

PRASAR BHARATI  
(INDIA'S PUBLIC SERVICE BROADCASTER)  
DIRECTORATE GENERAL: ALL INDIA RADIO  
S-IV (A) Section

Akashwani Bhawan, New Delhi.  
Dated: 30.12.2014

No. 8/12/2004-SIV(A)

**SPEAKING ORDER**

Whereas, on the disposal of O.A. No. 200/00944/2014 (with MA No. 200/01019/14) filed by Sh. M.S.Khan & Ors. Helper Vs. UOI & ors. the Hon'ble CAT, PB, New Delhi vide order dated 26.11.2013 has passed the order and disposed of the case at the admission stage itself inter-alia directing the Respondents to examine the cases of the applicants in light of the orders of this Tribunal in OA Nos. 1949/2012, 3607/2014 & 4027/2014, further stating that if their cases are covered by the said orders, they should be extended the same benefits as have been given to the applicants in the said OAs. The respondents shall pass appropriate orders in this regard, within two months from the date of receipt of copy of this order.

2. Whereas, it is stated that the Department of Personnel & Training, Govt. of India (DOP&T) vide OM No. 35034/1/97-Estt. (D) dated 09.08.1999 introduced the Assured Career Progression Scheme (ACP) for central government employees. The ACP Scheme provided for financial up-gradation of central government employees on completion of 12 and 24 years of service, which employees have not otherwise availed of regular promotions. It is also pertinent to point out that pursuant to Clause 7 of the ACP Scheme financial upgradation contemplated under the ACP Scheme is to be given to the next higher grade in accordance with the existing hierarchy.

3. Whereas, the post of Helpers in All India Radio & Doordarshan is erstwhile Group 'D' post. Helpers are consequently eligible for promotion to the post of Lower Division Clerk (LDC) based on seniority from among the erstwhile Group 'D' employees. As per Recruitment Rules of LDC, 5% of the posts of LDC are promoted from among the erstwhile Group D employees, which includes Helpers. Therefore the next post in hierarchy for Helpers is the post of LDC, since Helpers are eligible for promotion to the post of LDC on the basis of their seniority.

4. Whereas, the Helpers are also eligible for promotion to the post of Lower Divisional Clerk (LDC) and/or Technician provided they appear for and clear the Limited Departmental Competitive Examination (LDCE) organized for this purpose. Thus it is clear that Helpers, being erstwhile Group 'D' employees, in regular course of their duties are eligible for promotion to the post of LDC on the basis of seniority. Helpers are also eligible to sit for competitive examination and if they pass the exam, can be promoted to the post of LDC and /or Technician. Regular promotion of Helpers by way of seniority therefore is to the post of LDC only. Promotion to the post of Technician is only in the case of a Helper sitting for and passing the competitive examination. Therefore the next post in hierarchy for Helpers is the post of LDC and not the post of Technician.

P.T.O.



5. Whereas, the clarification to the ACP Scheme dt. 10.02.2000 issued by the DOPT in Question 16 specifically clarified that financial upgradation under ACP Scheme cannot be given to unless all promotion norms have been fulfilled by the concerned employee. Thus DOPT opined that where promotion to a post is contingent on passing a competitive examination then no financial upgradation would be given to an employee under ACP Scheme unless such employee actually passes the examination. This is directly relevant to the facts of the present case and establishes that Helpers cannot be financially upgraded to the pay scale of Technicians unless they actually pass the competitive examination held for this purpose.

6. And, whereas on the foregoing reasons DG:Doordarshan has filed Review Application against the judgement dt. 03.04.2014 in O.A. No. 1949/2012 filed by Sh. Rishi Raj, Helper & ors before Hon'ble CAT, PB, New Delhi. As such the matter is sub-judice. The matter may only be taken up after the finalization of the aforesaid Review Application.

7. This issues with the approval of the Respondent No. 3.



(Ajaya Kumar K.P.)  
Deputy Director Admn.  
For Director General

Sh. M.S.Khan, Helper & 11 others  
applicants }

Through the DG: Doordarshan, Dy. Director Admn (E), DG: Doordarshan, Doordarshan Bhawan, Mandi House, Copernicus Marg, New Delhi-110001. with request to serve the Speaking Order immediately to the applicants under intimation to this Directorate.

Copy to:

1. The Under Secretary, BA (E), A-Wing, Shashtri Bhawan, New Delhi.
2. The Director (Pers.), Prasar Bharati Secretariat, 2<sup>nd</sup> Floor, PTI Building, New Delhi.
3. The Section Officer, S-IV Section, DG: Doordarshan, Doordarshan Bhawan, Mandi House, Copernicus Marg, New Delhi-110001.
4. O/o ADG (E) (NZ), (Kind attn: Shri Suresh Kumar, Dy. Director (Engineer)), Jamnagar House, Shahjahan Road, New Delhi-110011.
5. The Administrative Officer, All India Radio, concerned AIR stations/DDKs.
6. The Legal Consultant (kind attn. Sh. A. K. Barua), Prasar Bharati Secretariat, 2<sup>nd</sup> Floor, PTI Building, New Delhi.
7. IT Division with the request to upload a copy of the Speaking Order on AIRNET.