

Prasar Bharati
(India's Public Service Broadcaster)
Directorate General : All India Radio

No.8/3/2011-SIV(B)/Vol.VI

Akashvani Bhawan, New Delhi,
dated the 13.10.2015

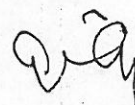
SPEAKING ORDER

Whereas the following Original Applications were filed by many EAs, SEAs and AEs of DG:AIR and DG:Doordarshan before the Hon'ble Principal Bench of CAT, New Delhi for 1st ACP benefits in the payscale of Rs.8000-13500 as granted to the applicants of OA No.514/2002.

OA No.	Filed by S/Shri	Total No. of applicants
757/2013	Umesh Chandra & others	11
3400/2012	Vinod Kumar & others	7
350/2013	H.K.Mishra & others	3
4191/2013	Anil Kumar Sharma & others	40
4462/2013	Union of AV&DDn	93
879/2013	S.K.Mishra & others	6
4439/2013	Pradeep Gupta & others	35
4249/2014	ARTEE	4
1147/2014	Thomas Mathew & others	9
3675/2014	MRC Reddy & others	23
4028/2014	A.K.Bhatnagar & Others	99
4280/2014	A.M.Sharma & others	43
305/2014	Niraj Tirkey & others	116
58/2015	K.K.Sharma & others	66
2608/2015	S.K.Singh & others	74
1156/2013 (CAT, Chennai)	Smt.S.Selvaraju	1
1155/2013 (CAT, Chennai)	K.Kannan	1
200/2014(CAT, Jabalpur)	N.K.Parmar & others	20

2. Whereas the following Contempt Petitions were also filed before the Principal Bench of CAT, New Delhi due to non-implementation of the Hon'ble CAT orders.

CP No.	Filed by S/Shri	Total No. of applicants
CP 68/2015 in OA No.215/2014	Sushil Kumar Aggrawal & others	154
CP 445/2015 in OA No.2852/2013	Ashutosh Kumar & others	6
CP No.197/2015 in OA No.4520/2013	Pradeep Galhotra & others	56
CP No.396/2014 in OA No.854/2014	Y.P.Singh & others	177



CP No.357/2015 in OA No.2591/2013	Vinod Kumar & others	7
CP No.68/2015 in OA No.3580/2014	Joginder Singh & others	16
CP No.560/2014 in OA No.51/2014	Pradep Kumar & others	24
CP No.540/2014 in OA No.3106/2013	M.K.Gupta & others	26

3. Whereas the Hon'ble Tribunals had ordered in all the cases mentioned above to *consider the cases of the applicants if they are found similarly placed with the applicants of OA No.514/2002, they shall also be extended the benefits therein.* Thereafter, the Directorate General, All India Radio decided to examine the service records of all the petitioners in the OAs and CPs mentioned in para 1 & 2 above. It was also decided to examine the service records of all other EAs, SEAs and AEs who have so far not approached any Tribunals. Since there are approximately 4950 serving/retired EAs, SEAs and AEs, it was considered not possible to bring their service records to the Directorate for verification within the short time frame allowed by the Hon'ble Tribunals. All the 5 zones were asked to constitute Zonal Screening Committees in their respective Zones under the Chairmanship of the respective Zonal ADGs to verify the service records of all EAs, SEAs and AEs who were drawing pay and allowances in the pre-revised payscale of Rs.6500-10500 and/or in the upgraded payscales granted by the Ministry of I&B vide their order dated 25.2.1999.

4. Whereas the zonal offices provided the certified service details of the applicants of all the OAs/CPs mentioned in para 1&2 above and also the service details of other EAs, SEAs and AEs of North Zone who were not applicants in any OAs/CPs filed till now.

5. Whereas the Screening Committee constituted in the Directorate to examine the certified service records thus received from the zones met on 12.10.2015 under the Chairmanship of Shri Animesh Chakraborty, Engineer-in-Chief, All India Radio to consider the cases of all the employees as mentioned in para 4 above. The other members of the Committee were Shri J.Bhagat, Chief Engineer, CCW, Shri R.Ghosh Dastidar, ADG(E-Dev), DG:AIR and Shri O.K.Sharma, ADG(E), Doordarshan.

6. Whereas the Hon'ble CAT, Patna in OA No.514/2002 had observed that the applicants are working as EAs, SEAs and AEs in Prasar Bharti in the payscale of Rs.6500-10500 since the implementation of the 5th Pay Commission in 1996 by virtue of implementing the order of Hon'ble Tribunals in OA No.85/1997 linked with OA No.662 of 2004 and had directed the Respondents to grant the applicants the payscale of Rs.8000-13500 as and when they have completed 12 years of service in the payscale of Rs.6500-10500 within a period of 2 months.

