

**Central Administrative Tribunal  
Principal Bench, New Delhi**

**OA No.164 of 2014**

**This the 6th day of May, 2015**

Honble Mr. G.George Paracken, Member (J)  
Honble Mr. Shekhar Agarwal, Member (A)

1. Doordarshan Engineering Employees Welfare Association,  
Through the General Secretary, M.S. Sreekumar,  
Central Production Centre,  
Doordarshan Asiad Village Complex,  
Sri Fort, New Delhi-49
2. Manoj Kumar Mahajan  
S/o Sh. Late Chunni Lal Gupta,  
R/o A-604, Anmol Apartments, Sector-2,  
Plot No.3A, Dwarka, New Delhi-75.
3. Rakesh Kumar Ojha  
S/o Sh. Rajendra Prasad,  
R/o 1017, Sector-37, Noida (UP) 201303.
4. Satyavir Jatukaran,  
s/o Shri Satya Narayan,  
R/o B-149, Pkt.I, KV-2, Sector-82, Noida (U.P.).
5. Deep Kumar Gupta  
S/o late Shri Mangal Prasad Gupta,  
R/o S-502, Sector-10, R.K. Puram,  
New Delhi-110022.
6. Kavita Mahajan  
W/o Manoj Kumar Mahajan  
R/o A-604, Anmol Apartments Sector-2,  
Plot No.3A, Dwarka, New Delhi-75.
7. Sangeeta Sahani W/o J.K. Sahani,  
R/o C.46A, Kalkaji, New Delhi.
8. Rakesh Kumar Nigam  
S/o Sh. Om Prakash Nigam,  
R/o D-32, Doordarshan Colony,  
Shymla Hills, Bhopal-13.

.....Applicants

(By Advocate: Shri Yogesh Sharma)

**-VERSUS-**

1. Union of India, through the Secretary,  
Ministry of Information and Broadcasting,  
Govt. of India, Shastri Bhawan,  
New Delhi-110001
2. Under Secretary, BA(E)  
Ministry of Information and Broadcasting,  
Govt. of India, Shastri Bhawan,  
New Delhi-110001
3. Director General,  
Doordarshan,  
Mandi House, Copernicus Marg,  
New Delhi
4. Director General,  
All India Radio,  
Akashwani Bhawan, Sansad Marg,  
New Delhi

.....Respondents

(By Advocate: Shri Shri D.S. Mehandru for R-1 and R-2 and Shri Anchit Sharma for Shri Gaurang Kanth for R-3 and R-4)

**ORDER (ORAL)**

SHRI G. GEORGE PARACKEN, MEMBER (J) :

This joint Original Application has been filed by seven engineering employees of the respondent Doordarshan seeking a direction to the respondents to grant them the benefits under the Assured Career Progression Scheme from the due date.

2. The background of this case is that the applicants are members of the Doordarshan Engineering Welfare Association. The said Association along with Shri M.S. Srikumar has earlier approached this Tribunal vide OA No.597/2011 (Doordarshan Engineering Employees Welfare Association, through the Treasurer and another vs. UOI and others) and the same was disposed of vide Order dated 24.5.2011 and the same is reproduced as under:-

“The instant OA has been filed on behalf of the Doordarshan Employees Welfare Association (applicant No.1) and Sh. M.S. Srikumar (applicant No.2). The applicants are aggrieved at inaction of the respondents in not granting the benefit of the 1st ACP to them on completion of 12 years service in the pay scale Rs.8,000-13,500/- by way of extending the benefit of judgment dated 7.9.2009 passed by the Tribunal, Patna Bench in the OA No. 514/2002 upheld by the High Court and the Apex Court. By way of relief the directions to the respondents to

consider their cases in terms of the benefit of judgment dated 7.9.2009 passed by the Patna Bench of the Tribunal in the OA No. 514/2002 has been sought.

