



# MTNL EXECUTIVES' ASSOCIATION

Central Headquarters, New Delhi

(Registered under the Trade Union Act 1926, reg no-ALC/Karyasan-17/9715)  
[Affiliated to National Confederation of Officers' Associations (NCOA)]

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Ref. No.: MEA/CHQ/CMD/Powai quarters

DATE : 14-09-2020

To  
Shri P K Purwar  
Chairman and Managing Director, MTNL  
MTNL Corporate Office,  
New Delhi

Respected Sir,

**Sub: Uniform charge similar to BSNL employees to MTNL working/retired employees staying at the Qtrs in Mumbai allotted by BSNL**

Kindly recall our earlier meetings/representations and latest discussions regarding the issue mentioned in the captioned subject.

BSNL after its formation in 2000, under the pretext of allotment & maintenance, has gradually reduced the quarters to MTNL employees by allotting more number of qtrs to BSNL staff.

In 2007, it started taking HRA, L. Fee & Water charges by cheque from freshly allotted MTNL working employees who applied through MTNL. In 2010, BSNL MH Circle initiated to charge **Additional Maintenance** from these MTNL employees staying at departmental qtrs allotted by BSNL in Mumbai except Powai Telecom complex and in 2013, it included Powai Telecom Complex also. Later on, it started claiming Notional HRA + Additional maintenance from retired MTNL employees of only Mumbai unit for eight months retention period after retirement. These are the unjustified charges and against the rulings/circular of G.o.I (Dept. of Estate)

BSNL is claiming those extra charges in the name of so-called maintenance of the quarter complex. But the same is not being claimed from DoT/BSNL employees including MTNL employees whose allotment is of pre 2007, staying in the same quarters complexes.

Many applications/representations/letters were submitted to BSNL/DoT by working & retired employees of MTNL and by different Associations of MTNL including MEA and by some authorities of MTNL opposing the validity of these additional claims selectively to MTNL Working and Retired employees are unheard.

Please note that –

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1. MTNL was formed in 1986 to provide Tele Service in Mumbai & Delhi, while the parent organisation DoT continued service in rest of India. DoT order – Contents of MTNL Formation Order as per Ltr no 400-88/85 –STG-III Dated 21<sup>st</sup> March 1986 of Director (ST) GOI MOC Department of Telecommunication is given below –

a. First Page Third Para:

"In the case of Bombay Telephones, the quarters occupied by such of the staff and officers of the Bombay Telephones District will go over to the share of the MTNL and the rest of the quarters under the control of Bombay Telephone District at Bombay will be retained with DoT.

b. Third Page 2nd Para:

In regard to residential colonies complete segregation of quarters allotted to the Nigam and DoT as per the present situation is not possible. Over the course of time the quarters will be exchanged in a phased manner between DoT and MTNL so that the segregation is achieved.

Our Comment: Not done from 1/4/1986 to till formation of BSNL on 01/10/2000 (Like MTNL, Parent organisation of BSNL also is DoT).

c. BSNL Formation (01/10/2000) contents:

Para 1: "By virtue of Memorandum of understanding dated 30th September 2000 entered into President of India(acting through the Secretary to the Government of India, Ministry of Communication Department of Telecommunications (DoT) and Bharat Sanchar Nigam Limited, the business of providing telecom Services in the country, maintaining the telecom network/running the telecom factories by the Department of Telecom Services(DTS) and the Department of Telecom Operations (DTO) which were earlier provided by Department of Telecommunications (DoT) has been transferred to newly formed company Viz Bharat Sanchar Nigam Limited with effect from 1st October 2000"

Para2 : All assets and liabilities(except certain assets which will be retained by DoT required for the units and offices of DoT) of the Department of Telecom Services and the Department of Telecom Operations (DTO) stand transferred to BSNL wef the said date.

Our Comments: As per above, the assets wherein earlier services provided by DoT only is to be transferred to newly formed BSNL w.r.t to Para 2 read with Para 1. In Mumbai DoT has not provided any telecom services w.e.f. 1/4/1986 from the date MTNL has been formed.

So, MTNL order and BSNL order are to be read together for bifurcation of residential colonies as mentioned in para 2 of third page of MTNL order as mentioned above and not with reference to BSNL Formation order alone. Both the orders are speaking & independent having no contradiction with each other.

There is no order issued superseding the 1986 DoT order –So, it can be easily understood that MTNL is the actual owner of more than 90% of qtrs in Mumbai which are under control of BSNL at present.

d. Renting out vacant BSNL quarters to CPSU/Govt order no. 482-9/2009-BG dated 20/1/2010 issued by DGM BW-11 of BSNL CO:

By this order only, BSNL is charging additional civil and electrical maintenance charges to MTNL Staff.

