The Secretary to Govt. of India,
Ministry of I&B, Shastri Bhawan,
Dr. R P. Marg,
New Delhi-110 001.
(***Respondent*** **No.1 in OA No. 215/2015**)

Subject: Submission of copy of judgment and order dated **19.01.2015** passed by Hon'ble Principal Bench of CAT at New Delhi in **OA No. 215/2015** titled S. K. Agrawal & Ors versus UOI & Ors, and request for implementation of the judgment within stipulated time of 3 months.

Sir,

An OA No**. 215/2015** titled S. K. Agarwal & others versus UOI & others was filed by me and 153 others before Hon'ble Principal Bench of CAT at New Delhi seeking following relief in the matter of grant of benefits of the ACP scheme:

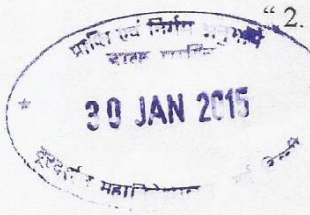
a. **DIRECT** the respondents to extend the benefits of the judgment dated 07.09.2009 passed by Hon'ble CAT, Patna Bench in OA No. 514 of 2002 to the applicants herein in the grades of Engineering Assistants, Sr. Engineering Assistants and Assistant Engineers of AIR & Doordarshan who have been in service on or/and after 09.08.1999, without resorting to court case for the same relief.

b. **DIRECT** the respondents to grant the benefits of the ACP Scheme in accordance with the rules and law and as per the directions passed by order dated 23.05.2012 of Hon'ble CAT, Patna Bench in CCPA No. 22 of 2011 in OA No. 514 of 2012 of going by the letter and spirit of the entire order of the Tribunal in the OA as well as the order of Hon'ble High Court in CWJC and clarifications given by DOP&T, instead of going by literal meaning of the order passed in para-9 of the order of Hon'ble Tribunal in the OA; and which has been complied with by the respondents in the pay fixation order dated 20.08.2013 in respect of pay of Sh. B.K.Roy, SEA .

c. **DIRECT** the respondents to grant 1st financial up-gradation in the Pay Scales of Rs 8000-275-13500 after completion of 12 years of service counting it from the date of direct recruitment in service and thereafter, 2nd financial up-gradation in the Pay Scale of Rs. 10000-325-15200 after completion of 24 years of service in accordance with the scheme of the ACP with effect from the dates applicable in each individual cases, along with arrears of pay and consequential benefits, etc.

d. **GRANT** cost in favour of the Applicants, and PASS any other or further order(s) in favour of the Applicants, which this Hon'ble Tribunal may deem fit, just & proper in the above-mentioned facts and circumstances.

Hon'ble Tribunal has disposed of the OA and passed judgment and order dated 19.01.2015, the operative part of the judgment is given hereunder:



"2. It is seen that the case of the applicants was recommended by the Deputy Director General vide Annexure A/16 dated 17.10.2014. However, it is submitted that no decision has been taken by the respondents till date.

3. In the circumstances, OA is disposed of at the admission stage itself, without going into the merits of the case, by directing the respondents to consider the case of the applicants and pass appropriate speaking and reasoned order thereon within 90 days from the date of receipt of a copy of this order. There shall be no order as to cost. "

I therefore request you to kindly implement the said order dated **19.01.2015** passed by Hon'ble CAT, New Delhi **in OA No. 215/2015** and grant the benefits of the ACP scheme along with arrears of pay and consequential benefits which is long due.

It is important to mention here that the Ministry of I&B, at para-3 of the affidavit submitted in CAT, New Delhi (Vide Min. of I&B letter No.515/24/2014-BA(E), dated 27.01.2015), has asserted that " **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."**

With regards,

Yours sincerely,

Dated: 29.01.2015

(Sushil Kumar Agarwal)
Assistant Engineer
DD, DTH, Todapur, New Delhi
(Applicant No.1 in OA No. 215/2015)

Encl: Certified copy of the judgment dated **19.01.2015** in **OA No. 215/2015**.

