

**Proceedings of the Hearing held on 07.09.2009 at 04.00 PM to discuss the representation of Shri. K.P. Singh, Genl. Secry, MTNL SC/ST Emp. Wel. Asso. Kalkaji, New Delhi regarding extension of basic facilities to the genuine SC/ST Asso. namely MTNL SC/ST Emp. Wel. Asso., New Delhi.**

The following were present:

**NCST**

1. Shri Tsering Samphel, Hon'ble Member (in Chair)
2. Shri Aditya Mishra, Joint Secretary
3. Shri R.C. Durga, Director
4. Smt. K.D. Bhansor, Deputy Director
5. Shri H.R. Meena, Sr. Investigator

**MTNL**

1. Shri R.S.P. Sinha
2. Mrs. Anita Soni, Dir(F)
3. Shri S.P. Pachauri
4. Shri M.K. Saxena
5. Shri Nikesh Kumar

**Petitioners:**

1. Shri K.P. Singh
2. Smt. Manju Bala
3. Shri R.C. Chazlaan
4. Shri Shyam Kumar
5. Shri Pannilal
6. Shri Bishan Singh
7. Shri Bhagwati Prasad
8. Shri Vinay Singh
9. Shri Balbir Singh

**Background**

Shri K.P. Singh, General Secretary, MTNL, SC/ST Employees Welfare Association, Kalkaji, New Delhi had submitted a representation dated 26.06.2006 and 04.10.2006 to the Commission regarding extension of basic facilities to MTNL SC/ST Emp. Wel. Asso. The matter has taken up with the CMD, MTNL vide Commission's letter dated 19.10.2006. The DGM (HR), MTNL had earlier replied vide their latter dated 06.11.2006 that the issue raised in the representation was pertaining to the Department of Telecommunication.

2. A meeting was taken by the Hon'ble Chairman of NCST on 20.11.2006 about the violation of rights of ST employees of DOT, BSNL, and MTNL. The proceedings with regard to MTNL were as under:

"The grievance of the MTNL SC/ST Employees Welfare Association was similar to the grievance of the BSNL SC/ST Employees Welfare Association. CMD MTNL was also advised to take early decision in the matter on the lines of decision taken in the case of BSNL SC/ST Employees Welfare Association".

3. The Ministry of Communication & IT on 30.05.2007 submitted Action Taken Report informing the NCST with regard to MTNL Welfare Association that "Efforts are afoot to resolve the issue at the earliest".

4. The General Secretary, MTNL SC/ST Employees Association again submitted a representation dated 04.03.2009 to the Hon'ble Member (TS) requesting for extension of basic facilities to the MTNL SC/ST Employees Welfare Association. The matter was taken up with the Secretary, DOT on 13.03.2009. The matter was also taken by the Hon'ble Member vide the letter 16.03.2009 with the CMD, MTNL. The MTNL informed that on 25.03.2009, two SC/ST Associations were existing i.e. one led by Shri R.S. Chadda and another led by Shri K.P. Singh and both had certain differences and unable to come to a platform. The MTNL informed that there was no instruction either from Department of Personnel & Training or Department of Public Enterprises for extension of any facilities to SC/ST employees Welfare Association. However, Rule 5(f) of Central Civil Service (Recognition of Service Association) Rules, 1993 says that the service Association shall not be formed to represent the interest or on the basis of any caste, tribe or religious denomination or of any group within or section of such caste, tribe or religious denominations. These comments of the MTNL were communicated to the Association on 23.04.2009.

5. As MTNL was unable to decide the issue of extending basic facilities to SC/ST Employees Welfare Association MTNL for a considerable period. The Hon'ble Member(TS), NCST fixed up meeting with CMD, MTNL on 07.09.2009 at 11.30 A.M. The Association was also asked to be present on the day of scheduled hearing.

## **Discussion**

6. A meeting was taken by Hon'ble Member (TS) in the office of MTNL on 07.09.09 at 03.00 P.M. with C.M.D., and other officers of MTNL. A list of participants in (Annex-I).

7. The CMD, MTNL gave brief profile of the working of MTNL as well as the implementation of reservation policy in the organization. The Commission enquired about the status of SC/ST Association and issue relating to the extension of basic facilities.

8. The Commission was informed that the MTNL has very cordial relations with the Associations. The Management has been interacting with Shri K.P. Singh, Gen. Secretary, MTNL General Secretary, MTNL SC/ST Employees Welfare Association regularly on the various issues concerning SCs/STs. The Association has also been provided accommodation with furniture etc. and other facilities are also extended to them. While agreeing to the position indicated by the Management, Shri K.P. Singh stated that although these facilities were available but the Association was not recognized and no formal minutes of the meeting held with the Management were drawn. Further, issues raised by them were also not attended properly. MTNL informed that the main demand of Shri K.P. Singh was related to the recognition to his Association. As there were two Associations, both the Association had also been advised to come on a common understanding and at one platform as has been done by the SC/ST Association in Mumbai unit of MTNL, so that issues concerning SCs and STs could be addressed in a coordinated manner.

9. After detailed discussion, CMD, MTNL mentioned that the recognition of an association has to be based on the proved majority of their membership in a democratic manner, either through check out system or election/secret Ballot System. Shri K.P. Singh assured that he would submit to MTNL a list of members of his Association shortly. CMD, MTNL assured that thereafter, action for recognition to a particular association, having majority representation based on the result of the election will be initiated.