



FILAMENT

Newsletter of Association of Radio & Television Engineering Employees (ARTEE)
Post Box No-422, New Delhi - 110 001
For Limited Circulation among Members

Volume-49, Issue-1

Editor : R.K. Dwivedi

Oct'15

Dear Comrade ARTEEians,

Your beloved ARTEE has crossed many hurdles and obstacles on its way towards welfare work. Many times its existence came under threat and some times it appeared that we don't have a way but every time we crossed the these hurdles and became more and more stronger. I regret that due to some unavoidable reasons we could not publish FILAMENT, however we maintained our website www.arteeindia.org in such a way that we never received any complaint about non publishing the FILAMENT but now I promise that it shall be published regularly. We all are aware about the recent developments. Having full respect for Hon'ble Judiciary and Member's right, we want to say that It has happened for the first time that two times members approached Court of law to the level of Hon'ble High Court in Delhi to address their grievances. First Sh. Prokash Chakraborty filed a Civil suite CS(OS) 2684/2014 and then Sh. Ashwani Dagar filed another Civil Suite CS(OS) 2052/2015 (details of both the suite are given in the filament).

But we feel that if the issues would have been addressed through dialogue and negotiations, it would have saved Association's money and Unity. Now this is a compulsion on present body to comply with the Court Order. The Ashwani Dagar suite is filed challenging the procedure of Amendments. We want to make it clear that procedure followed this time is exactly the same which was followed in 2013. The only thing is Prior Approval of Govt. We accept this was not done than there is a compulsion that after passing amendments by CWC as per clause 36(vii) we have to inform Asstt. Registrar of Societies within 14 days. We never thought that Govt. shall take such a long time and we also never thought that some beloved son on mother ARTEE will question it in the court of law. We accept this was a lapse but it was not intentional. Some question arise which are :

- (1). Whether ARTEE benefitted by these court cases ?
- (2). Whether it has helped any of our welfare oriented issues like ACP, 1C1P, Tech vs LA, Tech(4K) etc.
- (3). If issue discussed Internally and settled. Approaching Court of law consumed Member's money from both sides which could have been utilized in fighting for our Welfare oriented issues.

Without prejudice and fullest respect to judiciary and individual's right, we leave it to the wisdom of our Members.

Last two years have been of turmoil's one after another. These turmoil could have easily distracted us from the work of welfare but I am happy to say that despite extreme leg pulling, abuse and derogatory acts present central body has successfully taking up all welfare work. Every single issue be it ACP PATNA, One Cadre One Pay, Tech vs Lighting Assistant, Helper ACP and many others have made significant progress. Some of these are on the verge of finalization. Some new issues developed and successfully taken up. Transfer Policy, 7th Pay Commission, Transfer procedure, Recovery issues etc are dealt successfully with promptness. But beyond doubt things could have been better if distractions were not there.

On cadre based issues we shall publish a separate issue of FILAMENT with details but right now the need of the hour is to stay United against the efforts of destructive forces to defeat them and to prove that this Association belongs to 7000+ Members not to some Individuals who think that it can be not run without them. Just Think, Understand , Ascertain and Act.

Umesh Chandra, President, 9871765714, umsharma01@gmail.com

**Inquiry on ARTEE Elections 2013. The Sequence of events and bare truth behind Masks
Unfolding a sinister plan to De Recognize ARTEE again.**

I have got copy of these papers under RTI and publishing to enlighten you about the truth :

EVENT 1

In 2013 Elections were to be declared I wrote two letters ARTEE/304/11/2012 Dated 08.11.2012 and a Reminder ARTEE/314/11/2012 Dated 30.11.2012 to Prasar Bharati to issue us Guide lines about what to do since Recognition process was underway and our term was going to end. Conducting the Election was our compulsion otherwise we could loose our 1967 Registration. No response was received from Prasar Bharati.

EVENT 2

Elections for CWC 2013-15 were Notified and conducted. Results were declared on 28/7/2013. Meanwhile we got Recognition as per CCS(RSA) Rules 1993 on 6th March 2013.

EVENT 3

After taking over the charge after elections when we have started taking up issues, when we were determined to strengthen ARTEE and when Organization was about its tryst with current scenario after Recognition Suddenly on **5th Sep 2013**, Returning Officer received a packet from Prasar Bharati which was containing an information that Prasar Bharati has constituted an inquiry about alleged Rigging in our Election. Some 148+ people from only four or five stations Trivandrum, Raipur, Jalandhar and BH Delhi have filed a complaints about this and PB as a clever Management immediately constituted an enquiry to weaken ARTEE.

We were surprised by the development as we could never think that some handful of people may go for some kind of Harakiri. When some of these people were contacted by their colleagues , they told that they were not aware that their complain may be used for this purpose.

EVENT 4

I submitted a letter to CEO in protest and clearly informing that as per DOPT OM Dated 28.07.1994, Deptt. Can not conduct an inquiry. We have started handling the situation tactfully. We came to know that due to ARTEE's image in NFADE era, of interfering in many things which were not of our concern, Management wants to utilize this opportunity to De Recognize us and wants to bring us to our knees. The complaints motivated and backed by some leaders on the name of personal freedom, provided Management the opportunity they wanted on a platter.

Prasar Bharati's has no Jurisdiction to conduct an inquiry. As per DOPT OM 2/5/JCA Dated 28.7.94. It is clear that Elections of the Association should be conducted by Association itself and Deptt. should not Associate in any manner with the election. (Copy of DOPT OM enclosed as Annexure-I).

