



United We Stand

**UNION OF AKASHVANI & DOORDARSHAN (PRASAR BHARATI)
ENGINEERING EMPLOYEES (UADEE)**

(Registered under **Trade Union Act, 1926**; Regn. No. 5135)

Head Quarter : C-4 D/ 81 B, Janakpuri, New Delhi-110 058

visit our website: <http://www.uadee.org>

Ref. N o. MIB/02/2009:

Dated:.. 22.01.2009

Mrs Sushama Singh, I.A.S.,
Secretary to the Government of India,
Ministry of Information & Broadcastig,
Shastri Bhawan,
New Delhi – 110001.

Sub: Request for urgent intervention to curb manipulation of Directorate General, Akashvani on the issue of recognition of service associations/ unions in AIR & Doordarshan, and discrimination in dealing with them. – Regarding.

Ref.: 1. DOP&T' s OM No. 2/10/80-JCA, dated 09.11.1993 on the subject matter of CCS (Recognition of Service Association) Rules, 1993. *(annexure-1)*

2. Ministry of I & B's Letter No. 310/78/75-B(D) (Vol.II), dated 14.07.1981 on the subject matter of **Transfer Policy in AIR.** *(annexure-2)*

Madam,

The DG:AIR has recently issued following two letters both involving the issue of recognition of service associations/ unions in AIR & Doordarshan which is *intra vires* Ministry of Information & Broadcasting:

1. Letter No. B-12017/8/2008-WL, dated 24.12.2008 in the matter of '**deletion of name of union (UADEE) from the mailing list, and stating criteria which associations of AIR & Doordarshan qualify for dealing with the department**'. *(annexure-1B)*
2. Letter No. B-12017/7/2008-WL, dated 18.12.2008 on the subject matter of '**guideline on transfer policy in respect of office bearers of recognized staff associations in AIR & Doordarshan**'. *(annexure-5).*

Vide a letter dated **10.12.2008**, the DG:AIR had included the name of this union (UADEE) in the Mailing List of the department (*annexure-1A*). However, in a sudden *volte-face*, it withdrew the said letter dated **10.12.2008** through the subsequent letter issued on **24.12.2008**. *(annexure-1B).*

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Strangely, the DG:AIR has digressively linked the deletion of name of this union from the mailing list with an obsolete list of so-called **nine recognized associations/ unions** as mentioned in **AIR Manual**, though it has been clarified by the government at number of times that **there is no association/ union recognized by the government in AIR & Doordarshan** at present. The **recognition** granted by the government earlier to associations/ unions under **Recognition Rules, 1959** has no relevance at present being abandoned with the commencement of new CCS(RSA) Rules, 1993 which came into force on 05.11.1993 **in supersession** of 1959 Rules. The more sinister of the decision conveyed through letter dated 24.12.08 is the averment of DG:AIR that **the department will deal with only nine associations as per AIR manual**. Even if, the AIR manual is taken as reference in the matter, the **lie** of this averment can be seen by comparing the list of those nine associations as mentioned in AIR manual with the list of Associations included in the mailing list of DG:AIR (**annexure-1C**). There is no doubt that the DG:AIR has issued said letter dated **24.12.08** with *mala fide* intension and partisan considerations to keep this Union out of the mailing list of the department so as to confuse the employees about this union (UADEE) and to favour and promote few other associations in the department representing common engineering cadres which this union represents. We strongly condemn this partisan and malicious attempt of DG:AIR to harm this union and sincerely request for your intervention in the matter. The union (UADEE) is a lawful, duly registered Union under Trade Union Act, 1926 which got registered on 14th January, 2008 with Registration No. 5135. (**annexure-1D**). It may not be out of place to mention here that showing partiality or granting favour by the management to some association/ union and causing hindrance for other associations/ unions in organizing their members; and refusing to bargain collectively in good faith with lawfully constituted unions *inter alia* tantamounts to unfair labour practice as specified in the fifth schedule [Chapter 1, Section 2(ra)] and therefore prohibitory and punishable under section 25T & 25U (Chapter VC) of the Industrial Disputes Act, 1947.

Madam, it is with deep anguish that we register our protest against the ill-intentioned move of the DG:AIR to justify the un-justifiable on the issue of recognition of service associations/ unions in AIR & Doordarshan which does nor exist at all at present; and then whimsically deleting name of UADEE, a lawful and duly registered Trade Union from the mailing list of the department to deprive the members of this union from getting authentic informations regarding their transfers, promotions and other staff related matters *vis-à-vis* other associations. Your urgent intervention in the matter is therefore highly solicitous.

