



**TELECOMMUNICATION ENGINEERING SERVICES ASSOCIATION
(INDIA)**

Central Headquarters

111, New Ashiana Apartments, Plot-10, Sector-6, Dwarka, New Delhi 110 075

No. TESA/CHQ/Circular/2008/01

Dated 30.06.2008

Comrades,

After a long interval, I am issuing this circular letter. Every one of us know that over the past few years there are lots of changes in our service matters and also changes in our employer. This has naturally got direct impact on the area of operation/jurisdiction of this Association. We were initially recruited and employed by Department of Telecommunications. Now some of us have taken absorption in Bharat Sanchar Nigam Limited and some others in Mahanagar Telephone Nigam Limited. On the other hand, some of us – though very less in number, preferred to remain in Department of Telecommunications.

2. Our Association, which was formed in 1946 to represent the TES Group B Officers and those promoted there from, continued to represent all those members who were transferred to MTNL and BSNL on deemed deputation basis besides those who were working in Department of Telecommunications. Now the situation has changed. After completion of the process of absorption of the Group B Officers in BSNL in early 2004, DoT recognized/applicant status Associations are no longer permitted by BSNL Management to represent their respective old members.

3. TESA (I) was knowing before hand that following formation of BSNL and MTNL such developments are bound to take place one day or the other and its CEC held at Mussoorie from 13th to 15th June 2002 consented to a move for formation of an Association of Executives in BSNL Accordingly, AIBSNLEA was got registered on 4th December 2002 to represent the Executives working exclusively in BSNL. The AIC held at Mysore in late December 2002 gave its seal of approval to the actions taken in this regard. However, in regard to MTNL no such move was proposed in the CEC/AIC for initiating action by CHQ. In MTNL, TESA (I) continued to represent their old members and had meetings/discussions with Management on issues of importance including promotion policy even after completion of absorption of the Group B Officers, though the Executives including our old members in MTNL formed their own separate Associations. MTNL Management, on their part, continued to address TESA (I) on important service matters pertaining to the SDEs. Because of this distinct background, collection of subscription in the name of TESA (I) was decided to be continued in MTNL, though this was stopped in BSNL since July 2004. TESA (I), being registered under the Societies Registration Act 1860, still continues to have its existence even as per law.

4. After the last all India Conference of AIBSNLEA held at Hyderabad, there had been tremendous pressure on TESA (I) to transfer its assets to AIBSNLEA. Such pressure was never mounted on any other Association whose members were also actively associated to form AIBSNLEA. Apart from writing letters, campaign to collect signatures of the Circle Secretaries/CHQ Office Bearers/CEC Members of TESA (I) was initiated in the CWC Meet of AIBSNLEA held at Bhubaneswar and thereafter also at Bangalore to press for convening extra-ordinary General Body Meeting of TESA (I). Now GS, AIBSNLEA has taken all the pains on earth in its Bangalore CWC and afterwards through the AIBSNLEA machinery to collect the signatures of Circle Secretaries/CEC Members and CHQ office bearers of TESA (I) on identical format and forwarded the same to GS, TESA (I) asking to hold the extra-ordinary General Body meeting by citing provision of clause 3(ii) of the TESA constitution. No such move, however, has been initiated on AIBSNLEA platform for any other Association. This means that TESA (I) alone stands singled out for the purpose. GS, AIBSNLEA has now even asked President, TESA (I) to convene an emergency General Body Meeting in case the extra-General Body meeting is not convened within the time frame set by him. This is certainly an act of over stepping by GS, AIBSNLEA. We have since replied GS, AIBSNLEA which is annexed with this Circular letter as Annexure-I.

5. However despite all the pressure tactics adopted by AIBSNLEA, the assets have not been transferred to it, since TESA (I) has not reviewed the post absorption scenario. It, therefore, has not considered the appropriate measures needed to tackle the situation and till now there is no decision in regard to utilization of assets. Moreover, TESA (I) is not dissolved or merged with any Association. Such decisions can finally be taken only by the Members of TESA (I) after completing due process of actions as provided in its bye laws and the Societies Registration Act 1860. But we are clear that assets of TESA (I) has been built up all its members working not only in BSNL, but also in MTNL and Department of Telecommunications. In case it is decided that the Association be dissolved or merged and assets are to be transferred, we cannot ignore the members in whatever Organization they may be working.

6. While two grounds have been advanced in the common format bearing the signatures of some Circle Secretaries/CEC Members/CHQ Office Bearers of TESA (I) for convening the extra-ordinary General Body meeting to dissolve TESA (I), the GS, AIBSNLEA in his forwarding letter enclosing these formats have cited four grounds – two of them are common. These grounds certainly need to be deliberated first as under:-

Ground No (i): Consequent upon ceasure of recognition of TESA (I) on completion of absorption of Group B Officers in BSNL and MTNL

Is it a valid ground for dissolution of an Association simply because it is not having recognition? If this theory has to be accepted, then all non-Executives' Unions in BSNL and MTNL other than the one which gets recognition in respective PSUs after verification should also get dissolved – because they do not have recognition. Will AIBSNLEA also get dissolved, in case it loses (God forbids) even its present 'limited facilities' after the

verification of the Executives' Associations is conducted in BSNL? If GS, AIBSNLEA's contention has to be accepted then, however, the answer would be "yes".