The point II of DOPT OM 2/5/JCA Dated 28.7.94 is reproduced here :

Point (ii) : Constitution of an Association must lay down procedure for electing Office bearers/Members of the Executive Committee. Such Elections should be conducted by Association themselves. Govt. deptt. Should not in any manner be associated in the election. However if so requested by the Association, an official may be deputed to function as an Observer having nothing to do with actual conduct of election.

Meanwhile Another Association ADTEA also went into Elections. There President asked Prasar Bharati to appoint an Observer for their Elections and surprisingly in the reply Prasar Bharati endorsed our view mentioned above that they can not interfere in the Election Process through the letter (ADTEA vide letter no. 12018/2/2013/248 dated 12.06.2013). But in our case they were keen to interfere.

EVENT 5

I submitted a letter to CEO, Prasar Bharati attaching a copy of this OM and protesting against the inquiry and citing above mentioned fact and started taking up issue tactfully. The letter is reproduced below :

Association of Radio & Television Engineering Employees
Post Box no. 422, New Delhi -110001
Recognized by Govt. of India and Prasar Bharati as per CCS(RSA) Rules 1993
Affiliated to Union Network International, Geneva
Affiliated to Confederation of Central Govt. Employees and Workers (CCGEW)

**The Chief Executive Officer,
Prasar Bharati , PTI Building ,
New Delhi -11001**

dated :23.09.13

Subject : Seeking your immediate intervention to restore the ' Rules of Law' by complying with the byelaws/constitutional provisions of lawfully resgistered & recognized service associations/unions including DOPT's guidelines under CCS(RSA) Rules, 1993 in the matter organizational election-Regarding.

**Reference: 1) Letter issued by Prasar BharatiSectt. Refusing to grant introductory meeting with newlyt elected office bearers of ARTEE vide its letter no.Misc-1/68/2013-PPC dated 06.09.2013(Copy enclosed)/
2) Letter of resentment submitted by ARTEE vide no ARTEE/P/144/2013, dated 13-09-2013 (Copy enclosed Annexure 1).**

Respected Sir,

With reference to the above I am directed to draw you kind and urgent attention to the following few facts for restoration of natural justice keeping view employees welfare.

That sir, this association has completed its democratic election process on 28th July 2013 as prescribed in the byelaws and association's constitution, which was also informed to all concerned authorities including registrar of society, a quasi-judicial authority. This was the first ever organizational election of ARTEE held in accordance with the provision of CCS(RSA)Rules,1993 after the recognition is granted in the recent past by the Govt. of India, Ministry of I & B for engaging ARTEE in the collective bargaining mechanism with the management of Prasar Bharati and the Union Govt. as and when required to maintain industrial peace.

But in our Utter dismay, Prasar Bharati management suddenly issued a letter on 06-09-2013 to this association (Copy enclosed herewith as annexure –II) that enquiry committee has been constituted on the basis of written complaint of alleged rigging in recently concluded ARTEE election for the term 2013-15. As a result, no introductory meeting with newly elected office bearers would be granted by the management till further decision is taken after t he verification of the facts by the enquiry committee . On being enquired it was learnt that around 150 out 7000+ members lodged complaint directly to the Prasar Bharati Management instead of advising them to avail constitutional remedies as per clause 21 and 22 of the Election byelaws first, directly entertained all the complaints in a haste **without its' veracity contravening both byelaws/constitution of ARTEE and DOPT's instruction regarding election of recognized service associations/unions as mentioned in its' OM.No2/5/94-JCA, dated 28.7.1994 that government department should not associate in any manner with the election process.**

Surprisingly, Prasar Bharati Management vide its' letter no. 12018/2/2013/248, dated 12th June , 2013(Copy enclosed herewith as annexure-III) , though applied this yardstick on request of another recognized association namely Akashvani& Doordarshan Technical Employees' Association (ADTEA), but on the other hand, they have applied different yardstick in gross violation of ' Rules of Law' by interfering in the election process of our association after the election result is declared by the returning officer (R.O). The association has expressed its' resentment on this issue earlier and urged to look into the matter urgently for restoration of principles of natural justice (Copy enclosed herewith as annexure –III)

Its also not out of place to mention here that election dispute if any is to normally dealt within the frameworks of the constitution and election byelaw of concerned service association/union. However, in case of non-settlement of electiondisputed by any registered association, the complainants have the liberty to seek legal remedies . But under no circumstances, management is entitled to intervenes in the election process on the basis of complaint received from members of any service association, unless it is directed by the court of law. The Prasar Bharati is also equally duty bound to abide by these norms.

Sir, The member of our association have taken strong exception to this unwarranted move of Prasar Bharati management , which has created a situation of confrontation and lawlessness in the organization due to lack of its' administrative acumen, may invite more chaos and unrest among the 7000+members of this association spread across the country whose constitutional rights and welfare are put under question mark on filmsy ground due to mere complaint lodged by a handful of disgruntled members of this association in violation of established norms and convention as is evident from the letter of Prasar BharatiSectt. Dated 06-09-2013. Meanwhile we have also sensed that an unholy nexus has been developed between few of our members who lost the ARTEE election 2013-15 and a handful of their followers to subotaz the welfare and the noble causes of the Govt. Employees working on 'deemed deputation' in Prasar Bharati .

