

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

Largest Employee Welfare Association of Electronic Media in India

Affiliated to Bhartiye Majdoor Sangh (B.M.S.)

Affiliated to Union Network International, Geneva

www.arteeindia.org

Ref :ARTEE/P/73/04/2017

Date 25.04.2017

Sh. F. Sheheryar,
The Director General,
All India Radio,
Sansad Marg,
New Delhi – 110001

Subject: **Representation against Arbitrary decision of placing the Recognition of all 10 Associations in abeyance through DG(AIR) Order dated 21/4/2017 and stopping the RSA Subscriptions. (Copy enclosed as Annexure I)**

Respected Sir,

With warm regards, we hereby submit this representation to re consider the decision taken through DG (AIR) Order dated 21/4/2017 in the light of following facts this matter.

[1]. The Hon'ble Minister of State for Information and Broadcasting has approved the proposal for recognition of the ten service associations of Prasar Bharati and Ministry of Information and Broadcasting has conveyed the approval of Minister of Information and Broadcasting for recognition to 10 service Associations in All India Radio and Doordarshan as per the Letter No. No, B-12017/1 /99 - Admn.III (Vol.IV) dated 06.03.2013 (**Copy of letter enclosed as Annexure II**) and Prasar Bharati had issued order dated 15.03.2013 (**Copy of letter enclosed as Annexure III**) granting recognition to 10 Associations as per CCS (RSA) Rules. It may be kindly noted that above recognition was granted under instruction from Hon'ble CAT, Delhi in O.A.No. 3591/2011.

(2). As per one clarification regarding CCS (RSA) Rules, 1993, issued by DoPT dated 10.03.1995 through OM No. 3/12/ 94 - JCA regarding CCS (RSA) Rules, 1993, (**Copy enclosed as Annexure IV**) it had clarified that the initial recognition granted as per the said rules through check off system will remain initially valid for two years from the date of grant of such recognition.

But this clarification and the initial period of recognition as per this OM were not mentioned in the recognition orders issued by both Ministry of Information and Broadcasting, Prasar Bharati and hence both the orders not mentioned any time duration for the recognition granted and not instructed the Associations for undergoing re verification of membership for the continuation of recognition after the initial recognition period of two years.

.... Contd

o/c



Shamshu
25/4/17

VINAY KUMAR
Vinay
25/4/17

(3). There was no time limit specified in the Recognition orders issued by the Honble Ministry of Information and Broadcasting and Prasar Bharati and this fact is acknowledged by Hon'ble MIB in a RTI Reply to one of the office bearer of this Association Sh. Joseph Martin. **(Copy enclosed as Annexure V).**

(4). It is pertinent to mention that in some Ministries the initial recognition granted was for a period of five years. The recognition granted by the Controller of General of Accounts, under Department of Expenditure, Ministry of Finance through the order dated 01.12.2016 to the All India Civil Accounts Group B Gazetted Association is one example in which the initial recognition granted was for a period of five years. **(Copy of Order enclosed as Annexure VI).**

(5). RSA Recognition and RSA Deductions were continued for Financial Year 2015-16 and 2016-17.

Hence there exists a genuine confusion about the applicability of the above said OM. We are of the view that above said OM was applicable only in the initial period of 1993 when this CCS (RSA) Rules were introduced. It may be noted that as per para 6.2 of the DoPT OM No.2/10/80- JCA dated 09.11.1993 **(Copy enclosed as Annexure IV)**, doubts regarding the interpretation of CCS(RSA) Rules should be referred to the JCA Division of DoPT for clarification.

(6). Even though DoPT issued above said clarifications, many ministries / department not conducted re verification of membership after the initial recognition period of two years

Since many departments/ ministries were not conducted fresh round of re verification of membership of service Associations after the initial recognition period of two years as per the clarification dated 10.03.15 mentioned above, Queries were being received in DOPT about status of associations on completion of the initial recognition period of two years.

Hence DoPT issued another OM No. 2/13/98- JCA dated 24.05.2001 **(Copy enclosed as Annexure VII)**, in this matter and instructed ministries / department to Initiate action to conduct re verification of membership of all Associations where the initial period of recognition is over or where it will be over **within next six months** from the date the process is started. As per this OM, the entire re verification should be completed within six months and in the mean time no JCM meeting may be conducted till the re verification of membership is complete. As per the above OM it is very clear that the process of re verification must have been initiated by concerned Department/ Ministry itself and not by the Service Associations or by the request of Service Associations.