However, so far TESA (I) is concerned it was granted the Applicant Status by Department of Telecommunications for verification of membership in DoT. BSNL or MTNL did not issue any separate recognition letter or granted Applicant status to it. DoT in its last letter circulating the list of present CHQ Office Bearers had made it clear that TESA (I) is the Applicant Status Union for recognition in DoT and its CHQ Office Bearers are granted 'limited trade union facilities' for a limited period which has since expired. It was never stated that Applicant status of TESA (I) will also stand withdrawn after expiry of that period. We have also not received any communication from DoT till this day withdrawing that status. One should therefore learn to differentiate between 'recognition' and 'limited trade union facilities'.

Ground No (ii): Decision of the Calcutta CEC Meeting to stop collecting subscription for members in the name of TESA (I) with effect from July 2004.

First of all, there was no decision by Kolkata CEC of TESA (I) to stop collection of subscription from its members. It is, in fact, Kolkata Convention of AIBSNLEA which wanted that "*all individual Associations will collect the subscriptions till BSNL grants applicant status/recognition*". Thereafter the CHQ Office Bearers of AIBSNLEA decided on 18.05.2004 that "*All BSNL Circles/Branches shall send CHQ quota for the period up to the month of June 2004 to the CHQ Treasurer of respective Associations. Branches, other than in BSNL, shall continue to send CHQ quota to their parent Association till further advice.*" How non-collection of subscription only from the members in BSNL, therefore, can be a ground to convene extra-ordinary General Body meeting ?

Ground No (iii): BSNL letter for trade union facility to AIBSNLEA vide No. BSNL/31/SR/2002 dated 29.4.2004 regarding merger of 10 Associations and formation of All India Bharat Sanchar Nigam Limited Executives' Association (AIBSNLEA) including merging of Telecommunication Engineering Services Association (India) TESA (I)}

This point, time and again, is being raised by GS, AIBSNLEA by citing the above quoted letter issued by BSNL. It remains a hard fact that TESA (I) has not taken any decision for its merger with any other Association. Moreover, TESA (I) having its operating jurisdiction in MTNL, BSNL and Department of Telecommunications cannot decide to merge with AIBSNLEA which is operating only in BSNL Circles, since TESA (I) members in MTNL and Department of Telecommunications cannot be the members of AIBSNLEA. Further, neither the then GS, AIBSNLEA nor the GS, TESA (I) had given any letter to BSNL stating that TESA (I) is merged with AIBSNLEA. TESA (I), being an Association registered under Societies Registration Act 1860, have to abide by the Law and follow the laid down provisions in the Act to take decision on such important matter. A mere unilateral letter from a PSU announcing merger, without having confirmation from the involved

Associations, cannot change the fact and override the Law. It appears that this particular issue should have been straightened long before, because GS, AIBSNLEA is even not taking note of our clarifying the position after the CHQ Office Bearers Meet of TESA (I) held in July 2006. Now that the issue is being raised again and again, BSNL Management need to be explained the actual position. A letter in this regard has since been addressed to BSNL (vide Annexure-II with this circular letter).

Ground No (iv): The All India Conference of TESA (India) is over due, since it was held in Dec.2002 over the period most of CHQ Office Bearers have retired.

This is another ground raised by GS, AIBNLEA. There could be no denial that All India Conference of TESA (I) is overdue. In fact the Circle Conferences of all the Circle Organizations of TESA (I) are also overdue. Conferences of large number of the Circles were held even prior to holding of last AIC of TESA (I). Many Circle Office Bearers in various Circle organizations have also either retired or transferred. But everyone in TESA (I) knows that this is an exceptional situation and cannot be avoided. Further, when the All India Conferences of the Executives' Associations in BSNL are not being held even under normal condition within the stipulated time frame as provided in their Constitution, one should not try to point fingers at TESA (I) which is passing through an unprecedented phase.

7. It has been stated in the representations in identical format that extra-Ordinary General Body Meeting be convened within 90 days of receipt of their letters as per the provision of clause 3(ii) of the constitution of TESA (I). The GS, AIBSNLEA also asks to hold the extra-ordinary General Body meeting within 90 days of receipt of his letter as per the same provision. Though it is not known how, GS, AIBSNLEA is connected with TESA (I) affair and quote TESA (I) constitution to ask GS, TESA (I) to hold extra-ordinary General Body meeting and also how GS AIBSNLEA can ask President TESA (I) to hold emergency General Body Meeting of TESA (I).

