

PRASAR BHARATI
INDIA'S PUBLIC SERVICE BROADCASTER
PRASAR BHARATI SECTT.

2nd Floor, PTI Building
Sansad Marg, New Delhi-110 001

No. M-1/128/2014-PPC

Dated 03.06.16

SPEAKING ORDER

WHEREAS the Ministry of I& B vide its Order No. 310/173/97-B(D) dated 25.02.1999 granted higher scales to certain categories of Programme & Engineering staff of All India Radio and Doordarshan.

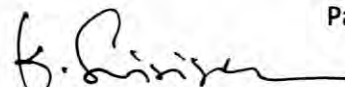
AND WHEREAS as per sub-sections 11 (1) and (2) of the Prasar Bharati (Broadcasting Corporation of India) Act, 1990 all officers and employees recruited for the purpose of Akashvani and Doordarshan till 05.10.2007 shall be on deemed deputation to Prasar Bharati.

AND WHEREAS as per sub-section 11 (3) of the Act, the officers and employees referred to sub-sections (1) and (2) shall be entitled to the pay and all other benefits as admissible to an employee of the Central Government.

AND WHEREAS in the light of above provisions of the Act Prasar Bharati Board in its 109th meeting held on 06.08.2012 approved grant of MACP to the employees of Prasar Bharati in general and to employees in 11 categories covered by Ministry of I & B's order dated 25.02.1999 in particular.

AND WHEREAS references regarding applicability of MACP to all employees of Prasar Bharati and non-settlement of retirement dues of retiring/retired employees were received in Prasar Bharati Secretariat whereupon the matter was further examined in consultation with Finance Wing of Prasar Bharati and in the light of the provisions of the Prasar Bharati (Broadcasting Corporation of India) Act, 1990 as aforesaid and vide communication No. Misc.1/30/2012-PPC dated 10.10.2013 it was clarified that action of AIR/Doordarshan to grant MACP to all categories of employees were valid and justified.

AND WHEREAS the Ministry of I & B vide its letter No. 503/5/2014-BA(E) dated 08.09.2014 informed Prasar Bharati that the DoP&T vide an ID Note dated 10.07.2013 had opined that 'as the benefits under the MACP Scheme are allowed in the Grade Pay



hierarchy, any upgradation availed during their career would be counted against the three upgradation permissible under the MACP Scheme'.

AND WHEREAS the matter was again taken up with the Ministry of I & B stating clearly that higher scales granted to the 11 categories of Programme & Engineering staff of All India Radio and Doordarshan by the Ministry of I & B vide its Order No. 310/173/97-B(D) dated 25.02.1999 were not upgradation but were essentially replacement scales and as such covered by clarification No. 35 in DoP&T Office Memorandum No. 35034/1/97-Est(D) dated 18.07.2001 and that, therefore, the DoP&T's advice dated 10.07.2013 runs counter to its own clarifications and that in view of this the matter should be taken up with the DoP&T again and a reply from the Ministry on the outcome of fresh reference to the DoP&T is still awaited.

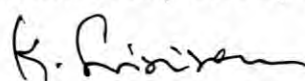
AND WHEREAS it was brought to the notice of Prasar Bharati Secretariat that pursuant to the Ministry of I & B's aforesaid dated 08.09.2014 recoveries were being made from employees covered by Ministry of I & B order dated 25.02.1999 regarding higher pay scales who received financial upgradations under ACP/MACP, including those retiring.

AND WHEREAS the matter was taken up by Prasar Bharati Secretariat with the Ministry of I & B which after seeking advice from the Ministry of Law granted stay on recovery being made on account of grant of MACP as per DoP&T advice dated 10.07.2013; the said decision having been conveyed to Prasar Bharati Secretariat vide letter No. 515/4/2014-BA(E)Pt. Dated 17.02.2015.

AND WHEREAS copies of Ministry of I & B letter No. 515/4/2014-BA(E)Pt. Dated 17.02.2015 were circulated to all offices of the Pay & A.O. of AIR and Doordarshan by Prasar Bharati Secretariat (Budget & Accounts Wing) vide letter No. PB-4(4)/2014-Admn dated 19.02.2015 with the request to keep in abeyance the recoveries on account of grant of MACP till further orders.

AND WHEREAS DOPT vide its Office Memorandum No. 18/3/2015-Estt(Pay-I) dated 2nd March, 2016 has clearly outlined the conditions under which recoveries cannot be made even if the pay has been fixed erroneously. DOPT Order is passed on the Supreme Court Judgment dated 18.12.2014 in the case of State of Punjab & Ors vs Rafiq Masih (White Washer) etc in CA No.11527 of 2014 (Arising out of SLP(C) No.11684 of 2012).

AND WHEREAS it has again come to the notice of Prasar Bharati that in respect of employees covered by 25.02.1999 order and who have got financial upgradations under ACP/MACP, the Pay &

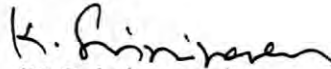


Accounts Office (PAO) are refixing their pay in the lower pay scale and such employees include those who are retiring or on the verge of retirement thus adversely affecting their pensionary benefits. A number of representations from such employees and those deprived of MACP have already been sent to the Ministry by Prasar Bharati.

AND WHEREAS Pay fixation is a function of the Administrative Authority and PAO has no authority to refix the pay of employees who not under their administrative control.

NOW THEREFORE, it is hereby ordered that PAO shall immediately desist from refixing the pay of employees of All India Radio and Doordarshan and shall also make no recovery from the pay or pensionary benefits of such employees without specific instructions from the concerned administrative authorities in All India Radio and Doordarshan. PAO shall also not held up or delay the release of retirement benefits to such employees on ground of excess payment made on account of grant of financial upgradations under ACP/MACP.

This issues with the approval of CEO, Prasar Bharati.


(K.Srinivasan)
Deputy Director(PPC)

Copy to:

- (1) The Pay & Accounts Officer, AIR & Doordarshan 7th Floor, IRLA, Phase V, Sookhana Bhawan, Lodhi Road, New Delhi-110003
- (2) The Controller of Accounts, Pay & Accounts Office (IRLA), Ministry of I & B, 7th Floor, IRLA, Phase V, Sookhana Bhawan, Lodhi Road, New Delhi-110003 for necessary action.
- (3) Director General, AIR / Director General, Doordarshan for wide dissemination.
- ✓(4) Copy to DDG(T) for uploading in Prasar Bharati website.

Pradeep


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