

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**PATNA BENCH, PATNA**  
**OA/050/00610/14**

Reserved on: 30.07.2019  
Date of Order: 01.08.2019

**C O R A M**

**HON'BLE MR. JAYESH V. BHAIRAVIA, JUDICIAL MEMBER**  
**HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER**

1. Brij Kishore Roy, S/o Langtu Roy, r/o CB-19, Biswas Apartment, Christian Colony, Keshwa Lal Road, Lodipur, Patna.
2. Harendra Kumar Mishra S/O Adya Saran Mishra Resident of Malvey Nagar, Sareya, Ward No. 4, Gopalganj.
3. Sudhanshu Kumar, S/o Late Kaleshwar prasad, Resident of Mohalla-Anishabad, PS- Gardanibagh, District- Patna.

.... Applicants.

By Advocate: - Mr. S.K. Bariar

-Versus-

1. The Secretary, Ministry of Information and Broadcasting, Govt. of India, 'A' Wing, Shastri Bhawan, New Delhi-110001.
2. The Chief Executive Officer, Prasar Bharti, Prasar Bharati Secretariat, 2<sup>nd</sup> Floor, PTI Building, Sansad Marg, New delhi-110001.
3. The Joint Secretary(B), Ministry of Information and Broadcasting, Govt. of India, 'A' Wing, Shastri Bhawan, New Delhi-110001.
4. The Director General, Directorate of All India Radio, Akashwani Bhawan, Sansad Marg, New delhi-110001.
5. The Director General, Doordarshan, Doordarshan Bhawan, Copernicus Marg, New Delhi-110001.
6. The Additional Director General (Adm.), Doordarshan, Doordarshan Bhawan, Copernicus Marg, New Delhi-110001.

.... Respondents.

By Advocate: - Mr. H.P. Singh, Sr. SC  
Mr. G.K. Agrawal

**O R D E R**

**Per Dinesh Sharma, A.M:-** In the instant OA, the applicants have prayed for directing the respondents to grant upgraded designation to the applicants as Dy. Director (Engg.)/Executive Engineer and Assistant Director

(Engg.)/Asst. Executive Engineer as per their Grade Pays of Rs. 6600/- and Rs. 5400/-. They have alleged that they were working as Senior Engineering Assistants, with Grade Pays of 6600 and 5400 (applicant no. 3) under the Ministry of Information and Broadcasting though they have been working as such for the last several years. They are still working on the post of Senior Engineering Assistant though their Grade Pay are equivalent to the post of Dy. Director (Engg.)/Executive Engineer (Grade Pay of Rs. 6600/0) and Assistant Director (Engg.) /Assistant Executive Engineer (Grade Pay of Rs. 5400/-). Though they have requested for change of their designation their request has not been agreed to so far. At the same time, the request made by Production Assistants, Transmission executives, Floor Manager and Property Assistant etc. for upgrading their designation equivalent to their Grade Pay have been taken care of by giving them the designation of Programme Executives. Since similarly situated employees of Doordarshan in the Engineering Section having the same Grade Pay and pay band have been granted the upgraded designation as Assistant Director (Engg,) and Dy. Director (Engg.) the applicants also should be re-designated as such according to their Grade Pays.

2. The respondents have filed written statement in which they have denied the claim of the applicants. According to them, the applicants have got the Grade Pays as claimed by them under the ACP scheme which does not bestow any claim for regular promotion. The rules regarding ACP/MACP make it very clear that there shall be no change in the designation on grant of financial upgradation under MACP/ACP.

3. The respondents have also alleged in their supplementary written statement that change in designation of Production Assistants, Floor Managers etc. was part of rationalization of designations. Such re-designations for the sake of rationalization, even when based on pay scales and Grade Pays of officers, was not on the basis of Grade Pays received by virtue of grant of ACP/MACP. The claim of the applicants that the change in designations is based on pay grade is wrong and is, therefore, denied.

4. The applicants have filed a rejoinder in which they have reiterated their claim in which they have mentioned about the grant of ACP to the applicants as per the order of this Tribunal in OA 514/2002 and the rejection of review petitions/writ petitions and SLP against such orders by the Hon'ble High Court/Hon'ble Supreme Court. They have again asked for re-designation as was done in case of the other Engineering staff.

5. We have gone through the pleadings and heard the arguments of learned counsels of both the parties. During the course of arguments, the learned counsel for the applicants argued that there is another OA/050/00283/18 by the applicant pending before this Tribunal, to decide on the matter of ACP to the applicant. The learned counsel argued that the matter in the present OA should be decided on the basis of the outcome of the aforesaid later OA. It was also brought to the notice of this Tribunal that the matter raised in OA/050/00283/18 is also being agitated by similarly placed employees before the Principal Bench, CAT, New Delhi. We do not find it logical to decide the application made in 2014 on the basis of outcome of an issue raised in 2018. It is clear that what is raised in this OA

is a matter of re-designation according to the Grade Pay enjoyed by the applicants on the basis of ACP/MACP granted to them. The respondents have clearly denied the existence of any co-relation between Grade Pays and the designations. All career progression schemes (ACP/MACP) expressly make it clear that these schemes are for financial upgradation in case of lack of promotional opportunities. Any increase in pay due to such grant of ACP/MACP cannot lead to a claim for promotion or re-designation. By arguing that the outcome of this OA will depend on the decision of this Tribunal in another OA, where the issue is regarding grant of ACP/MACP, the learned counsel for the applicant has clearly admitted the link between the claim of the applicants for ACP/MACP and their re-designations. Since there is no such link between the designation of an employee and the Grade Pay granted as a result of ACP/MACP, we cannot accept the prayer of the applicants for re-designation on this ground. The OA, therefore, does not succeed. If there is at all any claim for re-designation which could hypothetically arise on the outcome of the later OA, and if the applicants acquire any legal right to pursue that claim, that would not be affected by this decision. The OA is, accordingly, dismissed. No order as to costs.

**[ Dinesh Sharma ]**  
**Administrative Member**  
**Srk.**

**[Jayesh V. Bhairavia]**  
**Judicial Member**