8. Since the 'representations' from some Circle Secretaries/CHQ Office Bearers/CEC Members of TESA I), though collected and sent by GS, AIBSNLEA, have been received for invoking the provisions of clause 3(ii), we cannot ignore the issue. We are first to see whether these 'representations' are in consistence with the provisions of clause 3(ii) of TESA (I) constitution and accepted as 'requisition' in the spirit of the provision of the constitution. The Clause 3(ii)(a) of the constitution of TESA (I) regarding convening of extra-ordinary General Body meeting reads as under :

“Extra-ordinary General Body meeting shall be convened by the General Secretary at any convenient location either on a requisition by the Central Executive Committee or on a requisition signed by at least one third of the paid membership distributed at least fifty percent of the recognized branches, within 90 days of the receipt of requisitions.”

As per the above clause, the General Secretary has to convene an extra-ordinary General Body meeting either (i) on a 'requisition' made by the Central Executive Committee

or (ii) on a 'requisition' signed by at least one third of the paid membership distributed at least fifty percent of the recognized branches. A casual scrutiny will make it abundantly clear that these 'representations' do not satisfy the requirements of the provision made in the above clause. These are neither a 'requisition by the Central Executive Committee' nor a 'requisition signed by at least one third of the paid membership distributed at least fifty percent of the recognized branches'. No representation received carries the signatures of one third of the paid membership distributed at least fifty percent of the recognized branches'. These are signed by some Circle Secretaries/CEC Members/CHQ Office Bearers on their individual capacity only. It is also pertinent to note that the enclosed joint letter carries signatures of some persons who are not eligible to sign as circle secretary/CEC member. Under the above stated position, provision of clause 3(ii) is not attracted and therefore no action in this regard is called for.

9. However, to put to an end of all the speculations, claims and counter claims and also to honour the wishes expressed by some of our Circle Secretaries/CEC Members/CHQ office bearers to convene an extra-ordinary General Body Meeting “for the purpose of deciding the need to dissolve the Association”, it is necessary to convene the All India Meeting of the Association at the earliest. Keeping in view of the earlier decisions taken in the last CHQ Office Bearers Meet at Chennai, we are to move further. We shall issue the Notice for the Extra-ordinary General Body Meeting/Conference after the preliminary ground work for holding it is over. The Extra-ordinary General Body Meeting/Conference will be hosted jointly by TESA (I), Chennai Telephones and TESA (I), Tamilnadu Circle. The Circle/Branch Secretaries are requested to note/act as per the following. Early compliance of these will help to convene the said meeting expeditiously.

(1) Information on assets of the Association: Since there will be discussion and decision on the available assets of the Association in the Extra-ordinary General Body Meeting/Conference, the Branch/Circles are to send the details of assets available with them including the audited year-wise accounts for the period after their last General Body Meeting/Circle Conference. The accounts are also to be approved by the respective competent body of the Association. These are to reach CHQ latest by 07.08.2008. The Circle Secretaries will ensure that above details/documents are sent by their Branches positively within the stipulated date.

(2) Clearance of CHQ quota: Branches/Circles in BSNL Units are to clear pending quota, if any, up to June 2004 by 31.07.2008 positively. Branches/Circles in other Units (other than in BSNL) are to clear the CHQ quota up to June 2008 and remit the same by 31st July 2008. No quota will be received at the time of holding the Extra-ordinary General Body Meeting/Conference. This is to ensure correct assessment of total assets/funds available with the Association even before we meet.

(3) Updating of postal address: Circle Secretaries have already been requested through our website to intimate CHQ about the changes in address of Branch/Circle/CEC Members, if any. If no information is received, Notice for the Extra-ordinary General Body

Meeting/Conference and other communication will be sent at the addresses available with CHQ.

(4) Donations for Extra-ordinary General Body Meeting/Conference: Since no Souvenir could be published for the Conference and entire expenditure has to be managed by CHQ from its available fund/asset, the Circles are requested to send donations to CHQ for the conduct of the above meeting. The donations, if any, may be sent by 07.08.2008 positively.

(5) All remittances to CHQ Treasurer: All remittances be made to CHQ Treasurer at the following address: Shri N Kanakan , “ VRAJAM”, KANNAMPUZHA TEMPLE ROAD, CHALAKUDI 680 307, KERALA.

10. At present, we are not having any other regular means except a free website for general communication. This is a new website which we have launched, since all our three old websites (one paid and two free) being maintained from Bangalore were hacked between 24.02.2006 and 25.02.2006. Printing of Teleservice is also stopped from January 2006 to save the expenditure. This new website address [<http://chqtesa.tripod.com>] of the Association may be circulated to the members. This website needs to be visited frequently.

With best wishes,

Yours comradely,



(S Basu)

General Secretary

To

1. Shri K Balasubramanian, President, TESA (I),
2. All other CHQ Bearers/Circle Secretaries/CEC Members.
3. All members of TESA (I) through Circle/Branch Secretaries.

Annexure-I : Letter addressed to GS, AIBSNLEA [Available in TESA (I) CHQ site]

Annexure-II: Letter addressed to Director (HRD), BSNL regarding status of TESA(I) after formation of AIBSNLEA and stating in clear terms that TESA(I) is not merged with AIBSNLEA [Available in TESA (I) CHQ site]