Under such circumstances,I have no other option left except to seek your immediate intervention. So, the need of the hour is to restore 'Rules of Law' by strict compliance of both DOPT's guidelines dated 28-7-1994 and constitutional provisions of ARTEE as mentioned in clasuse 21,22 of its' Election byelaws, copy of which was also submitted earlier to Prasar BharatiSectt. And Ministry of I & B as one of the precondition for granting us recognition by the Govt under CCS (RSA) Rules, 1993 following the directive of Central administrative Tribunal (CAT), Delhi.

As per information being received, many of the complaints are fake and member's names are misused for filling complaints with their name and forged signature without their knowledge. Henceforth the genuineness of these complaints is not established despite, the fact all of these complaints are filed in violation of clause 22 of election byelaws of the Association . Therefore we demand that first of all genuineness of these complaints should be established, if any forge signatures are found an enquiry should be conducted against this conspiracy and the culprits should be punished.

Sir, I remain in anticipation for your urgent and positive action in this matter to maintain industrial peace in PrasarBharati , so that the aims and objectives of public service broadcasting as envisaged in PrasarBharati Act, 1990 can be achieved in the larger interest . ARTEE asa responsible service association assures you once again that the members of this largest association spread across different AIR & Doordarshan installation throughout the country, will leave no stone unturned to uphold the values and dignity of national broadcaster.

With warm regards

Yours faithfully , Umesh Chandra, President,ARTEE, Tel Ph.0987176514, Email: umsharma01@yahoo.com

Enclosed as above

Copies forwarding for kind information &urgent necessary action to :

1. The Secretary, Ministry of I & B , New Delhi -110001
2. The Member (P), PrasarBharati
3. Dr. Sanjay Dubey, ADG(A), Air, Chairman enquiry committee.
4. Office copy

Umesh Chandra

EVENT 6

Committee conducted the inquiry totally in biased manner and did not took cognigence of Evidences produced by RO like forged signatures on Complains, Bogus Complaints and All Complaints are in Violation of Clause 22 of the constitution (copy enclosed). Our persuasion resulted Mgmt. agreed to conclusions of committee were sent to Standing Counsel Sh. Rajiv Sharma for his opinion who also endorsed our view Point that PB has no adjudication to conduct an inquiry.

The Advice of Sh. Rajiv Sharma is reproduced below :

**RAJEEV SHARMA
ADVOCATE ON RECORD
SUPREME COURT OF INDIA**

November 20, 2013

OPINION

My opinion has been sought on the action to be taken on the report of the Enquiry Committee, which went into complaints of rigging and the violation of election bye-laws during the elections to the posts of office bearers of Association of Radio & Television Engineering Employees (ARTEE).

I am informed that ARTEE is recognized by the Government of India and Prasar Bharati under CCS(RSA) Rules, 1993. The said Association held elections for various posts this year. Subsequently a number of complaints were received by Prasar Bharati alleging rigging and the violation of bye-laws during the elections. On receipt of the complaints, Prasar Bharati constituted a Two Member Committee to enquire into the complaints/allegations. Out of the nine complaints, which were gone into by the committee, allegation No. 1 was found to have been not made out, allegation No. 1 was found to have been not made out and allegations No. 3 & 7 were not found to be serious enough. The enquiry Committee also made certain recommendations on receipt of the enquiry report, my opinion has been sought.

It is not necessary for the purpose of this opinion to set out in details the various allegations made in the complaints. Broadly speaking the allegations relate to malpractices in the election process and violation of election Rules.

Be that as it may, the question, which arises, is whether Prasar Bharati has any role in the matter or it can take on the role of adjudicating authority in respect of the allegations made. I have not come across any provision in any Rule or in the Bye laws of the Association which have every right to take resort to appropriate legal remedies for the adjudication of their grievances and complaints, if any. However, the mere fact that the Association comprises of persons working in Prasar Bharati or is recognized by Prasar Bharati, would not confer jurisdiction on Prasar Bharati to adjudicate upon disputes relating to elections to the office bearers of the Association.

I also do not find anything in the CCS(RSA) Rules which invests and such jurisdiction on Prasar Bharati. Rule 5 of the said Rules sets out the conditions for recognition of service associations. There is nothing in Rule 5, which gives any such power to Prasar Bharati. Rule 6 lays down the conditions subject to which recognition is to be continued. I don't find any provision in Rule 6 also which would confer such power on Prasar Bharati.

It has been suggested that perhaps such power flows from clause (f) of Rule 6 which provides that a recognized service association /bye-laws. At the highest clause (f) only implies that a service Association has to abide by any comply with the provisions of its Constitution/ Bye-laws. Neither expressly nor by implication does it provide that a dispute concerning elections can be adjudicated upon by Prasar Bharati.

Consequence of violation of Rules 5, 6 & 7 has been set out in Clause 8 of the Rules, which is withdrawal of recognition after giving an opportunity to the Association to present its case. If Prasar Bharati is of the opinion that Rules 5, 6 & 7 have been violated or Clause (f) of Rule 6 has been violated, it can of course withdraw recognition granted to the Association. However, the power to withdraw recognition is different from the power to adjudicate upon internal disputes of an association. That power is not conferred by the CCS(RSA) Rules, 1993.