2. On behalf of the respondents, Shri Vikrant Yadav, the learned counsel, would produce before us a counter affidavit dated 24.5.2011, para 7 of which makes the following averments:-

It is submitted that Honble Tribunal may kindly consider to dispose of this OA with direction to the respondents to verify the submissions of the applicants, and in the event the applicants are found similarly placed as that of in Patna CAT Case, then to extend the same benefits to them as have been extended to the applicants of Patna CAT Case.

3. The applicants learned counsel, Shri Yogesh Sharma, would submit that they would have no objection, if the present OA is disposed by issuance of directions to the respondents in the aforesaid terms.

4. In view of this conceded position by both the sides, the OA is disposed along with the directions to the respondents to take necessary steps in the matter as per their averments in para 7 of the counter affidavit. This is to be done within a period of three months from the date of receipt of a copy of this order. No costs.”

3. According to the respondents, altogether 23 employees were involved in the said OA and pursuant to the aforesaid directions, they have given relief to 16 of them vide order No.File No.8/2/2011-S-IV(B) dated 28.2.2013. The said order reads as under:-

**PRASAR BHARATI  
(INDIANS PUBLIC SERVICE BROADCASTER)  
DIRECTORATE GENERAL: ALL INDIA RADIO  
AKASHVANI BHAVAN: NEW DELHI**

**File No.8/2/2011-S-IV(B)**

**Dated: 28.02.2013**

**ORDER**

Doordarshan Engineering Employees Welfare Association had filed O.A. No.597/2011 before CAT, PB, New Delhi claiming therein basic pay of Rs.8000/- to Rs.13500/- (pre-revised) as the financial upgradation under ACP Scheme.

In pursuance of Honble CATs order in said O.A., out of 23 (twenty three) applicants, the following 16 (sixteen) applicants are hereby allowed financial upgradation under ACP Scheme in accordance with the approval by Ministry of I&B as per the recommendations of the Screening Committee in the meeting convened by the Ministry of Information & Broadcasting under the Chairmanship of Joint Secretary (Broadcasting), Min. of I&B. However, the ACP granted to applicants shall be subject to outcome of Review Petition No.141/2012 filed before the Honble Patna High Court and any other legal proceedings to be initiated.

Sr. No.	Name of Applicant/ Designation	Date from which pay scale of Rs 8000-13500 (pre-revised) is effective
1.	Shri Ajay Verma, EA	01.01.2008
2.	Smt. Alka Bhatnagar, EA	01.01.2008
3.	Smt. Anju Dhar Kachroo, EA	01.01.2008
4.	Shri Kuldeep Sharma, EA	01.01.2008
5.	Shri Dashrath Vishwanath, EA	01.01.2008
6.	Shri Mahesh Chand Sharma, SEA	01.01.2008
7.	Shri Manish Kumar Jain, SEA	01.01.2008
8.	Smt. Narinder Kaur Sandhu, AE	01.01.2008
9.	Shri Prasant Shyngle, AE	01.01.2008
10.	Shri Raj Kumar Sharma, SEA	01.01.2008
11.	Shri Ram Chander Sati, SEA	01.01.2008
12.	Smt. Ruchika Jethani, SEA	01.01.2008
13.	Smt. Sangita Sinha, EA	01.01.2008
14.	Shri Sanjeev Jamwal, SEA	01.01.2008
15.	Shri Sreekumar M.S., SEA	01.01.2008
16.	Shri Yogendra Singh Pawar, SEA	01.01.2008

The above named applicants are informed accordingly.

This issues with the approval of the Competent Authority.

