allegiance to the same political party as the representative union can ventilate their grievances, This is violative of Article 14 of the Constitution of India.

9. It is also submitted that the current COD is violative of Article 19(1)(c) of the constitution. Article 19(1)(c) guarantees the freedom of association. Freedom of association will be rendered totally illusory if the trade unions cannot carry out their functions i.e act as a forum for collective bargaining to promote the interests of workers. By allowing only for one representative union, the COD restricts the freedom of association of members of other unions. In *O.K Ghosh V.E.X.Josheph*, AIR 1963 SC 812, the hon'ble Apex Court has found that where there are restriction on the right of freedom of association, It must be bear a direct, proximate relation to the grounds on which the right under Art. 19(1)(c) can be restricted. Here is absolutely no connection between the terms of the COD pro-

viding for restricting representative union to one and the grounds enumerated In Art. 19 (1) (c) of Constitution.

10. In the meeting held on 16.9.2010, neither the 3rd respondent nor the Deputy Chief Labour Commissioner was invited and there was no representation from the Labour Department. If the Chief Labour Commissioner or the Deputy Chief Commissioner was Invited and present in the meeting, consensus regarding the amendments to the COD would have been arrived at the that was the reason why the petitioner as well as the other Unions requested for the presence of the 3rd respondent. Without heeding to the request, the 2nd respondent arbitrarily declared presence of the 3rd respondent. Without heeding to the request, the 2nd respondent arbitrarily declared process of election, which is arbitrary and against the provisions of Article 14 of the Constitution of India.

11. If election is conducted as per Ext. P& on 1.2.2011, serious prejudice would be caused to a large number of employees of the 2nd respondent in as much as the outmoded COD will have to be followed even though amendments are required to suit the present day needs of the employees.

12. In any view of the matter, the decision of the 2nd respondent declaring starting of election process is arbitrary, illegal and unsustainable and hence it is bad in law.

One these and other grounds to be urged at the time of hearing, It is most humbly prayed that, this Hon'ble Court may be pleased to:

- i) call for the records leading to Exts. P1 to P5 and peruse the same,
- ii) Issue a writ of mandamus or any other writ, order or direction commanding respondents 1 to 30 to frame new set of

COD before the 5th membership verification to elect a majority union of non-executives in BSNL Incorporating the provisions to ensure more than one trade union to be recognized, to make provision for allocation of seats in negotiating For a for trade unions proportionate to their share of votes, to adequate provision for giving facilities to trade unions which get certain specified share of votes,

- iii) Issue a writ of mandamus or any other writ, order or direction commanding respondents 1 and 2 not to notify or conduct or commence the procedure for 5th membership verification to elect a majority union of non-executive in BSNL till appropriate changes are made in the COD.
- iv) Issue which other appropriate writ, order or direction as this Hon'ble court may deem fit and proper in the facts and circumstances of the case
And
- v) award costs.

Interim relief

For the reasons stated in the Writ Petition as well as in the affidavit filed in support thereof, it is humbly prayed that this Hon'ble Court may be pleased to pass an interim injunction restraining respondents 1 to 3 from notifying, conducting or from commencing the procedure for 5th membership verification to elect a majority union of non-executive in BSNL through secret ballot process or in any manner till necessary amendments are made to the Code of Discipline to suit the present day needs of large number of employees, pending disposal of the above Writ Petition (Civil).

Dated this the 22nd day of November, 2010

5th Verification

Name of circles where NFTE-BSNL has registered victory and majority:

1. ALTTC Ghaziabad
2. Bihar
3. Chhattisgarh
4. Gujarat
5. Haryana
6. J&K
7. Jharkhand
8. N.T.R.
9. Punjab
10. Tamilnadu
11. Chennai

Headquarters extends warm greetings to comrades for victory in above circles.

Writ Petition at Ernakulam High Court

The NUBSNLW (FNTO) has filed writ Petition at Ernakulam High Court seeking provision for grant of recognition to more than one union in BSNL, Minimum TU facilities and proportionate representation in the councils.

Union has also demanded minimum TU facilities etc.

The Hon'ble High Court has passed Interim order to the effect that the result of 5th verification will be subject to orders of Court in writ petition filed by FNTO.

The NFTE (BSNL) is impleaded in the case.

The HQR has simultaneously decided to persue the case filed at Chennai High Court for grant of recognition for more than one union for redressal of staff grievances.

