

**MINISTRY OF INFORMATION & BROADCASTING  
BA-E (SECTION)**

Minutes of the meeting of the Screening Committee held on 24-10-2011 at 3:30 PM in the chamber of JS(B), Room No.660, 'A' Wing, Shastri Bhawan, New Delhi.

**PRESENT**

- |    |   |   |          |
|----|---|---|----------|
| 1. | Sh. Arvind Kumar<br>Joint Secretary (B)                                 | - | Chairman |
| 2. | Sh. R.Venkateswarlu<br>Addl. Director General (Admin)<br>DG:Doordarshan | - | Member   |
| 3. | Sh. Mukul Tyagi<br>Chief Engineer, AIR                                  | - | Member   |
| 4. | Sh. H.K.Wadhwa<br>Chief Engineer, Doordarshan                           | - | Member   |

**Proposal:** Consideration of suitability of the applicants in OA No.514/2002 before CAT Patna for grant of 1<sup>st</sup> ACP benefit according to the ACP Scheme introduced by govt. vide DOP&T OM dated 09.08.1999.

The Screening Committee considered the suitability of the applicant Sr. Engineering Assistants (SEAs) and Assistant Engineers (AEs) in OA No.514/2002 before CAT Patna for grant of 1<sup>st</sup> ACP benefit according to the ACP Scheme introduced by govt. vide DOP&T OM dated 09.08.1999.

2. The Committee was informed that consideration of suitability the above mentioned 12 SEAs / AEs for grant of 1<sup>st</sup> ACP benefit according to the ACP Scheme introduced by govt. vide DOP&T OM No.35034/1/97-Estt.(D) dated 09.08.1999 has become essential due to filing of the Contempt Petition No.22/2011 arising out of OA No. 514/2002 by Akashwani & Doordarshan Diploma Engineers Association and 11 others before the Hon'ble CAT, Patna

alleging non-implementation of the impugned order dated 07-09-2009 passed by the Hon'ble Tribunal directing the respondents in the OA as under :

(i) ..... to grant the applicants the pay scale of Rs. 8000-13500/- as and when they have completed 12 years service in the pay scale of Rs. 6500-10500/- . The arrears should also be paid to the applicants.

(ii) ..... to issue orders regarding ACP promotion to the applicants within a period of two months from the date of receipt of a copy of this judgment. The arrears may be calculated and paid to them within one month thereafter.

2. The Screening Committee was informed of the following conditions for grant of the ACP Scheme introduced by government vide DOP&T's OM No. 35034/1/97-Estt. (D) dated 09-08-1999 :-

- (i) Two financial upgradations under the ACP Scheme in the entire Government service career of an employee shall be counted against regular promotions (including in situ promotion and fast-track promotion availed through limited departmental competitive examination) availed from the grade in which an employee was appointed as a direct recruit. This shall mean that two financial upgradations under the ACP Scheme shall be available only if no regular promotions during the prescribed periods (12 and 24 years) have been availed by an employee. If an employee has already got one regular promotion, he shall qualify for the second financial upgradation only on completion of 24 years of regular service under the ACP Scheme. In case two prior promotions on regular basis have already been received by an employee, no benefit under the ACP Scheme shall accrue to him;
- (ii) Residency periods (regular service) for grant of benefits under the ACP Scheme shall be counted from the grade in which an employee was appointed as a direct recruit;
- (iii) Fulfillment of normal promotion norms (benchmark, departmental examination, seniority-cum-fitness in the case of Group 'D' employees etc.) for grant of financial upgradations, performance of such duties as are

entrusted to the employees together with retention of old designations, financial upgradations as personal to the incumbent for the stated purposes and restriction of the ACP Scheme for financial and certain other benefits (House Building Advance, allotment of Government accommodation, advances etc.) only without conferring any privileges related to higher status (e.g., invitation to ceremonial functions, deputation to higher posts, etc.) shall be ensured for grant of benefits under the ACP Scheme;

- (iv) Financial upgradation under the Scheme shall be given to the next higher grade in accordance with the existing hierarchy in a cadre / category of posts without creating new posts for the purpose;

4. The committee was also informed of the clarification on point of doubt at Sr. No. 7 of the Annexure-II DOP&Ts OM No. 35034/1/97-Estt. (D) dated 10-02-2000 to the effect that ACPS is applicable only to Central Government Civilian employees and, as such does not get automatically extended to autonomous / statutory bodies. A conscious decision in this regard shall have to be taken by the governing body / Competent Authority / organization concerned.