(1) STATUS OF RECOGNITION OF VARIOUS STAFF ASSOCIATIONS IN AIR & DOORDARSHAN. (Factually, all are Un-recognized at present).

Madam, we are constrained to apprise you of that a falsehood is being propagated with ulterior motives by few associations of engineering employees, in collusion with DG:AIR, that only those **nine** Associations/ Unions which are mentioned in old AIR manual are **recognized** by the government **forever** and the department will deal with only these **9** associations, **contrary to the fact** that all those associations/ unions which were recognized by the government before commencement of CCS(RSA) Rules, 1993 on 05.11.1993 and in whose case the recognition was subsisting at such commencement, were allowed to continue to be recognized for a period of only

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one year from 05.11.1993 or till the date on which the recognition was withdrawn, whichever was earlier (kindly see Rule-4 of CCS(RSA)Rules,1993 (*annexure 1*). As the associations functioning in AIR & Doordarshan at the time of commencement of new 1993 Rules, vehemently opposed the check-off-system of verification of membership for the purpose of recognition of service Associations/Unions under Rule-7 of CCS(RSA) Rules,1993 and **did never apply for fresh recognition under the new rules** within the notified time frame, the recognition of all the associations of AIR & Doordarshan granted under old **1959 Rules** before the commencement of new 1993 Rules, was **automatically discontinued** w.e.f 04.05.1995, the deadline reportedly fixed by the D.O.P.&T. Thus, the Directorate General:AIR by issuing letter No.B-12017/8/2008-WL, dated 24.12.08 (*annexure-1B*), and few associations claiming themselves **recognized forever** are not only misleading the employees of AIR & Doordarshan, but also playing fraud on them inviting chaos, anarchy and unrest among a large section of employees.

It is worth to mention here that no service Associations/Unions in Akashvani & Doordarshan had fulfilled the conditions & others criteria for recognition as laid down in CCS (RSA) Rules, 1993 which came in force on 05.11.1993 in supersession of old 1959 Rules. The fact that **“there is no Association/Union recognized by the government in AIR & Doordarshan”** was even confirmed by no less than the Hon’ble Minister of I & B on **24.08.2006** on the floor of the Upper House of Parliament in response to one unstarred question No. 2947. (*annexure-3*). Moreover, any of service Associations/Unions of Akashvani & Doordarshan are no longer invited by the Ministry of I & B to participate in the meetings of Departmental Council under JCM scheme of GOI since the time the deadline for mandatory recognition of associations/unions under new CCS (RSA) Rules, 1993 was over, **also substantiates** that no service Association/Union of Akashvani & Doordarshan at present is recognized by the government. Nevertheless, the DG:AIR, after having asserted that there is presently no association/Union recognized in AIR & Doordarshan vide letters dated 02.11.06 and 11.12.06 in view of statement made by Hon’ble MIB on 24.08.2006 in Parliament in the matter, subsequently decided to continue the recognition of **un-recognized** Associations/Unions in AIR/DD on the pretence of seeking further clarification from the Ministry of I&B in the matter.(*annexure-4*). It is quite amazing that the DG:AIR is indulging in clear breach of privilege of Parliament and Hon’ble Minister of I.&B. by taking opposite view of what has been answered by Hon’ble Minister of I.&B. in the Parliament on recognition of service Associations/ Unions in AIR and Doordarshan. It may be noted that mere continuance of name of some association/ union in old and un-updated/ uncorrected AIR manual can not be cause, criteria and condition for recognition of that association/ union which, in fact, is granted for a fixed term and renewed by the government from time to time in accordance with the recognition rules in force.

It may also be noted how the recognition granted by the Ministry of I&B to few associations/ unions of AIR & Doordarshan under JCM scheme of GOI prior to the commencement of CCS(RSA) Rules,1993 can subsist at present in Prasar Bharati on three reasons; **(1) most** of Associations have changed their names and field, **(2) none** of the Associations had ever sought fresh recognition under new recognition rules of 1993 which came into force on 05.11.1993 and **(3) the** AIR & Doordarshan were converted into corporation (Prasar Bharati, BCI) on 23.11.1997 losing their status of government departments. It may be mentioned that the JCM scheme is applicable in government departments only.