Sd/-  
Dy. Director of Admn.(E)  
For Director General

**To:**

**The applicants namely:-**

1. Shri Ajay Verma, EA
2. Smt. Alka Bhatnagar, EA
3. Smt. Anju Dhar Kachroo, EA
4. Shri Dashrath Vishwanath, EA
5. Shri Kuldeep Sharma, EA
6. Shri Mahesh Chand Sharma, SEA
7. Shri Manish Kumar Jain, SEA
8. Smt. Narinder Kaur Sandhu, AE
9. Shri Prasant Shyngle, AE
10. Shri Raj Kumar Sharma, SEA
11. Shri Ram Chander Sati, SEA
12. Smt. Ruchika Jethani, SEA
13. Smt. Sangita Sinha, EA
14. Shri Sanjeev Jamwal, SEA
15. Shri Sreekumar M.S., SEA
16. Shri Yogendra Singh Pawar, SEA

(Served through their respective Station/Kendra)

**Copy to:**

- (i) The Director General, DG, DDn, Mandi House, New Delhi.
- (ii) The Director, DDK, Delhi
- (iii) The Station Director, AIR, New Delhi
- (iv) The Director, DDK, Srinagar,

(Head of office of concerned stations are requested to expedite the payment of respective dues to the applicants in accordance with this order.)

4. Before the aforesaid order was passed by the respondents, the applicants in OA 597/2011 (supra) had already filed CP No.710/2011 before this Tribunal for non-implementation of the aforesaid order dated 24.5.2011. Thereafter, in compliance of the aforesaid Order, the respondents vide Speaking Order No.515/1C/2011-BA-E dated 27.2.2013, gave the following reasons as to why the applicants herein have not been granted the ACP benefits:-

(viii) Whereas in the case of remaining 07 applicants (S/Shri Majoj Kumar Mahajan, SEA, Rakesh Kumar Ojha, SEA, Satyavir Jatukaran, SEA, Deep Kumar Gupta, SEA, Kavita Mahajan, SEA, Sangeeta Sahni, SEA and Rakesh Kumar Nagam, AE) the Screening Committee found certain discrepancies in the entries in the Service Book and desired that their cases would be reconsidered subject to their fulfilment of the criteria adopted in the Patna CAT case.

(xi) Whereas DG:AIR vide letter No.8/2/2011-S.IV(B)/62 dated 18/02/2013 has informed that 7 applicants were promoted from the post of EA to the post of SEA prior to 01/01/1996 and placed in the corresponding pay scale of Rs.5500-9000 w.e.f. 01/01/1996 and their pay fixed accordingly. The pay of these 07 applicants was never fixed in the pay scale of Rs.6500-10500 and therefore having failed to meet the same criteria as adopted in the CAT Patna case their names have not been considered for grant of ACP benefit as per the direction of Honble CAT, Principal Bench, New Delhi.

5. Learned counsel for the applicants has submitted that the aforesaid objections have since been removed by the respondents themselves by granting them the scale of pay of Rs.6500-10500 w.e.f. 1.1.1996 vide order No.21 (MACP) SEA-2012 Admn II/14870 dated 18.3.2014. The said Order is reproduced as under:-

**PRASAR BHARTI**  
**INDIAS PUBLIC SERVICE BROADCASTER**  
**Doordarshan Kendra: Doordarshan Bhawan Tower B.**  
**Copernicus Marg, New Delhi**

**No.21 (MACPS) SEA-2012 Admn II/14870**

**Dated : 18.03.2014**

**ORDER**

In accordance with the DG, All India Radio, Akashwani Bhavan, New Delhi order No.8/2/2011-S-IV-B dated 13.02.2014 & CPC Doordarshan order No.CPC-19(7)Pay/02/1331 dated 27.12.2002, the Pay Shri Manoj Kumar Mahajan, SEA has been fixed in the pay of Rs.6500-200-10500 pay-revised w.e.f. 01.01.1996.