5. In order to enable the Screening Committee to make appropriate recommendations, the details of service records in r/o of the above 12 officers, as mentioned in their service books including the benefits of scales of pay / pay, whether applicable to them as civilian central govt. employees or Prasar Bharati employees, provided to this Ministry by DDG (Engg.), AIR Patna, were placed before the committee as at Annexure-1.

6. The following relevant information were also placed before the Screening Committee for taking appropriate decisions :-

- (i) The pay scale attached to the post of Engineering Assistant was revised to Rs. 550-900/- w.e.f. 01-01-1978 and Rs. 2000-3200/- w.e.f. 01-01-1986 in pursuance of the Hon'ble Supreme Court order dated 25-11-1994 SLP (C) No. 15206-07/92 and SLP (C)-4370-08/93 upholding the CAT, Madras judgment dated 29-06-1990 in OA No. 654/89 but the 5<sup>th</sup> CPC recommended the

pay scale of Rs. 5000-8000/-, Rs. 5500-9000/- and 6500-10500/- for the posts of Engineering Assistant, Senior Engineering Assistant and Assistant Engineer respectively but the 5<sup>th</sup> CPC had also recommended protection of pay of the Engineering Assistants drawing the pre-revised pay scale of Rs. 2000-3200/-.

- (ii) The Ministry of I&B vide its OM dated 05-12-1997 had decided to take the following interim measures pending a final decision on the issues relating to pay scales of some grades of Sub-ordinate Engineering Service of AIR & Doordarshan to be taken by Prasar Bharati under Section 11(4) and (5) of the Prasar Bharati Act, 1990:-
- (a) The pay of Engineering Assistant (EA) will be fixed in the scale corresponding to the scale of Rs. 1600-2660/- i.e. Rs. 5000-8000/- w.e.f 01-01-1996 in accordance with the procedure let down in para 7 of the CCS (RP) Rules, 1997..... While so fixing the pay, the pay of incumbents EAs who were drawing pay scale of Rs. 2000-3200/- will be protected as recommended by the 5<sup>th</sup> CPC. Arrears of pay from 01-01-1996 to 31-10-1997 calculated on the above basis will be paid. Pay will also be notionally calculated in the scale corresponding to the scale of Rs. 2000-3200/- i.e. Rs. 6500-10500/- in the case of existing incumbents only with reference to 01-11-1996. A sum equal to 90% of the difference between the emoluments so calculated will be paid as an adhoc amount in addition w.e.f 01-11-1997. However new recruits to the post of Engineering Assistant will be appointed in the pay scale of Rs. 5000-8000/- i.e. the pay scale recommended by 5<sup>th</sup> CPC.
- (b) The pay of Sr. Engineering Assistant (SEA) will be fixed in the scale corresponding to the scale of Rs. 1640-2900/- i.e. Rs. 5500-9000/- w.e.f 01-01-1996 in accordance with the procedure laid down in para 7 of the CCS (RP) Rules, 1997..... While so fixing the pay, the pay of incumbent SEAs who were drawing pay scale of Rs. 2000-3200/- as personal to them, will also be protected. Arrears of pay from 01-01-1996 to 31-10-1997 calculated on the above basis will be paid. Pay will also be notionally calculated in the scale corresponding to the scale of Rs. 2000-3200/- i.e. Rs. 6500-10500/- in the case of existing incumbents only with reference to 01-11-1996. A sum equal to 90% of the difference between the emoluments so calculated will be paid as an adhoc amount in addition w.e.f 01-11-1997.