In the circumstances, I am of the opinion that :

- (a) If any member of the ARTEE has any grievance regarding the validity of the elections held, he or she is entitled to take resort to appropriate legal remedies.
- (b) **Prasar Bharati does not have the jurisdiction to adjudicate upon the disputes relating to elections to the office bearers of ARTEE.**

(c) Neither the bye-laws of ARTEE confer any such jurisdiction on Prasar Bharati in or do CCS(RSA) Rules, 1993 confer such jurisdiction on Prasar Bharati

(RAJEEV SHARMA)

EVENT 7

Event 5 : But Still Prasar Bharati was not ready to give up golden opportunity to destroy ARTEE which was presented to them on a platter by these Complainants. They again send the file to Sh. RAJEEV SHARMA and this time Sh. Rajeev Sharma advised to seek opinion of DOPT.

**RAJEEV SHARMA
ADVOCATE ON RECORD
SUPREME COURT OF INDIA**

Brigadier V.A.M Hussain,
Member (Personnel
Prasar Bharati
New Delhi

Re : Allegations of Rigging of Elections and violation of election by-laws of ARTEE
Sir,

This is with reference of my opinion dated 12.11.2013 in the above matter and our subsequent discussions. During the discussions, it was pointed out that in similar circumstances one of the ministries had intervened in the matter and the Secretary of that Ministry had passed a detailed order in that regard. Since the matter concerns interpretation of the CCS (RSA) Rules 1993 which notified by the DOPT , **I am of the opinion that it would be appropriate to refer the present issue to the same department for advice.**

Yours truly ,
(RAJEEV SHARMA)

EVENT 8

Now Prasar Bharati sent the file to DOPT, The letter by PB to DOPT is reproduced below :

**PRASAR BHARATI
(INDIA'S PUBLIC SERVICE BROADCASTER)
PRASAR BHARTI SECRETARIAT
2ND FLOOR, PTI BUILDING.
Sansad Marg, New Delhi -110001**

Sub : Allegation of irregularity in Association of Radio and Television Engineering Employees(ARTEE) Elections 2013-15 action to be taken under the CCS(RSA)Rules, 1993 regarding.

The undersigned is directed to say that there are 10 Service Associations formed by the employees of Prasar Bharati which have been recognized under the CCS(RSA) Rules, 1993 vide Prasar Bharati Secretariat's letter No. Misc-1/112/2011-PPC dated 15.03.2013

2. In the recent elections held in 2013 to the office bearers of Association of Radio and Television Engineering Employees(ARTEE) for the biennial 2013-15 there have been large number of representations from the Members of the Associations alleging mass rigging and violation of election Bye-laws.

3. In view of these an Enquiry Committee, headed by the Addl. Director General(Admn), DG:AIR , was appointed to inquire into the allegations and submitted report to Prasar Bharati Secretariat. The said Committee in its report submitted on 25.10.2013 found truth into 6 out of 9 allegations. Complaints of the rigging and violation of Bye Laws during election to officer Bearers of ARTEE . A copy of the report of the Enquiry Committee it is now propose to take further action in the matter.

4 As per Rules 8 of CCS(RSA) Rules, 1993, if in the opinion of the Government , a Service Association recognized under these rules has failed to comply with any of the conditions set out in rule 5 or 6 or rule 7 the Government may after giving an opportunity to the Service Association to present its case , **withdraw the recognition accorded to such Association.**

6. Since the Enquiry Committee appointed by Prasar Bharati to inquire into the allegation of mass rigging and violation of Bye-Laws in the elections to the officer Bearers has found sufficient evidence of violation of Bye-Laws of the Association (Annexure –III) , it is established that the Service Association has failed to comply with the provision of its constitution /Bye-Laws.

7. The matter has been examined in the Prasar Bharati Secretariat in consultation with legal expert. According to the legal opinion received , it would be appropriate to refer the matter to DoP&T for advice as to the further course of action to be taken in the matter. Copy of the legal opinion dated 20.11.2013 and 26.12.2013 are enclosed at annexure –IV.

8. Accordingly , the Department of Personnel and Training is requested to advice as to the competency of Prasar Bharati to take appropriate action against the ARTEE in accordance with the provisions of CCS(RSA) Rules, 1993.

(Arvind Kumar)
Director (Pers)
Tel:23737594

Encls : As above,

Deptt. Of Personnel & Training , Deputy Secretart (JCA), (Sh. Ashok Kumar), 215(B), North Block, New Delhi.

Prasar Bharati Secretariat I.D.No. Misc-1/68/2013-PPC(pt-I) dated 08.01.2014.

EVENT 9

In their Opinion DOPT also endorsed our and Standing Counsel's View Point and gave following Opinion :

F.No/2/3/2014-JCA

Government of India

Ministry of Personnel , Public Grievances & Pension

(Department of Personnel & Training)

North Block , New Delhi

Dated 22nd January 2013

Office Memorandum

Subject : Allegation of irregularity in Association of Radio and Television Engineering Employees (ARTEE) Elections 2013-15-reg.