Verification result will depend on out come of Ernakulam's High Court decision in writ petition filed by NUBSNLW (FNTO)

In the High Court of Kerala at Ernakulam

Present

The Hon'ble Mr. Justice P.N. Ravindran

Monday the 31st day of January 2011/11th Magha 1932

WP (C) 35399/2010 (Y)

PETITIONERS"

National Union of BSNL Workers (FNTO)
FNTO Bhavan, LIG 575,
Panampilly Nagar, Cochin- 3682036,
Represented by Its Assistance Central
Secretary, Sri K.R. Copakumar,
'Premalakshmi, B.T.S. Road , Edappally,
Kochi-382024

RESPONDENTS

1. Union of India, Represented by its
Secretary, Ministry of Communications
and Information Technology, Electronics
Niketan, Lodi Road, New Delhi - 110003
AND OTHERS

Writ Petition praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to pass an interim injunction restraining respondents 1 to 3 from notifying, conducting or from commencing the procedure for 5th membership verification to elect a majority union of non-executive in BSNL through secret ballot process or in any manner till necessary amendments are made to the code of Discipline to suit and present day needs of large number of employees, pending disposal of the above Writ Petition (civil).

This petition again coming on for admis-

sion upon perusing the petition and the affidavit filed in support of the WP(C) and this court's order dated 06/12/2010 and upon hearing the arguments of Sri. K.P. DANDAPANI Section advocate along with Sri. MILLU DANDAPANI Advocate for the petitioner and of Sr. T.P.M. IBRAHIM KHAN Advocate for R1 R3 and Sri SAJI VARGHESE for R2 and M/S M.K. DAMODARAN senior Advocate along with ALAN PAPALI, P.K. VIJAYA MOHAN, P S NISHIL and O V BINDU for R10, the court passed the following.

P.N.RAVINDRAN, J

W.P.(C) NO. 35399 of 2010

Dated this the 31st day of January, 2011

ORDER

Heard the learned counsel of both sides.

2. The main contention raised by the petitioner is that the Code of Discipline, which was framed way back in the year 1958, is not in tune with the policies in other industrial establishments and organisations which recognise more than one trade union. The main relief sought in the writ petition is to frame a new Code of Discipline before holding the referendum proposed to be held tomorrow. The entitlement of the petitioner to the relief prayed for can be decided only after arguments are addressed on the issues arising for determination in the writ petition. The en-

titlement of the petitioner to have another recognised union would depend on the Code of Discipline presently in force being held to be arbitrary. In such circumstances I am of the opinion that no grounds have been made out to stay the referendum proposed to be held tomorrow. In my opinion, the interests of the petitioner can be safeguarded by directing that the result of the referendum being held tomorrow will be subject to the outcome of the writ petition.

**Verification result declared by
CRO**

No. BSNL/GM (Trg.)/CRO/2010 dtd. 4th February, 2011 to Shri Gopal Das, Chairman-cum-Managing Director, BSNL

The undersigned was appointed as Chief Returning Officer for conducting membership verification through secret ballot for electing a majority representatives union of non-executive employees in BSNL vide letter no. BSNL/5-1/SR/2010 dated 29th September,

2010. The polling was conducted on 1st February, 2011 through secret ballot throughout the country in a peaceful manner.

2. The counting of votes was done on 3rd February, 2011. On the basis of information received from all the Circles, consolidated information relating to votes polled and secured by all the 15 participating unions is furnished in the enclosed Annexure.

3. It may be mentioned that during the membership verification process, NUBSNLW (FNTO) filed a writ petition no. 35399/2010 in the Hon'ble High Court of Kerala. The Hon'ble Court, in its interim order dated 31.1.2011, directed that "the result of the referendum being conducted tomorrow will be subject to the outcome of the writ petition. Accordingly, the said election result in the Annexure is subject to the outcome of writ petition no. 35399/2010 pending in the Hon'ble High Court of Kerala. ■

1. HQr is contemplating to convene the National Executive Meeting in April, 2011. The Notice will be issued on receipt of invitation from concerned circle.
2. Shri Gopal Das, CMD, BSNL is retiring on 28.2.2011. It is uncertain who will head the BSNL PSU as selection for the post is not finalised.
3. Shri A.K. Garg, CGM Kolkata TD most likely will take over as Director (HR) from 1st March, 2011

1. एनएफटीई बीएसएनएल की राष्ट्रीय कार्यकारिणी की बैठक अप्रैल, 2011 में प्रस्तावित है। संबंधित सर्किल से निमंत्रण मिलने पर नोटिस जारी होगी।
2. श्री गोपालदास, सीएमडी 28.2.2011 को सेवानिवृत्त होंगे। अभी तक सीएमडी पद की पूर्ति हेतु चयन को अंतिम रूप नहीं दिया गया है। अनिश्चितता का वातावरण है कि निगम की अगुवाई कौन करेगा?
3. श्री ए के गर्ग, सीजीएम कोलकता टेलीकाम 1.3.2011 को निदेशक (कार्मिक) का कार्यभार ग्रहण करेंगे।

Letters to Administration

5th verification to identify the Majority Non-Executive union in BSNL.

