



SANCHAR NIGAM EXECUTIVES' ASSOCIATION

KERALA CIRCLE

(Recognised Majority Association of Executives in BSNL)
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No.SNEA/Kerala/2018-19/II/120 dated at TVM the 27th July 2020

To

Sh. C V Vinod,
Chief General Manager Telecom,
BSNL, Kerala Circle,
Thiruvananthapuram-33

Respected Sir,

Sub: Telecom utility shifting charges being incurred by BSNL during road expansion works in the State, prompt and strenuous intervention required from Circle/BA administration to get the amount allotted from the State Government/Other Agencies in their DPRs as being done for KWA, KSEBL etc, our request:-reg

Several road expansion projects are being undertaken by the State Govt. in Kerala these days with the help of KIIFB including National highways, Coastal highways, Hill highways and other State highways which are under various stages of construction. It may be noted that a major National Highway expansion work in Kerala from Talapady in Kasargod district to Kazhakuttam in Thiruvananthapuram district has again come back to limelight with the Central and State Governments taking initiatives to issue notifications under the NH Act for various corridors which is supposed to be developed with a 45-metre right of way (ROW) as understood from media reports. Process of awarding compensation has also been started in various stretches for expediting land acquisition for which fund is being made available by KIIFB. It is learnt that priority has been given for development of a 169 km corridor of NH 66 from Cherthala in Alappuzha district to Kazhakuttam in Thiruvananthapuram district.

In this regard, it may be noted that public utilities including those deployed by public sector organizations like KWA, KSEBL & BSNL would be required to be shifted prior to construction of roads as part of widening activities. Of late, it is noticed that while the State Government take care of utility shifting charges to be borne by KWA and KSEBL by including the same in their DPRs, they used to deliberately exclude BSNL, a public sector organization fully owned by Govt. of India, in prima facie, seems to be against principles of natural justice and hence to be considered

very seriously by BSNL by taking up at appropriate forums for attempting corrective actions with regard to payment of utility sifting charges to BSNL.

It is hereby pointed out that even though MoRTH, Govt of India has been instructing all road governing agencies for signing agreement with service providers for shifting their utilities in connection with road improvement projects at their own cost from the year 2000, such agreements did attain legal sanction after 15th Sep 2016 only, as amendment to this effect has come into force in Indian Telegraph Act 1885 wef 15th Sep 2016 as per the Chapter IV of the Gazette notification issued by Govt. of India. As such for the cables laid prior to the year 2016, the shifting charges are to be borne by the roadgoverning authorities.

It has come to our notice that with the help of a sincere and dedicated team effort in Thiruvananthapuram BA, BSNL could effectively convince the State PWD, Govt. of Kerala the need to compensate BSNL for shifting its telecom utilities in Nemom and Balaramapuram Divisions during the ongoing road widening along the 4.5 km Pravachambalam- Kodinada stretch in NH 66 and could get finally release a sum of Rs 4.43 Crores to BSNL on account of expected utility shifting charges, after several meetings and follow ups with the State Govt. authorities. This fabulous achievement of Thiruvananthapuram BA needs to be replicated across the Circle to prevent unnecessary leakage of money from BSNL kitty.

In this regard, it is felt that the many BAs are not properly equipped with relevant documents which are essential to defend the cases and effectively coordinate with various State Govt. departments. As the shifting charges are to be included in the initial DPR stage itself, which is normally finalised at State Govt. HQ, we would request Circle Office to take the initiative to deal with such cases after collecting the estimate details from BAs against each road work happening in their jurisdiction. Further, BAs are refraining from issuing demand notes to State Govt. departments, as the local road governing authorities used to decline many similar requests from BSNL in the past and the field officers are at the mercy of PWD officers for their day to day maintenance operations. . It may be noted that the non-payment of restoration charges claimed by BSNL from road authorities are considered as a serious lapse from the BA side by audit teams resulting in another major audit para. We are of the opinion that if the matter is dealt with at BSNL Circle level, the issue can be taken up with the authorities at State Govt. which would fetch desired results for BSNL.

In Thiruvananthapuram BA, it was made possible only because of the unparalleled initiative taken by a few Officers to collect all relevant documents including Central/State Govt. circulars, Court orders, related Gazette notifications etc. with which they could convince authorities even up to the highest levels of District collector and State Govt. Secretariat the need to consider BSNL also at par with KWA & KSEBL in road projects. It is learnt that the team of Officers were having the proximity and access to various State Govt. offices in the Capital city.

It is requested that the Circle administration may consider the matter very seriously and take all proactive steps to coordinate with BAs and State Govt. departments and effectively advise/guide BAs in dealing with similar activities happening anywhere in the Circle so as to prevent leakage of money due to shifting of telecom utilities during road expansion works. It is also suggested that the Circle administration may bring the above facts to the notice of the Chief Secretary of the State also so that all road governing authorities in the State would be instructed to include BSNL also at par with KSEBL and KWA while finalizing utility shifting charges in DPRs of all road widening projects in the State in future. In case, finally, if the road authorities are not bound to pay the shifting charges to BSNL, then necessary suitable instructions may be issued to concerned BAs for undertaking the shifting work either under maintenance or capital heads, as deemed fit.

Thanking You,

Sincerely Yours



Jithesh K P

Circle Secretary

SNEA Kerala Circle

Enclosure: Letter from TVM BA Head to the then Principal Secretary, PWD, Govt. of Kerala on 22.03.2019