The undersigned is directed to refer to Prasar Bharati Sectt. I.D. Note No. Misc- 1/68/2013-PPC(pt-I) dated 8.01.2014 on the subject cited above and to observe as under :-

1. Central Civil Service (RSA) Rules, 1993 are applicable for recognition of Service Associations of Central Government servants , "Government servant" means any person to whom the Central Civil Services (Conduct) Rules, 1964, apply.
2. Prasar Bharati being a statutory autonomous body established under the Prasar Bharati Act, it is not clear whether CCS(RSA) Rules are applicable to the service associations of the employees of Prasar Bharati.
3. In So far as Central Civil Services (RSA) Rules, 1993 are concerned, **DoPT has vide O.M. No 2-5/94-JCA and dated 28.07.1994 inter alia laid down that elections to the elect office bearers/members of Executive members is a matter of internal autonomy of the Association and our instructions recognize the right of constituents of an association to elect their representative in full freedom without any intervention or even association by the authorities elections.**

4. In view of this , Prasar Bharati may deal with this issue in a manner which is not incompatible with the principle that Associations have the right to elect their representatives in full freedom and to organize their administration and activities. **If the constituents of an Association have any grievance in regard to breach or abuse of laid down Bye laws relating to election of Executive members of their association, they have to find recourse to the same within the Constitution and Bye laws of the Association.**

**(Ashok Kumar)
Deputy Secretary (JCA)**

**Prasar Bharati
(Shri Arvind Kumar, Director(Pers),
Prasar Bharti Sectt,
2nd Floor, PTI Building ,
Sansad Marg, New Delhi**

EVENT 10

The opinion clearly established that Prasar Bharati has no jurisdiction to conduct this inquiry and the inquiry conducted was unnecessary. Finding no option Prasar Bharati took the decision to close the inquiry with the approval of C.E.O.

**PRASAR BHARATI
(INDIA'S PUBLIC SERVICE BROADCASTER)
PRASAR BHARTI SECRETARIAT
2ND FLOOR, PTI BUILDING.
SansadMarg, New Delhi -110001**

**No. Misc-1/68/2013-PPC
:05.03.2014**

Dated

Sub : Mass rigging and violation of Election Bye-Laws in ARTEE Election 2013 -15 regarding.

Please refer to this Secretariat letter of even No. dated 29.08.2013 and 06.09.2013 regarding subject mentioned above and the enquiry report submitted by the Committee constituted under Chairmanship of Dr. Sanjay Dubey , ADG(A), DG:AIR.

2. The matter has been examined in consultation with Department of Personnel and Training. It has been decided with the approval of Chief Executive officer , Prasar Bharat that the matter be closed.

**(Naveen Kumar)
Dy. Director(Pers)
Tel : 23351347**

To

**DG : All India Radio, (Kind Attention : Dr. Sanjay Dubey, ADG (Admn),
Akashwani Bhawan, New Delhi .**

Copy to :

The President, ARTEE, Post Box No. 422, New Delhi -01

EVENT 11

Event 8 : It also clearly establishes that Prasar Bharati has no Adjudication to constitute and henceforth conclusions of inquiry are not be sustainable. The Inquiry was conducted to De Recognize ARTEE and the opportunity for this was provided by the Complainants.
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EVENT 12

In CWC in Lucknow on 30th JAN 2014, the issue came up for discussion. Sh. Anilkumar S. on the basis of Inquiry demanded Re Election but could not gather even a single Vote except of him. The proposal was turned down. House immediately formed Committee to Amend Byelaws as per DOPT Advise given in Point no. 4 of letter reproduced above. Suggestion were invited from all over the country.

EVENT 13

No suggestions was sent by either Sh. Prokash Chakraborty and Sh. Ashwini Dagar in almost One and half year upto April 2015.

EVENT 14

The bylaws committee gave its Recommendations and these were uploaded on ARTEE website on 5th April 2015, in compliance of Clause 50. Since it was not possible to convene National Convention. The same procedure was followed in 2012 also for Approval of Amendments for CCS(RSA) Recognition. No objection received from Any Member on Amendment, in full 30 days time.

EVENT 15

CWC Meeting held in Mathura on 8th and 9th May 2015, Approved the Amended bylaws.

EVENT 16

Amended bylaws were submitted to Prasar Bharati for further Action on 18/5/2015.

EVENT 17

The Amended bylaws were submitted to Asstt. Registrar of Societies, Allahabad on 26/5/2015 since as per Societies Act 1860, this is a binding to inform them within 14 days of Passing Amendments and the Asstt. Registrar gave its Approval on 15th June 2015.

EVENT 18

Elections were Notified on 29/6/2015 for CWC 2015-17 as per Amended bylaws approved by Asstt.Registrar of Societies, Allahabad.

EVENT 19

July 2015 Sh. Ashwani Dagar, Ex Officer bearer and Members filed an CS(OS) 2052/2015 Challenging the Amendments, its procedure & Election Notification.

Now the Simple Questions respecting Individual right to approach Court of Law :

- [1]. Why he did not submit his suggestions for Amendment in bylaws to bylaws Amendment Committee ?
- [2]. Why he did not raise his concern when the suggestions of bylaws Amendment Committee were uploaded on ARTEE website as per Clause 50 ?
- [3]. How the procedure adopted this time is different from procedure adopted in 2013 by Sh. Anilkumar S.
- [4]. Why he waited till the declaration of election to embarrass the Association ?

???? We leave it to the Members for Answers of these questions ????

In the case ARTEE is made first Defendant, Sh. Umesh Chandra, President as Second, Sh. Rajesh Kumar, RO as third and Ministry of I & B as forth Defendant.

The Interim Relief Prayer is Reproduced below :

[A]. Pass a decree in favor of Plaintiff and defendants to declare entire Amendments carried out on 8th and 9th May 2015 in Rules and Regulations and in Election bylaws of defendants no 1, null and void and of no legal effect.

[B]. Pass a decree in favor of plaintiff and against the defendants declaring Election Notification dated 29/06/2015 issued by Defendant 1 null and void and of no legal effect.