No.TF—1/1 (C) Date 7/2/2011 to Chairman and Managing Director, B.S.N.L

Kindly refer to our communications under which we have repeatedly mentioned that the Code of Discipline is not at all applicable to non-executive unions in BSNL. The aged old Code of Discipline is applicable only in respect of Central Trade Unions. Despite this the management specially SR Cell has proceeded in an arbitrary way to conduct the verification even without taking undertaking from unions for acceptance of Code of Discipline. We have drawn the attention of management to this effect also that the role of "SR Cell" is neither fair nor impartial in the exercise.

The NFTE-BSNL has participated in the verification without undertaking for acceptance of Code of Discipline. Therefore, we are not bound as for as provisions of Code of Discipline are concerned. The NFTE (BSNL) has secured 80,300 out of 229690 votes which is almost 35%. Apart from above the

union has established majority in 11 circles and many SSAS.

Therefore, we demand that the **NFTE (BSNL) be recognized as second union to ensure redressal of staff grievances and to maintain Industrial peace.** ■

Holding of J.A.O. Departmental quota Examination.

No.TF—14/2 (C) Date 7/2/2011 to Shri Gopal Das, Chairman and Managing Director, B.S.N.L

It is learnt that the Corporate office is contemplating to notify the departmental examination for promotion to JAO cadre. The holding of the examination as per present R/R will not serve any purpose as sufficient eligible candidates will not be available for the examination in respect of 40% departmental quota vacancies. A similar situation developed in 2003-04 and at that time the R/R was relaxed and screening Test provided for the employees.

We, therefore, urge upon you, sir, to ensure that the R/R of J.A.O. is suitably modified before the notification of examination. ■

Who swooped to lower levels?

BSNLEU in its writes up has mentioned that the opponents (NFTE / FNTO) swooped to lower levels to tarnish the image of BSNLEU.

BSNLEU has also claimed credit for its initiative for joint struggle to protect BSNL.

It is widely known that during last joint struggle BSNLEU propagated that the NFTE (BSNL) is divided in two parts. Was this act of glory? It is BSNLEU which swooped to lowest act during the period of struggle after so called initiative for joint struggle. NFTE cannot forget this.

What was the achievement of joint struggles? Due to non-seriousness nothing could be achieved. Is this way to protect BSNL?

संपादकीय

भाग्यफल, अगले दो वर्षों में

एन.एफ.टी.ई. (बी.एस.एन.एन) ने जोरदार रूप से वेरीफिकेशन के समय यह बताया कि पांचवी सदस्यता जांच में कर्मचारियों के फैसले से कम्पनी का एवं कर्मचारियों के भविष्य का निर्धारण होगा। इसके खास कारण भी हैं। आज भारत संचार निगम लि. घाटे के दौर से गुजर रही है, क्योंकि सरकार तथा निगम प्रबंधन दोनों ने परिस्थितियों को नजरअंदाज किया है। इसके लिए जवाबदेह मान्यताप्राप्त संघ भी है क्योंकि इसने समस्या का आकलन करने में गंभीरता नहीं दिखाई। चुनाव प्रचार के समय हमने कर्मचारियों को केवल कम्पनी की दुरावस्था ही नहीं अपितु कर्मचारियों के साथ, नान-एक्जीक्यूटिव पदोन्नति नीति, वेतन पुनर्निर्धारण, 78.2 प्रतिशत आई.डी.ए.का जनवरी 2007 से वेतन निर्धारण में सामंजन, सी.डी.ए. 2006 जिसमें 55 वर्ष की आयु में सेवा निवृत्ति की व्यवस्था है एस.सी./एस.टी.कर्मचारियों के लिए आरक्षण पेंशन भुगतान के लिए बी.एस.एन.एल. पर बोझा डालना, नये भर्ती टी.टी.ए. के साथ घोर नाइंसाफी बोनस का नहीं मिलना, वेतन के लिए संशयात्मक स्थिति आदि से भी कर्मचारियों को अवगत कराया गया। बावजूद इसके कर्मचारियों जो फैसला दिया है उसे हम स्वीकार

करते हैं और आशान्वित हैं कि बहुमत संघ कम्पनी और कर्मचारी दोनों की सुरक्षा सुनिश्चित करेगी।

