



United We Stand

Union of Akashvani & Doordarshan (Prasar Bharati) Engineering Employees(UADEE)

(Registered under **Trade Union Act, 1926**; Regn.No. 5135)

Head Quarter : C-4 D/ 81 B, Janakpuri, New Delhi-110 058

visit our website: <http://www.uadee.org>

Ref. No.

Dated: 23.07.2012

The Director General,
(kind attention: Sh. N.P. Joshi, Dir.(A))
All India Radio,
Akashvani Bhawan, Sansad Marg,
New Delhi-110 001.

Sub:- Request for timely implementation of judgment dated 21.05.2015 passed by Hon'ble Principal Bench of CAT, New Delhi in O.A. No. 4462/2013 titled UADEE & Ors v/s UOI & Ors in the matter of ACP.

Ref:- (i) Our earlier letter dtd. 30.06.2015 on the above subject (copy enclosed as Annexure-I).
(ii) DG:AIR's circular vide No.8/3/2011-SIV(B)/315, dtd.15.07.2015 (copy enclosed as Annexure-II).

Sir,

With reference to above mentioned circular regarding grant of ACP to similarly situated EAs, SEAs and AEs as per the verdict of the Hon'ble CAT, Patna in O.A. No. 514/2002, I would like to draw your urgent attention to the following few facts for immediate necessary action.

That Sir, it is a matter of serious concern that despite of frequent communications since last several years on the issue of implementation of ACP, the Govt. and DG:AIR did not pay any sincere heed to implement said scheme in its true spirit, resulting into plethora of litigations in different parts of the country, especially after the judgment dtd 07.09.2009 in O.A. No. 514/2002 in the matter of ACP scheme, which was upheld by the Hon'ble Patna High Court and the Apex Court of the country.

Most surprisingly, although, the issue is now finally settled after the CWJC No. 1869/2015 filed by the DG:AIR before Hon'ble Patna High Court for revision of original judgment dated 07.09.2009 in O.A. No. 514/2002 in the case of ACP was summarily dismissed by the Hon'ble Patna High Court on 12.05.2015, but the competent authority is still trying to delay the implementation of ACP scheme on one pretext or other **as is evident from para 3(v) of the above mentioned circular of DG:AIR issued on 15.07.2015 seeking further clarification from Prasar Bharati on the issue of implementation of ACP scheme in respect of SEAs and AEs who have been granted the pay scale of Rs. 7450-11500 and Rs. 7500-12000 respectively w.e.f 1.1.1996 by the order dated 25.02.1999 of the Ministry of I & B and never in the pay scale of Rs. 6500-10500, contrary to fact that ACP scheme is already implemented as per standard norms for financial upgradation i. r. o Shri B.K. Roy, SEA, an applicant in O.A No.514/2002 (photocopy of his pay fixation is enclosed herewith for your ready reference as Annexure-III).**

It is also not out of place to mention here that as per **clause 5.1 & 5.2 of the conditions for grant of ACP**, the residency period of 12 years & 24 years of regular service is required to be counted from the date of entry in the government service subject to its implementation not before 09.08.1999, and continuing in any particular pay scale is never a criteria for grant of ACP benefit as per the policy of ACP.

Furthermore, so far as running of SEAs & AEs in the pay scales of Rs. 7450-11,500 & Rs. 7500-12,000 respectively w.e.f. 01.01.1996 is concerned, these pay scales should not be misconstrued as regular pay scales of the posts of SEAs & AEs, since there is no ambiguity in the order dtd. 25-02-1999 of Min. of I & B which says that these pay scales are not being given to the employees working in AIR & Doordarshan as govt. pay scales per se, but are being given to them (as incentive) for working in Prasar Bharati on submission of a undertaking by them to this effect. The Govt's plea that EA/SEA/AE have been given upgraded pay scales by MIB's order dated 25.02.1999, during the hearing of OA in CAT, Patna Bench, the Writ Petition in Patna High Court and the SLP in Apex Court, has again and again been rejected by the Courts.

Sir, the entire issues on (1) counting of 12/24 years of regular service from 01.01.1996, (2) continuance of one in the pay scale of Rs 6500-10500 to become eligible for ACP and (3) not going of the Govt/DGAIR by the letter and spirit of the judgment dated 07.09.2009 in OA No. 514/2002 and also rules /regulations of ACP scheme, were raised and contested by us before CAT, Principal Bench, New Delhi [Kindly refer our case vide O.A. No. 4462/2013 (certified copy of Judgment is enclosed herewith as Annexure-IV)], but the respondents including DG:AIR did not raise any doubt or objections at any point of time about the contention and relief sought by the applicants before the Tribunal, resulting into disposal of the said O.A on merit on 21-05-2015 with a direction to implement the judgment as well as to finalise the matter within 90 days as was done in the case of applicant Sh. B.K. Roy, SEA in O.A. No 514/2002 whose case was also judiciously decided and already implemented by extending all consequential benefit.

But to our utter dismay, the competent authorities, instead of going by para 5 of the judgment dated 21.05.2015 in our case vide O.A. No. 4462/2013 “that it does not require any of the litigating parties permission for orders to be mandatorily implementable and such exercise is also tantamount to a direct challenge against judicial determination and per se contempt”, are seeking further clarification from Prasar Bharati with deliberate attempt at delaying the process.

It is therefore, requested you once again to implement Hon'ble CAT, Patna Bench's judgment in its true spirit by counting continuous service of all EAs, SEAs & AEs from the date of their joining as direct recruit EA. The promotion from EA to SEA and also from SEA to AE must be ignored accordingly as per clarification No.1 of DOP&T's OM dated 10.02.2000, and all similarly placed EAs, SEAs and AEs should be considered to have been merged in the single pay scale of Rs.6500-10500 as on 01.01.1996 to make them eligible for grant of 1st financial upgradation under ACP scheme in the pay scale of Rs. 8000-13500 (pre-revised) as has been ordered by the Courts. A tentative pay fixation chart of all those 93 applicants in O.A No.4462/2013 is also enclosed herewith for your ready reference as Annexure-V.

Sir, we remain in anticipation for your urgent & positive action in the matter.

With warm regards,

Date 23.07.2015

Yours sincerely

(Debashish Chowdhary)
General Secretary.

Copy to CEO: Prasar Bharati for urgent necessary action.