

No.515/24/2014- BA (E)
Government of India
Ministry of Information and Broadcasting
Shastri Bhawan, New Delhi- 1100 01

Dated 27th January, 2014

To,

Sh. Sameer Agrawal, Govt. Counsel,
Chamber No.102, Patiala House Courts, New Delhi - 110001
(M) 9873405405 E-mail: sammeer.lawyer@gmail.com

- Subject: - (i) CP No. 396/2014 in OA No. 854/2014 – MA No. 763/2014 filed by Sh. Y.P.Singh & 176 Ors. Vs. UOI before CAT, PB, New Delhi.
(ii) CP No. 328/2014 in OA No. 1147/2014 filed by Sh. Thomas Mathew before CAT, PB, New Delhi.
(iii) CP No. 540/2014 in OA No. 3106/2013, MA No. 2368/2013 filed by Sh. Manoj Kumar Gupta & Ors .
(iv) CP No. 566/2014 in OA No. 4439/2013 filed by Sh. Pradeep Gupta & Ors before CAT, PB, New Delhi
(v) OA No. 4191/2013 filed by Sh. Anil Kumar Sharma, EA Vs. UOI and Others in CAT, PB, New Delhi
(vi) MA No. 3136/2014 in OA No. 879/2013 filed by Sh. S.K.Mishra before CAT, PB, New Delhi
(vii) OA No. 164/2014 filed by Doordarshan Engineering Employees Welfare Association (DEEWA) before CAT, PB, New Delhi
(viii) OA No. 757/2013, MA No. 1291/2014 filed by Sh. Umesh Chandra & Ors before CAT, PB, New Delhi.

Sir,

I am directed to refer to the above mentioned Original Applications filed before the Hon'ble Tribuna, Principal Bench, New Delhi from time to time praying

- (i) To consider their representations to extend them the benefit of CAT Patna order dated 07.09.2009 in OA No.514/2002 for grant of ACP in the light of instructions of DoPT OM dated 9.8.1999; and

- (ii) For direction to the respondent to examine the cases of the applicants and if covered by the order dated 07-09-2009 of CAT Patna in OA No. 514/2002 to extend them the same benefit.

2. In this connection it is stated that the Hon'ble Tribunal, Patna in OA No. 514/2002 directed vide its order dated 07-09-2009 that the applicants in the OA may be granted ACP in the scale of Rs. 8000-13500/- on their completion of 12 years service in the grade of Rs. 6500-10500/- (pre-revised.). The order of the Tribunal, Patna dated 07-09-2009 was challenged before High Court, Patna. However, the writ petition No. 6451/2010 was dismissed on 25-08-2010 by the High Court, Patna. The SLP (CC) No. 20212/ 2010 was filed against the High Court, Patna order dated 25-08-2010 but the same was also dismissed by Supreme Court on facts.

3. In the meanwhile, It was also decided to file Review Petition before Patna High Court against CP No. 22/2011 in OA No. 514/2002. However, this was dismissed as withdrawn with a liberty to file fresh WP. While fresh WP has been filed but there is no stay on the operation of CAT, Patna order dated 07-09-2009. As such, it has been decided to honour the CAT, Patna order dated 07-09-2009 till the outcome of WP.

4. The number of applicants through different OAs have filed applications before CAT, PB, New Delhi and have claimed that they are similarly placed with the applicants of OA No. 514/2002 before CAT, Patna. They have accordingly prayed that they may also be extended the same benefit. As such, in this regard DG:AIR who is the custodian of service records and CR dossier etc of applicants under consideration was requested from time to time to verify whether the applicants in a particular OA filed before the CAT, Patna are similarly placed or not. In case the applicants in an OA are similarly placed then a complete proposal furnishing CR dossier and Vigilance Clearance may be forwarded to the Ministry for convening meeting of Screening Committee in the Ministry. This was done according to the instructions contained in Para 6.2 of DOP&T OM dated 09-08-1999 that stipulates the composition of the Screening Committee shall be the same as that of the DPC

prescribed under the relevant Recruitment Rules for regular promotion to the higher grade to which the financial upgradation is to be granted. Accordingly, while implementing the order dated 07-09-2009 in OA No. 514/2002 before CAT, Patna the Screening Committee was convened in the Ministry.

5. Subsequently, on critical examination it was noticed that there are about 25 OAs already filed comprising nearly 400 applicants claiming the same benefit as that of CAT, Patna. It was also noticed that some more cases are in the pipeline too. In such a situation it was felt difficult to convene Screening Committee at short intervals of time in the Ministry.

6. Incidentally, it came to notice that Ministry of Finance, Department of Revenue after obtaining clarification from DoPT on composition of Screening Committee to consider the cases of the officers for grant of pay scale of Rs. 8000-13500/- (pre-revised), informed all the cadre controlling authorities under the Department of Revenue that the cadre controlling authorities are competent to grant ACP in the pay scale of Rs. 8000-13500/- (pre-revised) to Group "B" officers being their appointing authority. As such, the composition of Screening Committee for grant of ACP in the pay scale of Rs. 8000-13500/- (pre-revised) for Group "B" Officers will be same as that of DPC for Group "B" Officers.

7. DGAIR is the appointing authority or cadre controlling authority in respect of AEs, EAs, SEAs etc belonging to Group-B & C post in AIR/Doordarshan. Therefore, on the lines of Department of Revenue, Ministry of Finance, it was decided with the approval of competent authority to take up the matter with DOP&T to allow the appointing and cadre controlling authority i.e. DGAIR, not only to verify whether the applicants in a particular OA are similarly placed with that of the applicants in OA no. 514/2002 before CAT, Patna but also to hold Screening Committee and extend the financial benefit.

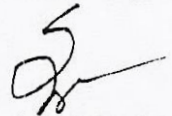
8. DoPT, in turn, has advised this Ministry to examine the matter in terms of their OM No. 35034/3/2008-Estt. (D) (Vol.II) dated 10-12-2014. Accordingly, a letter was issued to DG:AIR vide letter No. 515/18/2013-BA(E) dated 21-01-2015

(copy annexed) to examine the orders of Tribunals in all the similar cases whether the applicants therein are similarly placed with that the applicants in OA No. 514/2002 before CAT, Patna and take action in terms of DOP&T order dated 10-12-2014 under intimation to the Ministry urgently.

9. In view of above you are advised to apprise the Hon'ble Tribunal in the above mentioned cases (in some of which CP is fixed for hearing on 28-01-2015) that the Ministry has conveyed the advice of DOP&T to DG:AIR for taking necessary action in cases which are similarly placed in terms of DOP&T OM No. 35034/3/2008-Estt. (D) Vol.II dated 10-12-2014.

Encl: As above

Yours faithfully,



(Sanjay Dhar)
Under Secretary (BAE)
Tel.No. 23384754