पिछले छः वर्षों में एन.एफ.टी.ई. ने सभी संघर्षों में सम्मिलित होकर निष्ठापूर्वक योगदान दिया और 2004 के पूर्व बी.एस.एन.एल इम्पलाइज यूनियन द्वारा संघर्षों के बीच किये गये व्यवधान को नजर अंदाज किया। हमें सम्मिलित संघर्षों का कटु अनुभव झेलना पड़ा क्योंकि बी.एस.एन.एल.यू. के अदूरदर्शिता के कारण समस्याओं का समाधान नहीं हो सका।

एन.एफ.टी.ई. को बहुत ही दुखद और कुट अनुभव का सामना दिसम्बर 2010 के हड़ताल के समय करना पड़ा जब एन.एफ.टी.ई. पूर्ण कटिबद्धता के साथ हड़ताल को सफल बनाने में प्रयासरत थी। बी.एस.एन.एल.ई.यू. अपने वेबसाइट के माध्यम से एन.एफ.टी.ई. को दो फाड़ होने का मिथ्या ओर भ्रामक प्रचार करते रही। बी.एस.एन.एल.ई.यू. के संघर्ष के दौरान इस गैर जिम्मेदार एवं गलत तरीके के इस्तेमाल हमें दुखी किया है अतएवं भविष्य में हमें इन तय्यों को दिल और दिमाग में रखकर साझेदारी के विषय में पुनर्विचार करना पड़ेगा।

हमें बीएसएनएल वर्कर्स एलायंस को और मजबूत तथा संगठित करके कर्मचारियों की रक्षा करना है।

23 फरवरी को श्रमिकों का संसद को कूच

23 फरवरी, 2011 को सार्वजनिक उपक्रमों के विनिवेश आदि के विरुद्ध श्रमिक वर्ग संसद को कूच करेंगे। इस आंदोलन में इंटक, एटक, सीटू, एचएमएस आदि सभी ट्रेड यूनियन्स शामिल हैं। एनएफटीई प्रस्तावित कूच में भाग लेगी। इस आशय का एनएफटीई सेक्रेटरियट ने 9.2.2011 को निर्णय लिया है।

बहुमत संघ चिन्हित करने हेतु पांचवां वेरीफिकेशन टीएफ-1/1 (सी) दिनांक 7.2.2011 सीएमडी, बीएसएनएल को

कृपया संघ के पत्रों का संदर्भ लें जिसके द्वारा संघ ने स्पष्ट किया था कि वर्तमान कोड आफ डिस्पलिन बीएसएनएल संघों पर लागू नहीं होता है। यह नियम केंद्रीय ट्रेड यूनियनों पर लागू होता है। इसके बावजूद प्रबंधन विशेषकर "एस आर सेल" मनमाने ढंग से वेरीफिकेशन की कार्यवाही की है। यहां तक कि "कोड आफ डिस्पलिन" की अंडरटेकिंग भी नहीं लिया है। संघ ने प्रबंधन का ध्यान इस विषय पर भी आकर्षित किया था कि "एसआर सेल" की भूमिका निष्पक्ष नहीं है।

एनएफटीई ने "कोड आफ डिस्पलिन" की अंडरटेकिंग नहीं दी है। अतः संघ कोड आफ डिस्पलिन के प्रावधानों को मानने के लिए बाध्य नहीं है। एनएफटीई को 80 हजार से अधिक मत प्राप्त हुआ है जो कि 35 प्रतिशत है। इसके अतिरिक्त 11 सर्किलों तथा अनेक जिलों में एनएफटीई ने बहुमत दर्ज की है।

अतः संघ की मांग है कि एनएफटीई को मान्यता प्रदान की जाय जिससे कि कर्मचारियों के कष्टों का समाधान सुनिश्चित हो।

पांचवां वेरीफिकेशन

निम्न सर्किलों में एनएफटीई बीएसएनएल ने बहुमत दर्ज किया है।

- (1) एएलटीटीसी गाजियाबाद (2) बिहार (3) छत्तीसगढ़ (4) गुजरात (5) हरियाणा (6) जम्मू-कश्मीर (7) झारखंड (8) एनटीआर (9) पंजाब (10) तमिलनाडू (11) चेन्नई।

हेडक्वार्टर इन्हें बधाई प्रस्तुत करता है।

पांचवां वेरीफिकेशन तथा लंबित मुकदमे

पांचवे वेरीफिकेशन के पूर्व एनएफटीई ने इस आशय की याचिका चेन्नई उच्च न्यायालय में दाखिल की है कि बीएसएनएल प्रबंधन संघों के मान्यता हेतु अपने नियम बनाएं। वर्तमान कोड आफ डिस्पलिन बीएसएनएल के संघों पर लागू नहीं हाता है। कोर्ट से यह भी अनुरोध किया गया है कि सभी संघों को न्यूनतम सुविधाएं उपलब्ध हों तथा एक से अधिक संघों का मान्यता दी जाय जिससे कि कर्मचारियों की समस्याओं तथा कष्टों का समाधान हो। **इस याचिका पर सुनवाई अभी तक नहीं हुई है।**