**Our Comment:** This order dtd.20/01/2010 is issued to CGM of all BSNL telecom circles. But this is not applicable to Mumbai circle wherein MTNL exists and bifurcation of residential quarters are not carried out as per 1986 order. Moreover BSNL has not entered into any lease agreement with MTNL/MTNL employees. So, order no.482-4/2012-BG dtd.06/02/2013 for Additional charges from MTNL employees and subsequent orders to claim notional HRA +Additional charges in addition to Licence Fee for eight months retention of MTNL retired employees are not applicable.

e. (a) CROP-2020 policy of BSNL vide circular No.BSNLCO-LM/13(11)1/2020-O/o GM(LM) dtd.25/08/2020

By this order, BSNL declares renting out policy of Qtrs of Mumbai & Delhi also with a view to earn revenue. Policy declares the facilities and rights to BSNL & DoT employees. Whereas, name of MTNL and its employees have not been considered.

(b) CROP-2020 in Mumbai vide circular No. Sr. GM(HR&Admn)/Estates/ CROP-2020/1 dtd.04/09/2020

By this order BSNL MH Circle declares renting out policy for all the qtrs in Mumbai under its control including the qtrs of Powai Telecom Colony.

**Our comments:**

(a) The CORP dtd.25/08/2020, for renting out of Qtrs/Residential complexes of Mumbai with a view to earn revenue, can't be implemented by BSNL. Monetisation policy/Commercialisation/Source of revenue of BSNL should be on the properties of which BSNL is exclusive owner.

It is a matter of fact that as per 1986 order of DoT, MTNL is the Owner of Mumbai Qtrs which are still under control of BSNL. A series of meetings are going on among MTNL, BSNL & DoT on that rightful claim of ownership by MTNL for the Qtrs in Mumbai & Delhi. Till the ownership issue is settled and properties of MTNL are handed over to MTNL, the arrangement which was existing since formation of MTNL in 1986 between DoT and MTNL for allotment of qtrs on common pool basis and its charges as per GoI rulings & circulars must be continued and it can't be a source of revenue of BSNL.

(b) Ironically, MTNL is exclusive owner of Powai colony and this property is available in the list of Monetisation of MTNL. It is understood that MTNL has taken loan of Rs.500/- crores from Banking the year 2019 by mortgaging Powai property. This Land was purchased by MTNL in 1989, Construction costs of all the buildings is paid by MTNL, Property tax is in the name of MTNL and being paid by MTNL, O.C. in the name of MTNL. The committee for the purpose chaired by Sr. DDG DoT has accepted the very fact that Powai Telecom property including its buildings are of MTNL after checking the proof. So, efforts of earning revenue/ Monetisation/ Commercialisation from this MTNL property by BSNL and the name as well as the interest of MTNL employees away from the policy is very unfortunate and failure on the part of MTNL management.

So, the CORP-2020 dtd.25/08/2020 and dtd 04/09/2020 are unfair, unreasonable with wrongful intention and just adding salt on the wounds of MTNL and its employees by BSNL. MTNL management and DoT can't avoid the responsibilities.

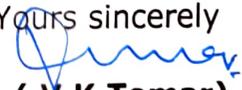
**Since, the unjustified demand of extra/additional charges and wilful discrimination to MTNL by BSNL are creating unrest among the MTNL working & retired employees, the affected employees are ready to approach to Hon'ble court of law for justice either individually or through association, if it is not resolved immediately. Hon'ble High Court may issue stay order which may halt the whole asset monetisation process, hampering the revival process of both BSNL and MTNL.**

Hence, this association is of the view & request to MTNL, BSNL & DoT management to take immediate steps to resolve the following legitimate & justified demands of MTNL staff immediately-

- (a) BSNL should not do any discrimination, injustice and should not claim any unjustified charges w.e.f. 2010. There should be no additional maintenance charge to MTNL working employees & no notional HRA + additional charges to MTNL retired employees for eight months retention after retirement.
- (b) Charges if any should be claimed, as per DoE, GoI circulars/orders only, from all the residents of qtrs uniformly without any discrimination between MTNL & BSNL/DOT employees and after settlement of property distribution.
- (c) Due to Covid19 pandemic, shifting of residence during this period is risky and being discouraged by Govt also. In this situation, please allow all VRS optees/recently superannuated employees of MTNL & BSNL occupying the qtrs allotted by MTNL & BSNL or vice versa, extension after retention period of eight months for another two years or up to the date of actual superannuation (whichever is earlier) on payment of reasonable charges like last drawn HRA + L. Fee. or on rent basis at the rate which was existing prior to the issue of the BSNL circular dtd.25/08/2020.

Therefore, management of DoT/MTNL/BSNL are requested to resolve the issue immediately and ensure that there shall be no Extra charge/no Notional HRA to working/retired employees of MTNL by BSNL and all the MTNL employees staying at the qtrs allotted by BSNL in Mumbai are treated uniformly and similarly like BSNL employees, till handing over of Qtrs to MTNL as per order of DoT, 1986 is completed.

With regards

Yours sincerely  
  
( V K Tomar )

Copy to:

1. Shri P K Purwar, Chairman and Managing Director, BSNL, BSNL Corporate Office for immediate necessary action to resolve the issue immediately please
2. Secretary DoT, New Delhi for immediate necessary action please to resolve the issue immediately please