

No.24-04/2018-SR(Part-I)  
Government of India  
Ministry of Communications  
Department of Telecommunications

Sanchar Bhawan, 20, Ashoka Road  
New Delhi 110 001.

Dated, the 19<sup>th</sup> October, 2022.

To

The Dy. CLC (Central)  
4<sup>th</sup> Floor, Jeevan Deep Building  
Parliament Street  
New Delhi 110 001

Subject: Notice served by the Sanchar Nigam Executive Association-  
Conciliation meeting by Dy. CLC (Central) on 20.10.2022 - reg.

Sir,

This is with reference to the conciliation meeting to be held on 20.10.2022 between DoT, BSNL Management and SNEA for the matters relating to Time bound promotion to all Eligible Executives of BSNL and E2 & E3 pay scales for JTO and SDE equivalent grade.

2. SNEA is an Association recognised under the Societies Act (copy enclosed) whereas Trade Unions, without an exception, are granted recognition under the Indian Trade Unions Act, 1926 (16 of 1926). In section 14 of Indian Trade Unions Act, 1926 it is specifically mentioned that the Societies Registration Act, 1860 (21 of 1860) will not apply to Trade Unions.

3. As per nature of duties assigned to them, SNEA members are responsible for managerial and administrative activities in addition to technical and supervisory roles assigned to them. Therefore, it is clear that executives affiliated to SNEA drawing salaries in IDA pay scale do not come under the definition of workmen defined under Section 2(s) of Industrial Disputes Act 1947. Similarly, it is also mentioned that any person being employed in a supervisory capacity, draws wages exceeding ten thousand rupees per mensem is not a workman.

4. Further, Schedule II and III (copy enclosed) contains list of issues which can be taken up by Industrial Tribunals for adjudication or conciliation under the Industrial Disputes Act 1947. Normally, matters involving standing orders and their interoperation, wages, retrenchment etc. are taken up for conciliation. Contrary to which, suspension and promotion matters have not been included in Schedule II and III of Industrial Disputes matters.


The matters raised by SNEA are regarding promotion, therefore, purely Administrative in nature and falls outside the purview of Industrial Disputes.

5. BSNL vide notification dated 06.01.2014 has framed the rules for the Executive Association wherein it has been mentioned that the Association eschews completely the agitational approach such as resorting to strikes or practices or conduct, which is likely to result in or results in cessation or substantial retardation of work and also to coercion or physical duress. Thus, it is clear that SNEA which is a registered Association can't take part in agitational activities similar to the Unions being registered under Industrial Disputes Act 1947.

6. In view of the recent revival package approved by the Government for BSNL, the executives should extend their support to BSNL for becoming a strategic partner in Telecom sector.

7. In view of which Deputy Chief Labour Commissioner (Central) is requested to conclude the proceedings brought before them by SNEA, without any future recourse.

This letter is issued with the approval of the Competent Authority.

  
19.10.2022  
(Manish Kumar Vimal)  
Director (SR&E)

Encl: As above

Copy to:

- 1). CLC, New Delhi
- 2). PGM (SR) CO BSNL
- 2). Director (PSU-I), DoT HQ

**CERTIFICATE OF REGISTRATION  
UNDER SOCIETIES REGISTRATION ACT XXI OF 1860**

NO. S- 56/58 of 2006

I hereby certify that "Sanchar Nigam Executives  
Association"

at: 7/55, Ramesh Nagar New Delhi - 110015

has this day been registered\* under the Societies Registration Act, XXI of 1860.

Given under my hand at Delhi on this 21<sup>st</sup> day of July

Two Thousand Six.

Fee of Rs. 50/- paid.



Rajwanshu Singh  
**REGISTRAR OF SOCIETIES  
GOVT. OF NCT OF DELHI  
DELHI**

\*This document certifies registration under the Society Registration Act, 1860. However, any Govt. department or any other association / person may kindly make necessary verifications (on their own) of the assets and liabilities of the society before entering into any contract / assignment with them.



# CONSTITUTION

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## SANCHAR NIGAM EXECUTIVES' ASSOCIATION

(Adopted in the All India Conference held from 8th to 10th April 2003 at Kanyakumari, Tamilnadu and subsequently amended in the AIC held at Bangalore from 20th to 22nd January, 2006, AIC held at Vadodara, Gujarath from 14th to 16th December, 2008, AIC held at Nanded, Maharashtra on 30th and 31st March and 01st April, 2012 and AIC held at Jaipur, Rajasthan from 05th to 07th September, 2015, AIC held at Ludhiana, Punjab from 28th November to 1st December, 2018)

- iv) To co-ordinate and form Federations and Joint Forums with organizations representing personnel in BSNL/ MTNL/ DOT and other establishments
- v) To improve telecommunication services in India.
- vi) To promote National Integration and spirit of dedication of service among the members.
- vii) To organise activities of social and cultural benefits to the members.
- viii) To deal with such other activities as shall be decided from time to time.

