

**Central Administrative Tribunal
Principal Bench**

**OA No.3607/2014
MA 3114/2014**

New Delhi, this the 10th Day of October, 2014

Hon'ble Shri G. George Paracken, Member(J)
Hon'ble Shri Shekhar Agarwal, Member(A)

1. Association of Radio & Television Engineering Employee through its President Sh. Umesh Chandra Post Box No.422, New Delhi-1.
2. AIR & DD Technical Employee Association Through its General Secretary Shri Pawan Kumar Kohli Post Box 736, New Delhi-1
3. Shri Brijesh Kumar Mishra, aged 37 years S/o Late Shri Mahesh Chandra Mishra Working as Helper, Posted in PGF Mathura(UP) R/o B-4, Akashvani Colony, Vrindavn Road Mathura(UP).
4. Shri Yad Ram, Aged 47 years S/o Shri Munni Lal Working as Helper, posted in LPT Mathura (UP) R/o Laxmi Nagar, Birla Mandir Jaishingh Pura Mathura(UP).
5. Shri Jai Ram, Aged 42 years S/o Shri Tota Ram Working as Helper, PGF, Mathura R/o KT-15, Karam Yogi Nagar Balag Nagar, Mathura (UP).Applicant

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India & Ors. through the Secretary Ministry of Information & Broadcasting Shastry Bhawan, New Delhi.
2. The CEO Prashad Bharti PTI Building, New Delhi.

3. The Director General,
Doordarshan Kendra,
Doordarshan Bhawan,
Mandi House, New Delhi.Respondents

Order (Oral)

Shri Shekhar Agarwal, M(A)

MA No.3114/2014

This MA has been filed under Section 4(5) of CAT (Procedure) Rules, 1987, for joining together.

2. For the reasons stated therein the same is allowed.

OA No.3607/2014

3. The applicants have filed this Original Application seeking the following reliefs and interim relief:-

"(1) That the Hon'ble Tribunal may graciously be pleased to pass an order directing the respondents to grant the 1st and 2nd financial upgradation to all the persons who are working on the post of Helper in Doordarsan in the promotional hierarchy of technical cadre by granting the pay scale meant for the post of Technician etc., by way of extending the benefit of judgment dated 03.04.2014 in OA No.1949/2012 to the applicants with all consequential benefits including the arrears of pay and allowances from due date.

(2) That the Hon'ble Tribunal may graciously be pleased to pass an order directing the respondents to re-designate the posts of helper as Broadcast Assistant and given all consequential benefits from due date.

(3) Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicants along with the costs of litigation."

Interim Relief:

Pending final disposal of the main OA, the Hon'ble Tribunal may graciously be pleased to pass an order directing the respondents to consider the representation dt. 24.07.2014 and grievances of the applicants in the light of the judgment dt. 3.4.2014 in OA No.1949/2012 by way of passing appropriate orders."

4. We have heard the learned counsel for the applicant and perused the records. As submitted by the applicants' counsel, this case is squarely covered by an earlier order of this Tribunal dated 03.04.2014 in OA No.1949/2012 titled Shri Rishi Raj and ors. v. Secretary, Ministry of Information and Broadcasting. The relevant part of the said order reads as under:-

"3. We have heard the learned counsel for both sides and have perused the material on record.

3.1 It is clear from the Recruitment Rules of the post of LDC as well as Technician that helpers are eligible to compete for promotion in the Limited Departmental exam of both

these posts. In this regard, both posts are similar. However, we notice that the post of LDC is not exclusively meant for helpers. It is open to all Group-D staff. The helpers also being Group-D become eligible to compete for the same. On the other hand, the post of Technician is not open under the promotion quota to all Group-D staff. Only helpers are eligible to compete for the same after having put in 11 years of service as such. Thus, in our opinion, the contention of the respondents that the post of Technician is not a hierarchical post of helper cannot be accepted. Only helpers are eligible to be promoted to these posts and, therefore, it has to be treated as hierarchical post of the cadre of helpers. While there is no doubt that helpers can also appear in the exam of LDCs, yet, in our opinion, this is only an alternative avenue available to them and cannot in any manner take away the fact that Technician post is available within their cadre for this promotion. Thus we find merit in the contention of the applicants.

3.2 We are conscious of the fact that ACP Scheme has been introduced to do away with stagnation, which may result on account of non-availability of promotional posts. One of the conditions for grant of ACP benefit is that the person being given this benefit is otherwise eligible for promotion. In the instant case, we notice that while the benefit of financial upgradation under the ACP Scheme is to be given after 12 years, the requirement of promotion to the grade of Technician is 11 years of service. Thus, any helper being granted ACP benefit after 12 years of service would also have requisite service for promotion to the post of Technician. From this angle also, there is no hindrance in granting Technicians grade as ACP I.

3.3 The applicants have also prayed that the respondents be directed to designate them as Broadcast Assistants and give all consequential benefits from the due date. They have stated that a Cadre Review Committee had acknowledged the fact that promotional prospects of helper were very bad and had recommended that this post be re-designated as Broadcast Assistant with PB-I with grade pay of Rs.2800. However, the respondents have not implemented this recommendation so far. In reply the respondents have stated that the recommendations of Cadre Review Committee have still not been accepted by the department. Under these circumstances, it would suffice for us to direct the department to take appropriate decision in the matter expeditiously.

4. On the basis of above analysis, we allow this O.A. and direct the respondents to grant the scale of Technician i.e. Rs. 4500-7000 to the applicants from the due date. This will be done within a period of eight weeks from the date of receipt of a certified copy of this order. The applicants will also be entitled for grant of arrears as a result of re-fixation of their pay. The respondents are also directed to take a decision on the recommendations of cadre review Committee expeditiously, in so far as the applicants are concerned. No costs.”

5. In view of the above position, we dispose of this OA in the same lines as in the aforesaid case and direct the respondents to grant the scale of Technician i.e. Rs.4500-7000 to the applicants from the due date as ACP benefits. The aforesaid direction shall be complied with within a period of two months from the date of receipt of a copy of this order. The applicants will also be entitled for grant of arrears as a result of re-fixation of their pay. The respondents are also directed to take a decision on the recommendations of the cadre review committee expeditiously, in so far as the applicants are considered.

6. There shall be no order as to costs.

(Shekhar Agarwal)
Member(A)

(G. George Paracken)
Member(J)