.... Contd

Khanda
25/4/17

It is also clear that if the re verification is not conducted by the department due to any reason, recognition of the Association will not be affected but only the JCM meeting involving the Associations only will be affected can be stopped by the department till verification is complete .Keeping the recognition of the Association in abeyance or stopping the deduction of RSA subscription was not instructed by DoPT through above OM.

After the Issuance of instruction through OM dated 24.05.2001, DoPT issued another OM dated 10.02.2002 (**Copy enclosed as Annexure VIII**) in the same subject of re verification of membership of service Associations and reiterated that after the initial period of two years Departments / Ministries may draw up a schedule to carry out re verification of membership.

Hence it is very clear that as per all the guidelines issued by DoPT, it was instructed to carry out re verification by the initiative of the Department / Ministry and not by Associations.

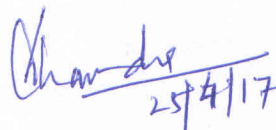
In our case both MIB and PB had not mentioned any time duration of initial recognition and hence not initiated any steps for re verification of membership after the completion of two year period. If the recognition granted was valid only for two years, then the re verification process should have been initiated by the Ministry/ Department, before six months of expiry of two years of initial recognition. But it may be kindly noted that department deducted RSA subscription in the financial year 2015- 16 and 2016 - 17 from members of all 10 Associations of Prasar Bharati.

We respect the authority of the department to conduct re verification of membership of service Association granted recognition as per CCS (RSA) Rules. But it is pertinent to mention that all the details about the Membership of our Association for the financial years 2013 - 2014, 2014 - 15, 2015 - 16 and 2016 - 17 is already available with the department, since the RSA annual subscription is being deducted by the department through check-off system in pay-rolls from the salary of Employees . If the Recognition was granted for 2 years, the re verification can be conducted on the basis of Membership details of year 2015-16 when the Recognition was over.

Hence there is no justification for keeping in abeyance the recognition of our Association in the name of re verification which was the responsibility of the Department. It should have been conducted by the department in year 2015 -16 itself. It is also a fact that both Ministry of Information and Broadcasting and Prasar Bharati had not communicate to our Association about the period of recognition till the issuance of the order dated 21.04.2017.

It is also clear that if the re verification is not conducted by the department due to any reason,

.... Contd


25/4/17

Hence the OM dated 21.03.17 issued by DG(AIR) is against all natural justice and it is against the guidelines issued by DoPT in the subject of CCS (RSA) Rules.

Prayer:

In the light of above said facts, we humbly pray you :

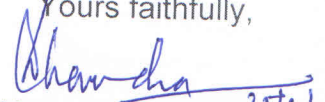
[1]. To withdraw the DG (AIR) order dated 21.04.2017.

[2]. Refer the matter to the Hon'ble Ministry of I & B to initiate the Re verification process on the basis of Membership details of 2015-16 which is the date of expiry of Recognition, which is available with the department

[3]. Till the publication of result of the re verification process, the Recognition of our Association may be allowed continue in the interest of welfare of our members and in the interest of natural justice.

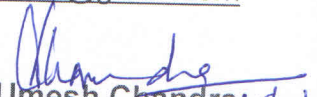
We request your kind intervention immediately as due to the impugned order the welfare of thousands of Employees will suffer.

Thanking you in Anticipation.
Yours faithfully,


Umesh Chandra, 25/4/17
President, ARTEE
09871765714
umsharma01@gmail.com

Enclosed as above

Cc for information to :


Umesh Chandra, 25/4/17

[1]. Hon'ble Minister of Information and Broadcasting, 5th Floor, Shastri Bhawan, New Delhi-110001.

[2]. The Hon'ble Minister of State, (I&B), Shastri Bhawan, New Delhi-110001

[3]. The Hon'ble Secy. (I&B), 6th Floor, Shastri Bhawan, New Delhi-110001

[4]. CEO, Prasar Bharati, Phase-III, Doordarshan Bhawan, Copernicus Marg, New Delhi - 110001

[5]. DG, Doordarshan, Phase-II, Doordarshan Bhawan, Copernicus Marg, New Delhi-1.

[6]. Sh. Vijesh Upadhyaya, National Gen.Secy., BMS, Datopant Thengdi Bhawan, Deen Dayal Upadhyay Marg, New Delhi.

[7]. Office Copy.