[c]. Pass a decree of permanent injunction in favour of plaintiff and against defendants 1 to 3 restraining them from implementing the Amended bye laws/Election byelaws and holding elections in pursuance to the Notification dated 29.06.2015.

[D]. Pass a decree of permanent injunction in favour of plaintiff and against the defendants restraining the office bearers of the entire Central Working Committee of defendant no. 1 from performing any any official duty, holding any meeting and taking any decision whatsoever in pursuance to the Amended bya-laws.

[E] Pass a decree of mandatory injunction in favour of the plaintiff and against the defendants thereby directing the defendants to conduct elections to Central Working Committee of defendant no. 1 in accordance with the Rules and Regulations as well as Election Byelaws as they existed prior to 08th May , 2015, through electronic mode under the supervision of an independent observer to be appointed by this Hon'ble Court.

[F]. Pass a decree of permanent injunction in favour of plaintiff and against the defendant no. 1 and 2 restraining them from taking any punitive action against any Member in pursuance to the amended bylaws and they should be further directed to recall all their order passed in pursuance to the same.

[G]. Award cot of the present suit.

[I]. Grant such other and further reliefs as thus Hon'ble Court deems just and proper to meet the ends of justice.

EVENT 20

Hearings took place on 17/07/2015, 24/07/2015/04/08/2015 and 11/09/2015. In hearing of Interim Relief Prayer on 11 Sept 2015 Hon'ble High Court gave following Order. We are giving the operative part of the order

Learned Senior counsel appearing on behalf of the defendants No.1 &2 has also made his submissions for some time. Upon instructions from defendant No.2, who is also present in Court, learned Senior counsel submits that without prejudice , his clients are inclined to hold the meeting of the Central Committee as per the procedure laid down in Rule 50 of the bye-laws. He stated that defendant No. 1 will comply all the requirements under the said Rule. However, the entire process will take about two months. He further submits that in the meanwhile, defendant No. 4/Union of India through Secretary, Ministry of Information & Broadcasting be also directed to take a decision in this regard. Ordered accordingly.

List this matter on 11th December , 2015.

Till the next date of hearing defendants No. 1 & 2 shall not implement the amended Rules and Regulations/Bye-Law/Election by-Law carried out by defendant No. 1 on 8th& May , 2015 and also not to hold the elections in Pursuance to the notification dated 29th June, 2015 which are proposed to be held on 24th & 25th October,2015.

We bow our head in respect of Hon'ble Court and committed to Comply Order.

EVENT 21

The Central Executive Meeting held on 28/9/2015 took following decision to comply the Order of Hon'ble High Court and adopted following Resolution.

Resolution adopted by Central Executive Meeting dated 28/9/2015 about Court Order in CS(OS) 2052/2015 filed by Sh. Ashwani Dagar. In compliance of Court order by Hon'ble High Court in hearing of Interim Relief Prayer on date 11/09/2015, Central Executive Resolve to organize a Meeting of Central Committee/National Convention/General body as per clause 50 of bylaws. The schedule is given below :

Date : 20th Nov 2015

Time : 10:00 hrs to 19:00 hrs.

Information about venue in Allahabad shall be given soon.

We are reproducing clause 50 below

50. Amendment & Interpretation of "Rules and Regulations":

i) With prior approval of Government as per RSA rule 1993, the alteration or amendment of the Rules and Regulations shall be made by majority of 2/3 votes at the bi-annual meeting of the Central Committee if so required by the members of the Central Committee present even without prior notice.

Different Committees & their Strength

Post	Central Ex.	Central Council	CWC	Central Committee
President	1	1	1	1
V P (AIR)	1	1	1	1
V P (TV)	1	1	1	1
Genl.Secy	1	1	1	1
Addl.GS	1	1	1	1
Treasurer	1	1	1	1
Secretaries	4	4	4	4
V P (Zone)	0	5	5	5
AGS (AIR)	0	0	5	5
AGS (TV)	0	0	5	5
Joint Secy(SEA/EA)	0	0	5	5
J S (S.Tech/ Tech)	0	0	5	5
JS (Helper)	0	0	5	5
Asst.Secy(Org)	0	0	0	5
Asst.Secy(Pub)	0	0	0	5
State Secretary	0	0	30	30
Organising Secy	0	0	0	30
Publicity Secy	0	0	0	30
DMC Coordinator	0	0	0	111
Rep.from AIR/DDK	0	0	0	92
NC Member	0	0	1	1
DC Member	0	0	3	3
DG C Member	0	0	2	2
Editor (Filament)	0	0	1	1
Web Administrator	0	0	1	1
Returning Officer	0	0	1	1
Ex.President	0	0	1	1
Ex.GS	0	0	1	1
Total	10	15	81	354

As per the bylaws following instructions are issued :

Meeting Notice as in compliance of clause 36(vii)

The constitution of Central Committee is elaborated in Clause 36 of bylaws. The relevant sub clauses are produced which is reproduced below :

