



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

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No. AIBSNLOA/CHQ/2016/146

Dated: 29<sup>th</sup> July 2016

To

Ms Sujata Ray,  
Director (HR),  
Bharat Sanchar Nigam Limited,  
New Delhi.

**Subject: Your appeal and advisory to BSNL officers and executives – regarding**

R/ Madam,

We very much appreciate your concern conveyed in your recent appeal and advisory to BSNL Officers and Executives, regarding the growing tendency among executives/officers in dragging their service issues like transfer, etc., to Courts on flimsy grounds. You have also mentioned that “Considering the responsibility entrusted on the executives/officers in running the affairs of the Company, the attempt to use, or rather misuse, the legal machinery in disrupting the management's initiatives in maintaining the services is quite unwarranted.”

2. But it may not be out of context to say here that no officer or executive will intentionally take a decision to seek legal remedy, given the cost, time and mental agony connected with it. No one will file a case just for the fun of it. If the cases are properly analyzed, in most of the cases the concerned Executives would have been really aggrieved either by his genuine plea not being accepted or by arbitrary, and deliberate violations of BSNL Transfer Policy by the Circle and SSA administrations.

3. Our Association has brought many such violations of transfer policy to the notice of the BSNL Management many times in the past, particularly regarding violation of Para 11 (d) of BSNL Transfer Policy which stipulates that “For Territorial Circle Executives, while computing Station/SSA/Circle tenure, any stay in non-territorial Circle within the territorial jurisdiction of the Circle shall also be counted. Similarly, for non-territorial Circle executives, stay of territorial circle shall be counted while computing Station/SSA/Circle tenure”. But in CTD, Maharashtra Circle and Tamilnadu Circle these were grossly violated both in Telecom and Accounts streams. But BSNL Management never intervened to correct the violations, resulting in Executives with the longest stay still remaining comfortably in these circles while those with lesser stay being continuously transferred.

4. Some Circle and SSA Administrations misinterpret, manipulate and violate the provisions of the BSNL Transfer Policy according to their whims and fancies mostly to favor one or other association/group. There has been an alarming rise in such violations since the Executive handling HR and Administration in the SSAs/Circles happen to be the member and even office bearer of one or other association and most of them act as facilitator for his association. The Heads of the SSA/Circle either unwittingly or in some cases deliberately



oblige such HR & Admin executives. As a result innocent executives are harassed and humiliated. When their representations against such violations go unheard or rejected, they are forced to seek legal remedy.

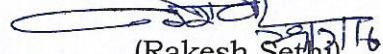
5. It is true that "A legal scrutiny of these processes, more often than not, does not provide the desired relief to the executives/officers. This has been substantiated in a number of cases imposed on the Company where the Courts have found favour with the management's action". But it is not because that the affected executives' grievance is not genuine, but because the courts do not interfere in Management's decision on matters of transfer treating it as incidence of service unless they are vitiated either by malafides or by extraneous consideration. But malafide intentions or extraneous considerations are always hard to prove. Mere rejection by the court does not mean that the grievance of the executive is not genuine.

6. If the Management considers the representations from the Executives with real empathy and acts in strong terms against any violation of the rules framed by it, need for the affected executives to knock the doors of the courts will be curtailed and will also send a strong message to the violators of rules. Failure on the part of the Management to intervene, when violations are brought to its notice, on the plea that it is for the circles/SSAs to decide, will embolden the unscrupulous elements to further perpetrate more violations which will result in more court cases.

7. We therefore request you to kindly strengthen the grievance resolving mechanism and intervene effectively whenever violations are brought to the notice of BSNL Management.

With kind regards,

Yours sincerely,

  
(Rakesh Sethi)  
General Secretary

Copy to:

- (1) Shri Anupam Shrivastava, CMD BSNL, New Delhi
- (2) Shri A. M. Gupta, G.M. (SR), BSNL Corporate Office, New Delhi.