(2) ILLEGAL TRANSFER POLICY OF DG:AIR IN RESPECT OF OFFICE BEARERS OF UN-RECOGNIZED ASSOCIATIONS / UNIONS OF AIR & DOORDARSHAN:

Although there is **no** Association/ Union in AIR & Doordarshan recognized by the government, the DG:AIR has recently issued a letter (*annexure-5*) on **18.12.2008** on the subject of '**Transfer Policy in respect of office bearers of *recognized* Associations / Unions**' with a view to give **immunity** to Central and Zonal office bearers of few associations **from transfers** during their tenure. With the issuance of this order, more than **500** office bearers of the Associations of AIR & Doorarshan have been insulated from transfers **illegally** in spite of having **longer continuous stay** at their place of posting. This is in total contravention of **para (ix) and (xxiii) of Transfer Policy** as laid down by the GOI, Ministry of I. & B. for the employees and office bearers of staff Associations of AIR & Doordarshan vide letter No. 310/18/75-B(D)(Volume II), dated 14.07.1981 (*annexure-2*), and also in violation of **Transfer Policy for Prasar Bharati employees** as communicated by Prasar Bharati's Order No.A-10/40/2007-PPC, dated 26.03.2007 (*annexure-6*). The violation of Transfer Policies of Ministry of I&B, Prasar Bharati and AIR Manual to give **undue facilities** to office bearers of **un-recognized** staff Associations clearly indicates that there is **unholy nexus** between DG:AIR and few associations for buying peace for themselves at the cost of common employees.

Madam, we would like to invite your kind attention at **para (ix)** of Transfer Policy of Ministry of I&B (and also at **para.1** of Prasar Bharati's order dated 26.03.2007) which envisages that **the person having longest continuous stay at the station will be transferred first**. Also, **Para (xxiii)** of transfer policy states that '**only the Chief Executive or the General Secretary of the Central Body of a *recognized* Association/Union/Federation may be brought on transfer from his out-station posting to Delhi and will not be transferred outside Delhi so long as he holds the office of the Chief Executive of the Association**'. Thus the immunity from transfer during the tenure is granted to only and only General Secretary or the Chief Executive of the *recognized* Associations/Unions and **not to all the office bearers of Central and Zonal offices of the *recognized* and *un-recognized* Associations/Unions** as bountifully but illegally bestowed by the DG:AIR. The provision as contained in **para (xxiii)** of Transfer Policy of Ministry of I&B is in total conformity with the DOP&T' instructions on 'facilities admissible to the *recognized* Associations/ Unions for carrying on their Trade Union activities'. As its adverse effect on the common employees, **(1) they** are transferred though they do not have the longest stay, **(2) they** are denied their opted place of posting after serving at difficult and category 'C' stations, **(3) they** are refused for compassionate posting in distress, only to accommodate office bearers of associations. This will further add up to the heap of litigations against violation of Transfer Policy in AIR & Doordarshan.

Madam, the height of collusion between DG:AIR and few associations, in contravention of established rules, can be seen from an example that Sh.Anil Kumar S, a Engineering Assistant, posted at AIR,Malad,Mumbai in West Zone, who was brought to Delhi (North Zone) in the year **2003** on his election to the post of General Secretary (defined as Chief Executive) of a association named Association of Radio & TV Engg.Employees (ARTEE), has been allowed to continue in Delhi even after he relinquished from the post of General Secretary w.e.f. **07.02.2006**. This is being done at the cost of public exchequer as the post of Engineering Assistant is a zonal post and a

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Engineering Assistant can not be posted in any other zone without effecting Transfer of Zone. As Sh.Anil Kumar S, Engineering Assistant, AIR,Malad,Mumbai(West Zone) is now holding the post of President of ARTEE since **07.02.2006** till now which is not the post of Chief Executive, his continuous posting in Delhi since **07.02.2006** till the date is absolutely illegal and he must be repatriated to his parent station (AIR,Malad,Mumbai) at once.

Madam, the UADEE, being a responsible Trade Union in Prasar Bharati, is committed to co-operate with the management by providing clinching evidences to root out manipulation and discrimination in transfers and postings in the offices of DG:AIR & DG:Doordarshan and the offices of Zonal Chief Engineers. In these circumstances, we request you to kindly intervene in the matter and give appropriate direction to DG:AIR as you deem fit to settle the two issues of,

- (1) **Status of recognition of Associations/Unions in AIR & Doordarshan, and,**
- (2) **Transfer policy in respect of transfer of office bearers of Associations/Unions in AIR & Doordarshan, and repatriation of said Sh.Anil Kumar S, EA to his parent station for establishing the rule of law.**

With warm regards,

Sincerely yours,

(RAM SHANKER)

General Secretary

MobileNo.09868538073

Copies forwarded for kind information & urgent necessary action to:

1. The **Chief Executive Officer**, Prasar Bharati (BCI), PTI Building, Sansad Marg, New Delhi.
2. The **Member (Personnel)**, Prasar Bharati (BCI), PTI Building, Sansad Marg, New Delhi.