36. Central Committee:

- i. There shall be a **Central Committee, the General Body of the Association**, under the chairmanship of President. This will consists of members of the Central Working Committee, Assistant Secretaries of Zonal Committees, Organizing & Publicity Secretaries of the States, DMC Coordinators and 92 representatives from AIR & TV (DDK/PGF/PPC) stations recommended by the respective State Secretaries. (Out of this 92, One each from the states of Andman & Nicobar, Arunachal Pradesh, Goa, Haryana, Himachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim & Tripura. Three each from the states of Assam, Chhattisgarh, Delhi, Jammu & Kashmir, Jharkhand, Punjab & Chandigarh and Uttaranchal. Five each from the states of Andhra Pradesh, Bihar, Gujarat, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tamilnadu & Pondicherry, Uttar Pradesh and West Bengal)).
- iii. The members of Central Committee shall have power to abridge, extend any Articles, articles of by-laws of the Association by a minimum of two third majority, with the prior approval of Government of India.
- iv. **The General Meeting of the Central Committee shall be known as the National Convention** and shall be held at least once in every two years.
- vii. The notice for convening the meeting of the Central Committee (National Convention) along with the draft agenda shall be communicated to all the units of Association at least 6 weeks prior to the holding of the meeting (Convention) by the General Secretary or the Convener of the committee as the case may be.
- ix. The President, Vice-President(AIR/TV) or the General Secretary as the case may be will preside over such bi-annual Central Committee Meeting (National Convention) or Central Working Committee Meeting and he/she will have power to suspend any member or person who disregards the order of the Chair.
- x. The member admitted therein according to the Articles and regulations must have paid subscription through check off system as per RSA rule 1993 and has not resigned. No person shall be entitled to vote or to be counted as a member whose subscription through check off system as per RSA rule 1993 at the time shall have been in arrears.

In pursuance of the above mentioned clauses following instructions are being issued for compliance.

[1]. All VPs are instructed to send the updated list of DMC Coordinators and Asstt. Secy.(Organizing) and Asstt. Secy.(Publishing) at artedata@gmail.com immediately in the format give below :

[2]. All State Secretaries are instructed to send updated and Authenticate list of Asstt. Secy.(Publicity) and Asstt. Secy.(Organizing) of their states at artedata@gmail.com in the format given below :

[3]. All State Secretaries are instructed to send their nominations of delegates as per clause 36(i) (mentioned above) with their office, Residential Address, Phone number and email ID at artedata@gmail.com. In the format given below :

Sr.No.	Name	Designation in Deptt /Post in Association	Office Address	Residential Address	Phone	Email ID

Note :

[1]. All the information asked above is in compliance of Court Order of Hon'ble High Court Delhi in Sh. Ashwani Dagar CS(OS) 2052/2015 Case. **So the information sent should be correct. In case of any wrong information sender himself shall be held responsible.** Pl. check clause 36(x) before sending any person's name.

[2]. No new Nomination will be approved.

[3]. The Notice of Central Committee/National Convention/General Body is subjected to the **PRIOR APPROVAL OF GOVT as per clause 50.** In case prior approval is not granted before the General Body Meeting date, there may be a change and Central office will take appropriate action. In case of any change of date due to non prior approval of bylaws by Govt, Central Office will pay cancellation charges on Reservation tickets on actual.

[4]. Information is being sent through FILAMENT also shortly as Notice to Unit Secretaries as per clause 36(vii).

[5]. The General Body Meeting is being called as per court order and will require huge money. This is an appeal to bear the expenditure of their own in the interest of our organization. However depending upon the financial condition, both side sleeper class fare for all Members of Central Committee as per clause 36(i) will be reimbursed.

As per decision taken in Central Executive Meeting Dated 28/9/2015.

Sh. Jay Ram Singh, SEA, AIR FM Amethi is Appointed as Convener of General Body Meeting. Sh. Jay Ram Singh is Authorized to form Committees as per requirement.

Sh. L.R.Gupta, VP(NZ) shall be Chairman of the General Body Meeting.

Sh. Umesh Chandra, President shall be PATRON of General Body Meeting.

All Members are hereby appealed to extend their fullest co operation to make this Meeting a huge successful. We shall publish other relevant documents within next few days.

Rajesh Kumar Gautam, Addl.Gen.Secy., 09810387105, gautamrajesh35@rediffmail.com

Draft Agenda as per Clause 36 (vii)

Agenda for Central Committee /General Body Meeting/National Convention on 20th Nov 2015 in Allahabad.

[1]. Homage to departed Members/Office bearer and their Family Members of ARTEE.

[2]. Welcome address by President.

[3] Addl. General Secretary's address.

[4]. Financial Status by Treasurer.

[5]. Organizational Matters :

(a).Byelaws Amendment,

(b). Review of Case field by Sh. Prokash Chakraborty.

(c). Review of Case filed by Sh. Ashwani Dagar.

(d). Organizational issues.

[6]. Cadre Bases Issues :

[a]. ACP to Helpers and Helper to Tech.

[b]. Pay Revision of Technician in parity with lighting assistant

[c]. One Pay One Cadre for EA(5K) and Tech(4K).

[d]. Current Scenario of ACP as per verdict of CAT PATNA.

[e]. E.A./SEA & TECH/Sr.TECH Merger.

[f]. MACP over and above Scales granted through 25/2/1999 order

[g]. Cadre ReviewPresent status and progress

[h]. Inclusion in 7th CPC.

[i]. Recovery of 3rd MACP from Sr.Techs.

[7]. Any Other point with the permission of Chair.

Rajesh Kr. Gautam, Addl. General Secy. 9810387105.

Join ARTEE, the Association which is not only largest but most vibrant and responsive towards all employee causes. We have been taking up issues of Helper and AEs and in past it is seen that Deptt. Made proposals for ARTEE Members only as it is only ARTEE which is working on ALL Issues.