The scales of pay of 11 categories of employees of AIR & Doordarshan including Engineering Assistant, Sr. Engineering Assistant and Assistant Engineer (including Assistant Engineers in CCW), had been further upgraded as under subject to stipulated conditions vide Ministry of I&B's letter No.310/173/97-B(D) dated 25-02-1999 and a large number of Engineering Assistants, Engineering Assistants and Assistant Engineers of AIR & Doordarshan had been allowed the upgraded pay scale subject to their exercising option for Prasar Bharati, as and when called for :

Sr. No.	Name of Post	Pay scale recommended by 5 <sup>th</sup> CPC	Upgraded pay scale.
1	2	3	4
1.	Assistant Engineer (including Assistant Engineers in CCW)	Rs. 6500-10500/-	Rs. 7500-12000/-
2.	Sr. Engineering Assistant	Rs. 5500-9000/-	Rs. 7450-11500/-
3.	Engineering Assistant	Rs. 5000-8000/-	Rs. 6500-10500/-

iv) The recommendation made by the 5<sup>th</sup> CPC reducing the pay scale of Engineering Assistants in AIR & Doordarshan from the pre-revised Rs. 2000-3200/- to 1600-2660/- was challenged by Doordarshan Engineering Employees Welfare Association (DEEWA) and 14 others by filing OA No. 1867/1998 before Principal Bench of CAT, New Delhi and the Hon'ble Tribunal, while allowing the said OA, had directed the respondents vide its order dated 04-01-2001 to fix the pay of the applicants- incumbent Engineering Assistants – in the scale of Rs. 2000-3200/- w.e.f. 01-01-1986 or from the date of their joining and grant them the corresponding scale of Rs. 6500-10500/- w.e.f. 01-01-1996 with all consequential benefits, but as personal pay to them.

v) The Hon'ble CAT, Patna, while allowing the two OAs viz. OA No. 85 of 1998 filed by Sh. Anil Kumar and 13 other officials and OA No. 662/2004 filed by Sh. Narendra Kumar Srivastava and 7 other officials, all similarly placed as the applicants in the OA No. 514/2002, had taken note of the order dated 04-01-

2001 passed by the Hon'ble CAT, Principal Bench, New Delhi in OA No. 1867/1998 mentioned at (iv) above before directing the respondents to follow the said order.

vi) (a) The Engineering employees who had opted for upgraded pay scales in terms of the decision contained in Ministry of I&B letter dated 25-02-1999 would be governed by the hierarchical pay structure mentioned in column-4 of the table below point no. (iii) above, (b) the employees who were applicants in OA No. 1867/1998 and in other OAs decided by directing the respondents to extend similar benefits, would be in the uniform pay scale of Rs. 6500-10500/- (pre-revised) on personal basis, (c) those employees who were in service as on 05-12-1997 but were not covered under (a) and (b) above would be drawing the pay scale / pay as stipulated in the Ministry of I&B OM No. 310/173/97-B(D) dated 05-12-1997 and (d) the remaining EAs, SEAs and AEs who joined the respective posts on direct recruitment basis subsequently would be drawing the pay scale / pay recommended by the 5<sup>th</sup> CPC.

vii) The Committee was further informed that the <sup>3</sup> posts of Engineering Assistant, Sr. Engineering Assistant and Assistant Engineer in All India Radio & Doordarshan providing for hierarchical promotion, had never been placed in the same pay scale as result of rationalization of pay scales, thereby resulting into any change in the hierarchy. Therefore the clarification of points of the doubt mentioned in DOP&T's OM dated 10-02-2000, is not really applicable for considering grant of ACP benefits to <sup>the applicants</sup> Engineering Assistants, etc.

