

**PRASAR BHARATI**  
(India's Public Service Broadcaster)  
PRASAR BHARATI SECRETARIAT  
II FLOOR, PTI BUILDING,  
SANSAD MARG, NEW DELHI -1100 01.

**M-1/128/2014-PPC/PBRB (Part-I)**

Dated: 22nd Oct., 2014.

Smt. Harcharan Kaur,  
Deputy Secretary,  
Ministry of Information & Broadcasting,  
A-Wing, Shastri Bhavan,  
New Delhi.

**Sub:- Clarification on admissibility of MACP to TREX &  
some other cadres (Programme & Engineering Staff).**

Sir,

I am to refer to the Ministry of Information & Broadcasting letter No.503/5/2014-BA (E) dated 8<sup>th</sup> Sept., 2014, on the above subject, conveying advice of Deptt of Personnel & Training that any upgradation availed during the career by an employee would be counted against three upgradations.

2. The advice of DoP&T runs counter to the clarifications regarding ACP as contained in their OM No. F. No. 35034/1/97-Estt(D) (Vol. IV) dated July 18, 2001, which, inter-alia, provides under S. No. 35 that "where all the posts are placed in a higher scale of pay, with or without a change in the designation; without requirement of any new qualification for holding the post in the higher grades, not specified in the Recruitment Rules for the existing post and without involving any change in responsibilities and duties, then placement of all the incumbents against such upgraded posts is not to be treated as promotion/upgradation." These conditions are fully met in respect of 11 categories of employees in the Ministry of Information & Broadcasting Order dated 25.2.1999 and such employees are, therefore, eligible for grant of ACP and consequently MACP, after ignoring the upgraded scales of pay.

(Contd...)

3. It may be clarified that the upgraded pay scales as per Ministry of Information & Broadcasting letter dated 25.02.1999, were given to the employees not as Government Servants but as employees of Prasar Bharati, who opt for Prasar Bharati in case such an occasion comes up. The occasion never arose as with an amendment to Section 11 of Prasar Bharati Act, all employees who joined Prasar Bharati upto 5<sup>th</sup> Oct 2007 are to be treated as Central Government employees on 'deemed deputation' till their retirement and thus exercise of option has become redundant.

4. Further, these upgraded pay scales were given with the approval of the Cabinet after consultation with the Department of Expenditure as well as the Department of Personnel & Training.

5. Since ACP is applicable to those employees who joined before 5.10.2007, MACP will also be applicable to them automatically as they are treated as Government Servants and there is no need for obtaining prior approval of Administrative Ministry/Financial Adviser as laid down in DOP&T's Order dated 3<sup>rd</sup> August, 2010. The Prasar Bharati Board in its 109<sup>th</sup> meeting held on 6<sup>th</sup> August, 2012 approved the grant of MACP to the employees of Prasar Bharati in general and to employees in 11 categories covered by Ministry of Information and Broadcasting letter dated 25.2.1999, in particular.

6. It may also be mentioned that the issue of ACP to such employees of Engineering Cadre in Ministry of Information & Broadcasting order dated 25.2.1999 came up for consideration in OA No. 514 of 2002 before Central Administrative Tribunal, Patna Bench, Patna where besides others, Secretary, Ministry of Information & Broadcasting and Secretary, Department of Personnel & Training were also respondents. A perusal of the order dated 07.09.2009 of Hon'ble CAT, Patna Bench, Patna, which has attained finality at the level of Apex Court, would show that the plea of respondents' Counsel "that the applicants have already enjoyed a number of upgradations in the last few years and, therefore, they are not entitled for any ACP benefits" was negated by the Hon'ble Court and with approval of MIB, the applicants have already been given ACP in upgraded scales of pay. Any contrary plea now is bound to attract Contempt of the Hon'ble Courts.

7. Further to the above, a copy of note dated 13.9.2013 of the then Member (F), Prasar Bharati wherein the issue has been examined threadbare is also enclosed for perusal.
  8. Attention in this context is also invited to Ministry of Information & Broadcasting ID Dy. No.F-122/06-BAE dated 12.12.2006 (copy enclosed) wherein it has categorically been clarified that the upgradation of the pay scale was in continuation of the recommendations made by the 5<sup>th</sup> CPC and have been made in consultation with DOP&T and Ministry of Finance. As such the contention of the audit that the pay scales given to the employees vide OM dated 25.2.1999 are apart from the recommendations of 5<sup>th</sup> CPC is untenable.
  9. In view of the above facts, Ministry of Information & Broadcasting is requested to take up the matter with DOP&T urgently to re-consider their earlier stand. It may be pertinent to mention that this issue pertains to almost 15,000 employees and needs to be resolved urgently for industrial peace and harmony.
  10. This issues with the approval of Chief Executive Officer.
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