**The CCS(RSA) Subscription has to be deposited in the following Account
SBI Saving Bank A/C 11084241652,
Title : Association of Radio and TV Engg. Employees
Parliament Street, New Delhi. IFSC Code : SBI0000691, MICR Code 110002087**

How to JOIN ARTEE

A Member who wants to Join ARTEE has to fill up this form

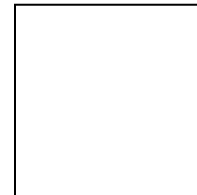
Enrolment Form – A

ASSOCIATION OF RADIO & TELEVISION ENGINEERING EMPLOYEES

Post Box No. 422, New Delhi – 110 001.

(Registered under Societies Registration Act 1860)

To,
The General Secretary,
ARTEE,
New Delhi – 110 001.



Sir,
I, desire to be enrolled as a member of the ARTEE and shall abide by the Articles, regulations, byelaws of the association.

I am ready to submit Letter of Authorization in favor of ARTEE & ready to pay the membership fee of Rs 10/- per month or Rs.120/- per year through check off system from my salary; as per RSA rule 1993.

Date :
Signature:

Member's Biodata

1. Name in full :
 2. Designation :
 3. Name of Station :
 4. Date of Joining Department : dd/mm/yyyy / /
 5. Date of Retirement (dd/mm/yyyy) / /
 5. Date of Birth :
 6. Qualification :
 7. Permanent Address :
.....
 8. Residential Address :
..... Pin Code
 9. Name of the Nominee : Relation
- (Pl send 02 nos. passport size photographs of self)

[UNIT SECRETARY]

[GENERAL SECRETARY]

Annexure - II

**LETTER TO BE SUBMITTED TO THE HEAD OF OFFICE/ DDO FOR AUTHORISATION UNDER CCS (RSA) RULES
1993**

I, _____ (name & designation), Being a member of the Association of Radio & Television Engineering Employees (ARTEE) hereby Authorize deduction of annual subscription of Rs.10/- month/ Rs. 120/- year From my salary and authorize its payment to the Association of Radio & Television Engineering Employees (ARTEE).

Signature :
Name :
Designation :

TO BE FILLED IN BY THE ASSOCIATION

It is certified that Sh./Smt. _____ is a member of _____ Association. It is further certified that the above authorization has been filed by Shri / Smt / Ms. _____ in my presence.

Signature of authorized Office bearer.
(Name of office bearer in capital letters)

Attestation by Head of office.

Court Cases filed by ARTEE.			
Sr.No.	Case Number	Details	Current Status
1.	OA 3607/2014	ACP to Helpers in the scale of Tech. extending the benefit of Judgement of CAT Delhi in OA 1949/2012 Rishi Raj and Ors.	Case won. Govt. filed Writ in High Court. Next Date 18/11/2015
2.	OA 4012/2014	To Generalize the scale of Rs. 6500-10500 to all EAs, working in the pre revised scale of Rs. 5000-8000, Extending the benefit of OA 1742/2002 and 1743/2002 to all ARTEE Members	Case Won. Contempt is going Next Date is 13/11/2015
3.	OA 4249/2014	To Generalize the benefit of OA 514/2002 of CAT PATNA, Upheld by Hon'ble Supreme Court for All ARTEE Members	Case Won. MA filed. Govt. MA to give time dismissed. Next Date 14/10/2015.
4.	OA 4424/2014	To Restore Pay Parity of Tech with Lighting Assistants in pre revised scale of R. 5000-8000 w.e.f. 01/01/96 for all ARTEE Members	Case won. MA filed. Govt has not filed Reply. Next Date 05/11/15
5.	OA 1575/2015	To Generalize the scale of Rs. 4500-7000 to Tech recruited between after 25/2/99 to 05/10/2007.	Govt. has not filed Reply. Next Date 18/11/15.

Sr.No.	Case No.	Details	Current Status
6.	OA 2479/2015	To Challenge Recovery of MACP due to treating 25/2/99 as an upgradation while granting MACP.	Stay in Granted but Govt. has not filed any reply. Next Date 02/11/15
7.	OA 3035/2015	To Challenge withdrawal of 3 rd MACP to Sr.Techs and Recovery thereof.	Govt. has to file Reply. Next Date 09/12/15

In Next issue of FILAMENT Detailed Report on all issues and Court Cases with all developments will be published.

Civil Suite CS(OS) 2684/2014 filed by Sh. Prokash Chakraborty.

Sh. Prokash Chakraborty, AE, AIR Kolkata has also filed a Civil Suite CS(OS) 2684/2014 for Injunction of CWC, Stopping it from Functioning, Declaring Elections conducted in 2013 as null and void , Conducting fresh Elections and other prayers. Present Status of this suit is that this is also clubbed with Civil Suite 2052/2015 filed by Sh. Ashwini Dagar on present Elections. Next Date is 11/12/2015.

BOOK POST

(UNITY IS STRENGTH)

FILAMENT is the Newsletter of Association of Radio & Television Engineering Employees (ARTEE)

Printed and Published on behalf of ARTEE

by Sh. Umesh Chandra, (President), 9871765714, umsharma01@gmail.com

To,

If undelivered pl. return to :

*Association of Radio & Television Engineering Employees (ARTEE)
Room No. 134, Doordarshan Kendra, Phase II, Copernicus Marg,
New Delhi – 110001*