नेशनल यूनियन बीएसएनएल वर्कर्स (एफ एन टी ओ) ने केरल उच्च न्यायालय में याचिका दाखिल की। दिनांक 31.1.2011 को "स्टे" के अनुरोध पर सुनवाई करके माननीय न्यायालय ने आदेश जारी किया कि वेरीफिकेशन का परिणाम उसके निर्णय पर निर्भर होगा। एनएफटीई को भी नोटिस मिली है। मामले की अंतिम सुनवाई शेष है।

एनएफटीई हेडक्वार्टर मामले में शामिल हो गया।

घटिया कृत्य किसने किया?

बीएसएनएलईयू के महामंत्री ने लिखा है कि विरोधी संघ (एनएफटीई-एफएनटीओ) ने बीएसएनएलईयू के विरुद्ध घटिया प्रचार किया है। साथी! जरा अपने गिरेबान में झांककर लिखो। पिछले आंदोलन के समय बीएसएनएलईयू ने निम्न स्तर का प्रचार किया कि एनएफटीई के दो भाग हो गए हैं जो कि मिथ्या तथा शरारतपूर्ण था। क्या यह प्रशंसनीय कृत्य था?

Department of Telecommunications

Order No. 30-4/2008-Pen (T) Dated 24th November 20120

To

All Controller/Joint Controller of Communication Accounts, DoT Cell

Subject: Releasing Industrial Dearness Relief taking orders available on DPE Website

It has come to the notice of this office that orders for releasing Dearness Relief on IDA pattern are not being regularly received in various offices of CCA, resulting in delay in payment of Dearness Relief to pensioners.

The matter has been considered in this office and it has been decided that CCAs may download these orders form DPE Website and act accordingly. These orders are available under the url <http://dep.nic.in/newgl/glch4binde1.htm>.

डीपीई की वेबसाइट पर आईडीए रिलीफ का आदेश

डीओटी पत्र संख्या 30-4/2008 - पेन (टी) दिनांक 24.11.2010 सभी डीओटी सेल्स को

डीओटी सेल्स डीपीई की वेबसाइट पर आईडीए रिलीफ के आदेश को डाउनलोड करके कार्यवाही करें।

1.1.2007 से पूर्व सेवानिवृत्त कर्मचारियों का पेंशन संशोधन

कैबिनेट ने डीओ टी के प्रस्ताव की मंजूरी दे दी है। डीओटी फरवरी के माह में आदेश जारी कर देगा। डीओटी का आंतरिक वित्त विभाग वेटिंग हेतु समय ले रहा है।

सेवानिवृत्त कर्मचारियों को 68.8 प्रतिशत आईडीए मरजर तथा 30 प्रतिशत फिटमेंट का लाभ कार्यरत कर्मियों के भांति मिलेगा।

Glimpse of Verification campaign at Bangalore



February, 2011
TELE LABOUR

Postal Regd. No. DL(ND)-11/6105/2009-10-11
RNI NO. 47331/88

No.TF—4/5

Date 9/2/2011

To,

All Circle and District Secretaries

Dear Comrades,

The process of 5th verification is over. Despite best efforts from all corners we could not get majority. This has no doubt shocked the workers but we should not loose heart and feel frustrated. The HQR will do everything at our command to safeguard the interests of workers including belonging to our Alliance Partners. We must keep our alliance intact at all cost.

The result of 5th verification is subject to out come of verdict of writ petition filed by FNTO in Ernakulam High Court. The NFTE is a respondent and we will also involve ourselves in the case. Moreover, we have already filed writ Petition in Chennai High Court which is yet to be heard. In the mean while the HQR is taking steps for grant of recognition to second union (NFTE) as we have secured more than 80 thousands votes and established majority in 11 circles and many SSAs. The NFTE has not furnished any undertaking to accept code of discipline at the time of verification process which has been arbitrary.

Therefore, comrades ignore all propaganda and rumours and take firm stand with courage and wisdom. The disgruntled and desperate elements with the blessings of BSNLEU will try to disrupt our great organization. We, must gird up our loins to defeat their evil designs. The Hqr is keen to hold National Executive Meeting at the earliest.

With greetings.

Yours fraternally,



(Chandeshwar Singh)
General Secretary