7. Before considering suitability of the applicant Sr. Engineering Assistants (SEAs) and Assistant Engineers (AEs) in OA No. 514/2002 before CAT Patna for grant of 1<sup>st</sup> ACP Benefit according to the ACP Scheme introduced by govt. vide DOP&T OM dated 09-08-1999 on the basis of their ACRs for the relevant periods, fulfillment of benchmark, vigilance clearance etc. the committee examined the details of service rendered by these officers since the date of Joining AIR / Doordarshan as Engineering Assistant, as produced before it in the light of the above facts and had observed as under:-

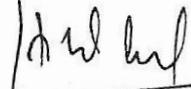
- (i) All the 12 applicant officers had joined service in AIR/Doordarshan as Engineering Assistant on Direct recruitment basis in the pay scale applicable on their respective dates of joining.
- (ii) Whereas 8 applicant officers had been promoted to the post of Senior Engineering Assistant on regular basis in the pay scale applicable to Civilian Central Government Employees remaining applicant officers had been promoted to the post of Senior Engineering Assistant in the pay scale applicable to Prasar Bharati Employees.
- (iii) Based on revision of pay scale of Engineering Assistant of AIR & Doordarshan to Rs 550-900/- (pre-revised) w.e.f. 1.1.1978 and Rs 2000-3200/- w.e.f. 1.1.1986 in pursuance of the judgment dated 25.11.1994 passed by the Hon'ble Supreme Court, vide Ministry of I&B's letter No 310/15/93-B(D) dated 15.5.1995, pay of all the applicant officers had been re-fixed in the revised scales of pay w.e.f. the date, as applicable in each case.
- (iv) Based on a decision taken by Ministry of I&B relating to pay scales of Engineering Assistants, Senior Engineering Assistants and some other cadres, pending a final decision of the issues to be taken by the Prasar Bharati under Section 11(4) and (5) of the Prasar Bharati Act, 1990, the pay of Engineering Assistant and Sr. Engineering Assistants had been fixed in the pre-revised pay scales of Rs 5000-8000/- and Rs 5500-9000/- respectively, as recommended by 5<sup>th</sup> CPC in accordance with the procedure laid down in CCS (RP) Rules, 1997 and while so fixing their pay, the pay of the incumbent Engineering Assistants and Sr. Engineering Assistants who had been drawing the pay scale of Rs 2000-3200/- (pre-revised), as personal to them had been protected in pursuance of the recommendation made by the 5<sup>th</sup> CPC. Whereas arrears of pay from 1.1.96 to 31.10.1997 calculated on the above basis had been paid to all the EAs and SEAs including applicants, their pay had also been paid to all the EAs and SEAs including the applicants, their pay had also been notionally calculated in the pay scale of Rs 6500-10500/- (corresponding to the pre-revised pay scale of Rs. 2000-3200/-) in the case of the then existing incumbent EAs and SEAs and a sum equal to 90% of the difference between the emoluments so calculated had been paid to them as an adhoc amount additionally w.e.f. 01-11-1997.

(v) All the 12 applicant officers had been granted the upgraded pay scales vide Ministry of I&B's Order No. 310/173/97-B(D) dated 25-02-1999 on the terms and conditions stipulated in para 2 of the said order including the condition regarding refund of and also to refund all payments including arrears received by them w.e.f. 01-01-1996 on this account in the even of their not opting to become an employee of Prasar Bharati, whenever they were asked to exercise such an option. Pay of all these applicant officers had also been fixed in the Prasar Bharati pay scale, as applicable under CCS(RP) Rules, 1997.

8. On the basis of the observations made unanimously by the committee mentioned at para 7 above, the Screening Committee have assessed all these 12 applicant officers as unfit for grant of 1<sup>st</sup> financial upgradation under the ACP Scheme to raise their pay scale to Rs. 8000-13500/-. Assessment of the officers have been indicated Annexure-II.

  
(ARVIND KUMAR)

  
(MUKUL TYAGI)

  
(H.K.WADHWA)

  
(R.VENKATESWARLU)