



United We Stand

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

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

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

Ref. No.: UADEE/JS (MIB)/PBS/2011-12

Date: 05-08-2011

Shri Arvind Kumar, IAS
Joint Secretary to the Govt. of India,
Ministry of Information & B'casting,
Shastri Bhawan,
New Delhi-110 001

Sub: **Comments of UADEE on the recommendation made by Committee of Joint Secretaries.**
Ref.: **Prasar Bharati's letter no. A-10/127/2006-PPC Vol-III (pt. II (a)), dated 27-07-2011 regarding minutes of the 5th meeting of the GoM on "Report of the committee of Joint Secretaries" which was circulated to different Associations/Unions for their comments.**

Sir,

It is a matter of serious concern that the "**Report of the committee of Joint Secretaries**" which was circulated by Prasar Bharati Secretariat on 27-07-2011 to few Associations/Unions for their comments, is a calculated attempt to create unrest, chaos and anarchy among the different sections of employees' working in AIR & Doordarshan as is evident from the unfair **recommendation of the Joint Secretaries to the GoM for withdrawal of executive order** dated 25-02-1999 on upgraded pay scale in respect of 11 categories of engineering and programme staff of AIR & Doordarshan.

Most unfortunately, the Joint Secretaries committee had not gone to the in-depth study of various legal observations/judgment and others background which compelled the Govt. to issue the said order after thorough scrutiny and approval by all the nodal ministries and Union Cabinet. This executive order can not be arbitrarily withdrawn now on flimsy ground without formulating any alternative arrangement of better pay package. Otherwise, it amounts to a clear violation of principle of natural justice. In fact, the Govt. of India, Ministry of Information & B'casting in its written submission in the past in response to audit observation made by PAO, IRLA accepted that the pay scales granted to these 11 categories are Govt pay scales and their pensionary benefit may accordingly be settled as per rules. It is also wrong to say that all existing employees' of AIR & Doordarshan are averse to absorb in Prasar Bharati. On the contrary, it is a systematic failure from the part of the Govt to frame and notify the Recruitment Rules & Service Conditions of Prasar Bharati as a step forward to implement Sec. 11 of Prasar Bharati Act, 1990.

Sir, after going through critical and detailed study of the "**Report of the committee of Joint Secretaries**", we offer our comments as mentioned above in addition to comments and views as mentioned in Annexure-I (Attached herewith), since UADEE represents those 9 engineering cadres out of 11 who are covered by the said order dated 25-02-1999.

With warm regards,

Yours sincerely

(Debashis Chowdhury)
General Secretary
Tel. No.: 9868924753

Annexure-I

Comments on Joint Secretaries committee's recommendation on withdrawal of 25-02-1999 order:

1. UADEE took note of the minutes of the 5th meeting of Committee of Joint Secretaries.
2. Regrettably, the note presents one-sided picture of the issue of 'deemed deputation' as demanded by a section of employees and the demand of other employees for pay parity.
3. It is to be noted that a sizable chunk of employees from among these 11 categories, mainly Engineering employees are also willing to join Prasar Bharati if the Recruitment rules & Service Conditions are framed in its' true spirit as per MoU signed between the Prasar Bharati and the employees' representatives in the year 2003.
4. Joint Secretaries have failed to take note of this very significant fact which shows that the National Federation of Akashvani & Doordarshan Employees' (NFADE) is not the sole representative of even these 11 categories, let alone of all employees of AIR and Doordarshan.
5. Moreover, all those who demand enhanced pay scales do so not because of the pay hike these 11 categories got, but also because they genuinely want to join Prasar Bharati and vacate the government posts. They believe that deemed deputation or deputation cannot be a permanent measure. Such measures can be valuable only in transit period. Not only that, deputation can be an individual case, Government cannot send all employees collectively on permanent deemed deputation as per DOPT norms, which is a contradiction in terms.
6. Joint Secretaries do not seem to have consulted Prasar Bharati Board/Management to extract their response to this situation. What is Prasar Bharati's stand? Does it refuse to take employees on its pay roll? Nothing is on record on this matter from Prasar Bharati's point of view.
7. We have noted that the committee has recommended pay protection to the employees of the 11 categories. Not to give pay protection after a lapse of 12 years would be inhuman and administratively cumbersome.
8. But, the assurance to protect their pay also signifies the fact that Section 11 must be fully implemented. The fear of employees of the 11 categories about the uncertain monetary position is now taken care of. It renders redundant any proposal to amend section 11 of Prasar Bharati Act, 1990. Because, whether we are in Prasar Bharati or in government service on deemed deputation with Prasar Bharati, will now onward make no difference.
9. Above everything else, the Committee has recommended that pay protection be extended up to promotion or retirement, whichever is early. It is clear from this that an employee on deemed deputation will get promotion only if he is willing to join Prasar Bharati. This is a reasonable clarification. This should prompt every employee to join Prasar Bharati. This is one more reason why section 11 must retain its sanctity.
10. We do not find any logic in the argument that the demand of other categories for equivalent pay structure arose only because the 11 categories were given these pay Scales. Now if the pay scales are withdrawn, they have no rational ground to raise this demand. Pragmatically it may appear to be the case, but going deeper, it would be better to take note of the fact that enhancement of pay scales could form a part of the new terms and conditions for switching over to the new employer. Government had, infact began that process by granting higher pay scales to 11 categories but decided not to offer the same treatment to others. This discrimination was at the root of the demand by all other categories for higher pay scales. However, the govt. could have left the issue to Prasar Bharati once employees choose to join it.
11. We, therefore, insist that the section 11 must now be implemented in toto and no tampering with it be permitted. Joining Prasar Bharati or remaining with government is a decision to be taken by each employee separately and individually. Association's or Union's opinions in this regard cannot be taken as a single voice or conscious decision of all employees.

Dated: New Delhi, the 5th Aug, 2011

(Debashis Chowdhury)