प्राप्ति एवं निर्गम अनुभाग
डाक प्राप्ति
30 JAN 2015
प्रसार भारती सचिवालय

Copy also to:

1. The CEO, Prasar Bharati (BCI),
   PTI Building, Sansad Marg, New Delhi-110 001.
   (Respondent **No.2** in OA No. 215/2015)

2. The Director General, Akashvani,
   Akashvani Bhawan, Sansad Marg, New Delhi-110 001.
   (Respondent **No.3** in OA No. 215/2015)

3. The Director General, Doordarshan,
   Doordarshan Bhawan Phase-1, Copernicus Marg, New Delhi-110 001.
   (Respondent **No.4** in OA No. 215/2015)

30/1/15

URGENT
CONTEMPT CASE

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 upgrdation 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

ORDER (ORAL)

SHRI V. AJAY KUMAR, MEMBER (J) :

Heard learned counsel for the applicants.

MA No.161 of 2014

This MA for joining together in a single Original Application is allowed.

OA No.215 of 2014

The applicants, who are/have working/retired as Assistant Engineers, Engineering Assistants and Sr. Engineering Assistants, have filed this OA seeking the following reliefs:-

"a. DIRECT the respondents to extend the benefits of the judgment dated 07.09.2009 passed by Hon'ble CAT, Patna Bench in OA No.514 of 2002 to the applicants herein in the grades of Engineering Assistants, Sr. Engineering Assistants and Assistant Engineers of AIR & Doordarshan who have been in service on or/and after 09.08.1999, without resorting to court case for the same relief.

b. DIRECT the respondents to grant the benefits of the ACP Scheme in accordance with the rules and law and as per the directions passed by order dated 23.05.2012 of Hon'ble CAT, Patna Bench in CCPA No.22 of 2001 in OA No.514 of 2012 of going by the letter and spirit of the entire order of the Tribunal in the OA as well as the order of Hon'ble High Court in CWJC and clarifications given by DOP&T, instead of going by literal meaning of the order passed in para-9 of the order of Hon'ble Tribunal in the OA; and which has been complied with by the respondents in the pay fixation order dated 20.08.2013 in respect of pay of Sh. B.K.Roy, SEA.

c. DIRECT the respondents to grant 1st financial up-gradation in the Pay Scales of Rs.8000-275-13500 after completion of 12 years of service counting it

from the date of direct recruitment in service and thereafter, 2nd financial up-gradation in the Pay Scale of Rs.10000-325-15200 after completion of 24 years of service in accordance with the scheme of the ACP with effect from the dates applicable in each individual cases, along with arrears of pay and consequential benefits, etc.

d. GRANT cost in favour of the Applicants, and PASS any other or further order(s) in favour of the Applicants, which this Hon'ble Tribunal may deem fit, just & proper in the above-mentioned facts and circumstances."

2. It is seen that the case of the applicants was recommended by the Deputy Director General vide Annexure A/16 dated 17.10.2014. However, it is submitted that no decision has been taken by the respondents till date.

3. In the circumstances, OA is disposed of at the admission stage itself, without going into the merits of the case, by directing the respondents to consider the case of the applicants and pass appropriate speaking and reasoned order thereon within 90 days from the date of receipt of a copy of this order. There shall be no order as to cost.

(SHEKHAR AGARWAL)
MEMBER (A)

(V. AJAY KUMAR)
MEMBER (J)

/ravi/

Free Copy U/R 22 of CAT (Procedure Rules)
प्रमाणित प्रतिलिपि
CERTIFIED TRUE COPY
दिनांक/Dated 28/1/15
अनुभाग अधिकारी (न्या.)
Section Officer (J)
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रधान न्यायपीठ, नई दिल्ली
Principal Branch, New Delhi