7. Whereas the order of the Hon'ble Tribunal was challenged before the Hon'ble High Court, Patna, observing that *"on merits, there is no dispute that the tribunal has correctly appreciated the clarification contained in DOPT OM dated 10.2.2000 which is fully discussed in para 4 of the impugned order of the learned CAT, Patna*

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Bench dated 7.9.2010 in OA No.514 of 2002". The operative para of the Hon'ble High Court verdict dated 25.8.2010 was as under:

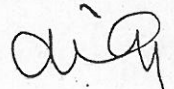
We find some substance in the submissions advanced on behalf of petitioners that the learned Tribunal in paragraph 9 of the impugned order should have directed the authorities only to consider the case of the applicants for grant of benefits under the ACP on completing 12 years of service in accordance with scheme of ACP and the clarification contained in DOPT dated 10.2.2010(sic)(2000). In our view also the learned Tribunal should not have issued a general direction to cover cases of all the individuals because under the ACP scheme cases of individuals require consideration. Now once the doubts relating to cases of the employees have been cleared, they are directed to consider the grant of benefit of ACPS to the applicants before the Tribunal within a period of 3 months from today in accordance with law and the observations made in this order and the order of the learned Tribunal.

8. Whereas the Hon'ble High Court had modified the order of CAT, Patna and directed to consider the grant of benefit of ACPS to the applicants of OA No.514/2002 before the Tribunal within a period of 3 months in accordance with law and the observations made in its order and the order of the learned Tribunal, the Screening Committee examined the cases keeping view the order of the Hon'ble Patna High Court which had attained finality. The Committee, after examination of the service details of the applicants of the OAs/CPs as mentioned in para 1&2 above and the service details of other EAs, SEAs & AEs from North Zone whose details were placed before it for consideration, observed that subsequent to the grant of upgraded payscales by the Ministry of I&B vide its order dated 25.2.1999, two categories of EAs, SEAs and AEs exist in Prasar Bharati. These are:

- i. **Category-I.** Those who had not accepted the upgraded payscales granted by the Ministry of I&B but were granted the payscale of Rs.6500-10500 through court verdict in OA No.85/1997 linked with OA No.662/2004 before the Patna Bench of CAT as replacement scale for IV CPC payscales for EAs, SEAs and AEs w.e.f 1.1.1996. And,
- ii. **Category-II.** Those who had accepted the upgraded payscales of Rs.6500-10500, Rs.7450-11500 and Rs.7500-12000 respectively in the posts of EA, SEA and AE w.e.f 1.1.1996 vide Ministry of I&B order dated 25.2.1999.

9. Whereas, after deliberations, the Screening Committee also noted that:

- a. Since all the employees except EAs mentioned in category II above are enjoying higher payscales than their counterparts (category I) who had not accepted these scales, so they are not similarly situated with applicants of OA No.514/2002 as far as their payscales are concerned.
- b. Once a higher payscale has been granted to an employee on his promotion in the hierarchy and he has accepted it, no additional benefit in the form of financial upgradation under the ACP Scheme can be granted to him as per the ACP Rules.
- c. All the 1832 employees whose data has been placed for consideration have been granted upgraded payscales as per Ministry of I&B order dated 25.2.1999 so they are not similarly situated as in the case of the applicants of OA No.514/2002 (Category-I). Shri B.K.Roy, SEA who was an applicant of OA No.514/2002 and had initially opted for upgraded payscales granted by the Ministry of I&B as per



its order dated 25.2.1999, subsequently opted for the scales as per category-I, only then he was granted the benefits under the ACP scheme.

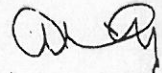
- d. None of the applicants of the above mentioned OAs & CPs filed before various Tribunals have apparently disclosed before the Hon'ble Tribunals that they are beneficiaries of upgraded payscales as per Ministry of I&B order dated 25.2.1999 and, therefore, are not similarly placed with the applicants of OA No.514/2002 on this count.
- e. The applicants of CP No.68/2015 filed by Shri Joginder Singh and 15 others and CP No.197/2015 filed by Shri Pradeep Galhotra and 60 others are also beneficiaries of upgraded payscales granted by the Ministry of I&B vide order dated 25.2.1999 and as such they belong to category-II described in para 8 above and therefore they are not entitled for upgradation under the ACP Scheme.

10. Whereas the Committee after careful examination of the service details and detailed deliberations found that the cases of all the candidates placed before it including the applicants of OAs & CPs listed in para 1 & 2 above falls under Category II mentioned in para 6 above and therefore they are not similarly placed as compared to the applicants of OA No.514/2002. Therefore, the Committee did not find them fit for further financial upgradation in the payscale of Rs.8000-13500 under the ACP Scheme as they have already been granted the benefits existing in the promotional hierarchy.

11. Whereas the recommendations of the Screening Committee has been accepted by the competent authority.

12. Therefore, the applicants of all the OAs/CPs as mentioned in para 1 & 2 above are hereby informed accordingly.

13. This issues with the approval of the competent authority.



(Ajaya Kumar K.P)
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Copy to:

1. Addl. Director General(A&E), Prasar Bharati Secretariat, PTI Building, New Delhi w.r.t PB Sectt. letter No.4/17/2014-LC dated 12.10.2015.
2. Shri Sanjay Dhar, Under Secretary(BA-E Section), Ministry of I&B, Shastri Bhawan, New Delhi w.r.t Ministry's letter No.515/18/2013-BAE dated 21.1.2015.
3. PS to DG, AIR/PS to E-in-C, DG:AIR
4. DDG(A&F), DG:AIR/Dir(AII), DG:AIR