Description	Effective date	Amount (Rs.)	GP (Rs.)	Total (Rs.)
Pre-revised scale Rs.2000-60-2300-EB-75-3275/- the pay applicable for the post, (in case more than one scale of pay is applicable for the post and these have been merged in pursuance of the revised scale, the scale of pay in which the employee was actually drawing his pay should be specified)	01.01.1996	2750		
DA 148%=Rs.4070/- & I.R. Ist & IInd=Rs.375/- & Weightage 40%=Rs.1100	01.01.1996	5545		
Total as on 01.01.1996	01.01.1996	8295		
Basic Pay fixed in the scale of Rs. 6500-10500 as per Vth pay Commission	01.01.1996	8300		
Basic Pay after annual increment	01.01.1997	8500		
Basic Pay after annual increment	01.01.1998	8700		
Basic Pay after annual increment	01.01.1999	8900		
Basic Pay after annual increment	01.01.2000	9100		
Basic Pay after annual increment	01.01.2001	9300		
Basic Pay after annual increment	01.01.2002	9500		
Basic Pay after annual increment	01.01.2003	9700		
Basic Pay after annual increment	01.01.2004	9900		
Basic Pay after annual increment	01.01.2005	10100		
Basic Pay after annual increment	01.01.2006	10300		
Pay fixed in the revised scale in PB-II (Rs.9300-34800/-) with Grade Pay Rs.4600/- (Rs.19160 + 4600/-) in VIth pay commission	01.01.2006	19160	4600	23760
Basic Pay after annual increment@3%	01.07.2006	19880	4600	24480
Basic Pay after annual increment@3%	01.07.2007	20620	4600	25220
Basic Pay after annual increment@3%	01.07.2008	21380	4600	25980
Pay Fixed after grant of 1st MACP in PB-2 Rs.9300-34800 with grade pay Rs.4800	01.09.2008	22160	4800	26960
Pay Fixed after grant of 2nd MACP in PB-2 Rs.9300-34800 with grade pay Rs.5400	01.09.2008	22970	5400	28370
Basic Pay after annual increment@3%	01.07.2009	23830	5400	29230
Basic Pay after annual increment@3%	01.07.2010	24710	5400	30110
Basic Pay after annual increment@3%	01.07.2011	25620	5400	31020
Basic Pay after annual increment@3%	01.07.2012	26550	5400	31950
Basic Pay after annual increment@3%	01.07.2013	27510	5400	32910
Date of Next increment is	01.07.2014			

The above fixation is subject to Audit observation and over payment if any will be recovered from his salary without any notice.

Sd/-  
(R.S. CHOUHAN)  
Sr. Administrative Officer  
For Additional Director General

**Shri Manoj Kumar Mahajan**  
**Sr. Engineering Assistant,**  
**DDK, New Delhi.**

6. The respondents have filed their reply stating that the applicants have approached this Tribunal seeking extension of the benefits of the Order of the Patna Bench of this Tribunal in OA No.514/2002 (Akashwani & Doordarshan Diploma Engineers Association through its President and others vs. Union of India and others) dated 7.9.2009. The aforesaid Order was upheld by the Honble High Court of Judicature at Patna vide Order dated 25.8.2010 in CWJC No.6451/2010. The respondents preferred SLP(CC No.20212/2010) before the Honble Supreme Court challenging the said Order of the High Court but the same was also dismissed vide their Order dated 10.1.2011. However, according to them, they have filed Review Petition No.141/2012 before the Honble High Court of Judicature at Patna and the same is pending.

7. In our considered view, when the respondents have already granted the ACP benefits to 16 out of 23 applicants in the said OA No.597/2011 (supra) subject to the outcome of the Review Petition No.141/2012, there is no question of denying the same benefits to the applicants herein stating that the aforesaid Review Petition is still pending.

8. In view of the above position, we direct the respondents to consider the applicants herein also in the wake of their order dated 18.3.2014 (supra) and if the applicants are otherwise found to be eligible for the ACP benefits as in the case of 16 others, they shall also be given the same subject to outcome of the Review Petition No.141/2012 pending before the Honble High Court of Judicature at Patna. The aforesaid directions shall be complied with, within a period of two months from the date of receipt of a copy of this order.

9. With the aforesaid directions, this OA is disposed of. There shall be no order as to costs.

(SHEKHAR AGARWAL)  
**MEMBER (A)**

(G. GEORGE PARACKEN)  
**MEMBER (J)**

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