

FAILURE OF CONCILIATION REPORT  
( In triplicate)

Govt. of India  
Ministry of Labour & Employment  
Office of the Dy. Chief Labour Commissioner(Central)  
2<sup>nd</sup> M.S.Building, 5<sup>th</sup> floor, Nizam Palace,  
234/4, A.J.C.Bose Road, Kolkata-700020

No.7 /5/2009.E./DY.CLC

Dated: 3/8/10

To  
The Secretary to the Government of India,  
Ministry of Labour & Employment,  
New Delhi.

Subject: Industrial dispute raised by Union of Akashvani & Doordarshan (Prasar Bharati) Engineering Employees (UADEE) against the management Over alleged unfair labour practice.

Sir,

The Zonal President, Union of Akashvani & Doordarshan (Prasar Bharati) Engineering Employees(UADEE) vide letter No. UADEE/EZ/LC/2009-10 dated 8.12.2009 which is enclosed as Annexure-A, raised an industrial dispute against unfair labour practice being pursued by the Chief Engineer, East Zone, AIR & Doordarshan, Kolkata in connivance with the authority concerned of D.G., AIR, New Delhi. In the dispute the union submitted that there is denial of collective bargaining with the representative of UADEE, a registered trade union and showing partiality and granting favour to non-recognised service Associations, few of which are not even lawfully registered by any statutory authority or body. The union further mentioned that workmen are transferred with malafied intention by not maintaining the seniority as laid down in the transfer policy guidelines as well as to discourage membership of registered trade union i.e. UADEE. Union submitted Photostat copy of transfer policy guidelines dated 14.7.81 which is enclosed as Annexure alongwith the petition which is marked as Annexure-B. The union again intimated that matter was communicated and a request was made to C.E.(EZ) on several occasions to comply with rules of law but he never paid any sincere heed on the plea that D.G., AIR recognizes only 9 associations contrary to fact that neither these 9 service association exist as on today in the department. The union again reflected that the Prasar Bharati, DG, AIR has not implemented relevant provisions of the said Act with ill-intention to continue unfair labour practice. As a result, a chaotic situation is prevailing in the organization, especially in East Zone, due to gross violation of transfer policy and unfair labour practice and union sought intervention.

Management took a considerable time in submission of their reply as the reply was to be vetted by the Director General, Prasar Bharati, Broadcasting Corporation of India, However, management has submitted the reply vide No. B-

12017/11/2010-WL, New Delhi dated 7.6.2010 which is enclosed as Annexure-C. In the letter management submitted that as per AIR Manual 9 associations mentioned therein were recognized and submitted the name of association in their reply and Directorate is interacting with these 9 associations only. Management however submitted that Prasar Bharati come into force in 1997 but the recruitment rules and the service conditions of the employees of the Prasar Bharati are yet to be framed. Management again submitted that all the staff of the Prasar Bharati are Central Government employees on deemed deputation to Prasar Bharati without deputation allowance, they are governed by the rules framed by the respective department of the Government of India. Management again submitted that in the matter of transfer posting of office bearers of the then the recognized association as per decision of the Secretary, Information & Broadcasting, office bearers at Zonal office as far as possible are not be disturbed.

Union again submitted the rejoinder vide reference No. VADEE/EZ/G-13/2010 dated 1.7.2010 which is annexed as Annexure-D. In the reply the union submitted that the submission of management is misleading, confusing, motivated distortion of facts and contradictory. Union further submitted that those erstwhile association of AIR as mentioned in AIR manual were not registered under Trade Union Act, 1926 and have no existence at present as recognized association as admitted by the Director General. In the said letter union representative comprehensively has denied the submission of the management and gave so many citations in support of their contention. Again the union vide their letter No. UADEE/EZ/G-13/2010 dated 22.7.2010 again submitted another rejoinder reflecting therein that management is bent upon to follow unfair labour practice in consultation with other association, whereas their association is committee to maintain industrial peace and harmony.

After prolonged discussion the matter could not be reconciled. At the end of the conciliation proceedings parties were asked for arbitration but the management declined whereas the union supported for the arbitration.

Yours faithfully,

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( V.K.Pandey)

Dy.Chief Labour Commissioner(Central)  
Kolkata.

Copy to:-

1. The Director General, All India Radio, Akashvani Bhavan, Sangsad Marg, New Delhi-110001.
2. The Chief Engineer(East Zone), All India Radio & Doordarshan, Akashvani Bhavan, Eden Gardens, Kolkata-700001.
3. The Zonal President(East Zone), Union of Akashvani & Doordarshan(Prasar Bharati), Engineering Employees, East Zone, E.K.T.P., Phase-I, Flat No.A1/4, Payamanti Co-operative Housing society Ltd., E.M.By Pass, Kolkata-700107.

*[Handwritten Signature]*  
30.7.10

Dy.Chief Labour Commissioner(Central)  
Kolkata