

By SPEED POST/FAX

PRASAR BHARATI
(INDIA'S PUBLIC SERVICE BROADCASTER)
DIRECTORATE GENERAL: ALL INDIA RADIO
AKASHVANI BHAVAN: New Delhi

No. 8/8/2014-S-IV(B)/47

Dated : 06.02.2015

SPEAKING ORDER

Whereas, following OAs were filed before the Hon'ble CAT, New Delhi alleging inter-alia the in-action on the part of the respondents and not granting the benefit of 1st financial up-gradation under Assured Career Progression Scheme (ACP) on completion of 12 years of service in the pay scale of Rs. 8000-275-13500/- by way of extending the judgment dated 07.09.2009 passed by Hon'ble CAT, Patna in O.A. No. 514/2002:-

- i) O.A. No. 3580/2014 with M.A. No. 3084/2014 filed by Sh. Joginder Singh & 15 ors decided on 09.10.2014.
- ii) OA No. 4439/2013 & MA No. 3402/2012 filed by Sh. Pradeep Gupta & 34 others decided on 20.12.2013.
- iii) O.A. No. 51/2014 filed by Sh. Pradip Kumar & 23 ors. decided on 08.01.2014.
- iv) O.A. No. 879/2013 and MA No. 678/2013 filed by Sh. Shailendra Kumar Mishra & 5 ors. decided on 13.3.2013.
- v) O.A. No. 3400/2012 and MA No. 2836/2012 filed by Sh. Vinod Kumar & 6 ors. decided on 09.10.2012.
- vi) O.A. No. 3106/2013 and MA No. 2368/2013 filed by Sh. Manoj Kumar Gupta & 25 ors. decided on 31.10.2013.
- vii) O.A. No. 1147/2014 filed by Sh. Thomas Mathew & 8 ors. decided on 3.3.2014.
- viii) O.A. No. 215/2014 and MA No. 161/2014 filed by Sh. Sushil Kumar Agarwal & 153 ors. decided on 19.1.2015

2. Whereas, the Hon'ble Tribunal, New Delhi disposed of the aforesaid O.As. inter-alia directing respondents to consider the cases of the applicants in the light of the aforesaid order of the Patna Bench (supra), if they found that the same is covered by the aforesaid order of the Patna Bench, they shall also be extended the same benefits as have been given to the applicants therein, within a period mentioned therein in the respective OAs from the date of receipt of a copy of this order. However, if the respondents come to a different conclusion, they shall pass a reasoned and speaking order within prescribed period.

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3. Whereas, the subject matter was already taken up with the Ministry of I&B, alongwith the service particulars of the applicants. The Ministry of I&B in turn, vide their letter No. 515/18/2013 BA(E) dated 21.01.2015 has advised the appointing and cadre controlling authority i.e. DG, AIR in case of Group 'B' & Group 'C' posts to examine the orders of Tribunals in all the similar cases whether the applicants therein are similarly placed with that of the applicants in OA No. 514/2002 before CAT, Patna and hold Screening Committee and take decision in terms of DOP&T OM No. 35034/3/2008-Estt. (D) (Vol-II) dated 10.12.2014 under intimation to them.

4. Whereas, Ministry of I&B has also advised this Directorate to file Writ Petition before Hon'ble High Court Patna in lieu of withdrawal of Review Application No. 141/2012 filed against the order in CCPA No. 22/2011 of CAT, Patna in OA No. 514/2002 on the following grounds:-

i) that because even though the Ministry of I & B passed order dated 04.11.2011 in compliance of order dated 25.08.2010 in CWJC No. 6451/2010, the Hon'ble CAT has refused to accept the order and has taken it as contemptuous.

ii) that because the benefit of ACPs by virtue of DOP&T circular dated 10.02.2000 vide point of doubt No. 1 can be given to only those employees to whom benefit of promotion have been given and by virtue of recommendation of pay commission the feeder and promotional post stood merged. In the present case the posts of EA & SEA were not merged as claimed by the applicant in OA. Prior to 5th CPC and after the verdict of Supreme Court though the pay scale of EA was Rs. 2000-3200/- but the pay scale of SEA was not changed and it remained the same as it was awarded in the 4th CPC. Therefore, the contention of the applicants in OA that the pay scale of EA and SEA stands revised to Rs. 2000-3200/- is misleading.

iii) that because the merger of EA & SEA in PB-2 scale of Rs. 9300-34800/ with the Grade Pay of Rs. 4200/ (pre-revised of Rs. 5000-8000/5500-9000/- attached to EA and SEA) has formally been approved by the competent authority in consultation with DoP&T and Ministry of Finance as per MIB letter dated 13.04.2012. Therefore, the claim of merger of EA, SEA & AE in Rs. 6500-10500/- in any way, claimed by the applicants in any of the OAs was misleading.

iv) that because even in the cadre structure the post of EA is feeder post for promotion to SEA. The post of SEA is feeder for promotion to AE. Thus the EA, SEA and AE are three distinct posts.



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