

Prasar Bharati
(India's Public Service Broadcaster)
Prasar Bharati Secretariat
Prasar Bharati House
Copernicus Marg, New Delhi

Subject: Clarification on admissibility of MACP to TREX and some other cadres (Programme & Engineering Staff) – in pursuance of MIB order dated 25.02.1999

The undersigned is directed to invite reference to Ministry of I&B's letter No. 503/05/2014-BA(E) dated 31.01.2018 (**Annexure-I**) vide which directions were issued for recovery of wrongful/excess payment made to the 11 categories of employees of subordinate Engineering & programme Cadre of Prasar Bharati on account of the "upgraded Scales" granted to them vide order dated 25.02.1999. Reference is also invited to PAO Office, MIB letter No. G-11508/Pr.AO/Complaint/MACP/2017-18/2062 dated 01.02.2018(**Annexure-II**) vide which MIB's letter dated 31.01.2018 was forwarded to all PAO's of MIB for taking necessary action.

2. In this regard, the following facts are submitted for kind consideration:-

- i. With reference to MIB's directions dated 31.01.2018, various court cases were filed against the recovery and re-fixation of pay. In one of such matters in OA No. 2449/2018 filed by Association of Akashvani & Doordarshan Engineering Employees & Ors Vs UOI & Ors, the Hon'ble CAT, Principal Bench has recorded vide its order dated 20.07.2018 that "*Post the matter on 11.09.2018. Meanwhile, status quo shall be maintained in respect of fixation of pay as well as recovery*" (**Annexure-III**).
- ii. In view of the stay granted by some courts against the recoveries, thereby staying the operation of MIB's order dated 31.01.2018, DG:AIR had also approached MIB vide their letter dated 03.08.2018 to re-examine the matter and to issue fresh instructions to DG:AIR in the matter (**Annexure-IV**).
- iii. The stay was partially vacated on 30.10.2018 (**Annexure-V**) and the Hon'ble CAT has recorded that "*The order impugned in the OA is the one which clarified certain aspects in the context of implementation of the MACP to the employees in the Akashvani and Doordarshan. The apprehension of the applicant is that the implementation of the said order may result in the reduction of pay scale as well as recovery of amount. Since the issue is to be examined in detail, for the present, we direct the respondents shall not effect any recovery, but it shall be open to them to implement the order, as regards re-fixation of the pay scale. The IR is modified to that extent.*"

Contd.../-

- iv. However, the Applicant Association filed a WP(C) No.12524/2018 in the Hon'ble High Court of Delhi. The Hon'ble Court in its order dated 26.11.2018 (**Annexure-VI**) recorded that :

" In these circumstances, we set aside the impugned order dated 30.10.2018 and restore the order dated 20.07.2018 passed by the Tribunal.

We are informed that the original application is listed on 06.12.2018. On the said date, neither of the parties shall seek nor be granted any adjournment and the Tribunal should endeavour to hear the Original Application. Before the said date, the parties should complete their pleadings before the Tribunal. Petition stands disposed of accordingly. Order dasti."

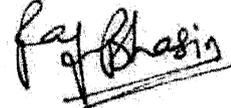
- v. Even after issuance of the Hon'ble High Court's order, instances were brought to the Notice of Prasar Bharati regarding re-fixation and recovery of excess payment in respect of various employees including those superannuating from Prasar Bharati. In this regard, the applicant Association issued a legal notice through their counsel on 09.01.2019, pointing out the possibility of Contempt petition against the Respondents, including CEO, Prasar Bharati (**Annexure-VII**).
- vi. In this regard, the Association of Akashvani & Doordarshan Engineering Employees (AADEE), also represented to the Chief Controller of Accounts, MIB indicating the recoveries being effected which was against the Hon'ble High Court's Order (**Annexure-VIII**). CCA, Ministry of I&B forwarded AADEE's communication to ADG(B&A) vide letter dated 10.01.2019 to get all such cases examined stating that "...these cases pertain to PAOs under your administrative control and get the needful done..." (**Annexure-IX**).
- vii. Meanwhile DG:AIR vide their letter dated 28.1.2019 (**Annexure-X**) has requested that till the matter is finally decided by Hon'ble Tribunal, B&A Section of Prasar Bharati may be directed to take further necessary action for compliance of Hon'ble High Court of Delhi's order dated, 26/11/2018. Accordingly, DG:AIR's letter dated 28.01.2019 was forwarded to B&A wing of PB with a request "to take further necessary action in the matter" (**Annexure-XI**). DG:AIR's letter was also forwarded to MIB, vide ID note dated 30.01.2019, to provide further directions in the matter (**Annexure-XII**). The response from the Ministry is still awaited
- viii. B&A wing issued instructions dated 31.01.2018 (**Annexure-XIII**) thereby directing all the PAOs to take further necessary action for compliance of Hon'ble High Court of Delhi's order dated 26.11.2018

3. However, there appears to be an apprehension on the part of the PAO's in complying with the directions issued by B&A wing of PB Sectt since the initial order dated 31.01.2018 for recovery and re-fixation was issued by the Ministry of Information & Broadcasting.

4. Keeping in view of the graveness of the matter, it has been decided to request MIB to issue appropriate orders (in continuation to their communication dated 31.01.2018 and 01.02.2018) to all the PAO's to comply with the order dated 26.11.2018 of the Hon'ble High Court in OA No.2449/2018 to avoid any contemptuous situation.

5. This issues with the approval of CEO, Prasar Bharati.

Encl: As stated above



(Rajan Bhasin)
Dy. Director (Pers)

Ms. Jyoti Mehta, Director (BAP), MIB, A- Wing, Shastri Bhawan, New Delhi
PB Sectt ID Note No. M-1/30/2012-PPC/PBRB dated 13th Feb, 2019

Copy to:

- i. ADG (B&A), PB Sectt, New Delhi
- ii. ADG(A), DG: AIR, Akashwani Bhawan, New Delhi
- iii. ADG (A), DG: DDn, Doordarshan Bhawan, New Delhi