## 2 (b) Alignment and Affiliation

- i) The Association shall function as a non-aligned and non-political organisation.
- ii) The Association shall be affiliated to a body or organisation, which is essentially non-aligned and non-political as may be decided by the Representative Council/Central Working Committee of the Association from time to time.

## 2 (c) Head Quarters

The Association shall have its headquarters (hereinafter referred to as 'CHQ') at New Delhi.

## 2 (d) Jurisdiction

The Association shall have its jurisdiction throughout India and in places abroad where its members are deputed.

## 2 (e) Official Year

The official year of the CHQ shall be from 1st April to 31st March.

## 2 (f) Properties (Maintenance and Dispute)

- i) All immovable properties of the Association shall be registered in the name of the Association and in case of movable properties a history sheet shall be maintained at CHQ/Circle/District/Division/Branch. The General Secretary, Circle/District/Divisional Secretary shall be the custodian of all the properties of the Association at the respective levels.

Any dispute if arises in respect of immovable properties of CHQ/Circle it shall be decided by 2/3rd majority of the All India Representative Council. The decision is final and binding. In case of disputes at Branch/ District/Division level, the same shall be decided by 2/3rd majority of respective Circle Representative Council/General Body with an observer from CHQ deputed by the General Secretary. However, if the decision is not acceptable, an appeal lies with the All India Representative Council.

- iii) No immovable properties/assets of the Association shall be sold, transferred, leased or rented without the approval of the General Secretary and the respective Representative Council/General Body with the specific agenda. The Representative Council/General Body shall determine the mode of sale of said properties/assets with the approval of the General Secretary. No movable properties/assets of the Association shall be sold or transferred without the approval of the Working/ Executive Committee at respective level.

## 3 (a) Membership

Membership of the Association shall be open to all working personal belonging to Executive category in Bharat Sanchar Nigam Limited and those on deputation from BSNL.

- ii) No member of this Association shall be a member of any other (recognized/ unrecognized) service Unions/ Associations in BSNL.

- iii) Admission fee @ Rs. 10/- (Rupees ten only) per member shall be collected and retained by the primary branch enrolling a new member.

- iv) No one shall be enrolled as a member from a retrospective or prospective date.

- v) Every application for admission to the Association shall be addressed to the **District/Division/Branch** Executive committee shall have the powers to accept or reject such applications. However, re-admission of





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## **Industrial Relations FAQ**

### **FREQUENTLY ASKED QUESTIONS(FAQs)**

#### **Question 1: What are Industrial Disputes?**

**Answer 1 :** Industrial Dispute means any dispute or differences between employers and employees or between employers and workmen or between workmen and workmen which is connected with the employment or non-employment or the terms of employment or with the conditions of labour of any person.

#### **Question 2: What are the different categories of Industrial Disputes?**

**Answer 2 :** The Second Schedule of the I.D. Act deals with matters within the jurisdiction of Labour Courts which fall under the category of Rights Disputes. Such disputes are as follows:

1. The propriety or legality of an order passed by an employer under the standing orders;
2. The application and interpretation of standing orders which regulate conditions of employment.
3. Discharge or dismissal of workmen including reinstatement of, or grant of relief to, workmen wrongfully dismissed;
4. Withdrawal of any customary concession or privilege;
5. Illegality or otherwise of a strike or lock-out; and
6. All matters other than those specified in the Third Schedule.

The Third Schedule of the I.D. Act deals with matters within the jurisdiction of Industrial Tribunals which could be classified as Interest Disputes. These are as follows:-

1. Wages, including the period and mode of payment;
2. Compensatory and other allowances;
3. Hours of work and rest intervals;
4. Leave with wages and holidays;
5. Bonus, profit sharing, provident fund and gratuity;
6. Shift working otherwise than in accordance with standing orders;
7. Classification by grades;
8. Rules of discipline;
9. Rationalization;
10. Retrenchment of workmen and closure of establishment; and
11. Any other matter that may be prescribed.

### Question 3: Who can raise an Industrial Dispute?

Answer 3: Any person who is a workman employed in an industry can raise an industrial dispute. A workman includes any person (including an apprentice) employed in an industry to do manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward. It excludes those employed in the Army, Navy, Air Force and in the police service, in managerial or administrative capacity. Industry means any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft, or industrial occupation or avocation of workmen.

To View More Details, [Download \(235 KB\)](#) 



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