

PRASAR BHARATI
India's Public Service Broadcaster
PRASAR BHARATI SECRETARIAT
O/o Addl. Director General (B&A)
PAO-Administration
Room No. 604, Tower-C, Copernicus Marg, New Delhi -01
E-mail: -pbadmnao15@gmail.com
Ph. No. 011-2311 8459

No. PB-7(7)/2022-23/Admn/332-339

Dated: 23.12.2022

OFFICE MEMORANDUM

Reference is invited to BAE Section, M/o I&B's letter dated 16.12.2022 in light of Hon'ble CAT, New Delhi's Order dated 28.10.2022 for interim stay on DG: AIR's earlier communication dated 30.06.2022 regarding counting of promotion from EA to SEA as one up-gradation under MACP and has also directed that no recovery shall be affected from the applicants till the disposal of this O.A.

However, **before releasing the final pension and all pensionary benefits to the retiring/retired employees, an undertaking may be taken from them that if any excess payment is made to an individual then the same shall be recovered from him/her after the disposal of the OA No. 2647/2022 before Hon'ble CAT (PB) or any other similar litigation.**

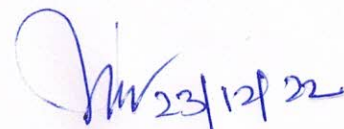
In this regard, all 6 PAOs under Prasar Bharati are directed to strictly implement the instructions of Hon'ble CAT, New Delhi issued vide ibid order dated 28.10.2022 and BAE Section, M/o I&B thereafter.

This may be accorded '**Top Priority**'.

This issues with the approval of ADG (B&A), Prasar Bharati.

Encl: As above.

Yours faithfully,



(Rajesh Kumar Sharma)
Director (B&A)

To:

1. PAO-AIR, New Delhi/Mumbai/Kolkata/Chennai.
2. PAO-DD, New Delhi/Guwahati.

Copy for information to:

1. DG: AIR, Akashwani Bhawan, Sansad Marg, New Delhi.
2. DG: DD, Doordarshan Bhawan, Copernicus Marg, New Delhi.

5/21-12-2022

AE
877

F. No. V-11013/6/2022-BAE
Government of India
Ministry of Information and Broadcasting
'A' Wing, Shastri Bhawan, New Delhi-01.

Date: 16.12.2022

To,

CEO, Prasar Bharati
Prasar Bharati Secretariat,
Copernicus Marg,
New Delhi- 110001

[Kind Attention: - ADG(B&A), Prasar Bharati]

Subject: Compliance of Interim Order dated 28.10.2022 passed by Hon'ble CAT, PB in OA No. 2647/2022 titled Association of Radio & Television Engineering Employees (ARTEE) vs Prasar Bharati.

Sir,

Please find attached herewith a copy of interim order dated 28.10.2022 passed by Hon'ble CAT (PB) in OA No. 2647/2022 titled ARTEE vs Prasar Bharati.

2. In this regard, it is stated that the court has passed an interim STAY on 28.10.2022 directing " **Respondents not to give effect to for any purpose whatsoever, to the impugned Communication No. 16/15/2022-S-IV(B)/237 dated 30.06.2022 till the next date of hearing, further that henceforth no recovery shall be effected from the applicants pursuant to the aforesaid Order, till the disposal of this OA.**"

3. Prasar Bharati is requested to take urgent necessary action in compliance of above interim order dated 28.10.2022 passed by Hon'ble CAT (PB) under intimation to this Ministry. However, before releasing the final pension and all pensionary benefits to the retiring/retired government servants, an undertaking may be taken from them that **if any excess payment is made to an individual, then the same shall be recovered from him or her after the disposal of the OA No. 2647/2022 before Hon'ble CAT (PB) or any other similar litigation.**

Encl. As above.

From 28/12/22
Pl. Ensure timely compliance on priority.
ADG(B&A)
SAO(A)
21/12/2022

A.D.G. (Budget & Accounts)
Dy. No. 1258
Date 20.12.22

Yours faithfully,

(Sanjay Dhar)
Under Secretary BA(E)
23384754

Copy for similar action:

- 1. All PAO's under Prasar Bharati.

**CENTRAL ADMINISTRATIVE TRIBUNAL
61/35, COPERNICUS MARG, NEW DELHI-110001**

Order Sheet

Item no.: 39
O.A./2647/2022 (DELHI)
[UPGRADATION]
Court No.: 2

No of Adjournment: 3

Order Dated: 28/10/2022

**ASSOCIATION OF RADIO AND TELEVISION ENGINEERING EMPLOYEES ARTEE
THROUGH ITS PRESIDENT HARI GOPAL SHARMA**

Vs

PRASAR BHARTI

For Applicant(s) Advocate : Dr. Ashwani Bhardwaj

For Respondent(s) Advocate : Mr. B. S. Rawat

Order of The Tribunal

The applicants in the instant matter are aggrieved by Communication/Order dated 30.06.2022 bearing the following subject:-

"Clarification regarding refixation/recoveries on grant incorrect MACP."

Learned counsel for the applicants draws our attention to the order passed by the Hon'ble High Court of Delhi in W.P. (C) No. 8712/2018 pointing out that the impugned communication is in contravention to the position taken by the respondents before the Hon'ble High Court of Delhi in the aforesaid Writ Petition. He submits that the respondents have already started effecting recovery from the applicants and in case his prayer for interim relief is not allowed, the entire O.A. is likely to become infructuous, and also create complications by way of the claim of the applicants in future if they were to succeed in the same. He vehemently argues that his prayer for interim relief was heard on 26.09.2022, wherein the respondents were allowed adequate time to file a short reply which they failed to do. Thereafter, the case came up for hearing on 18.10.2022, further time of one week was granted to the respondents and today, they

are obliged to file a reply or to submit their arguments on appropriate instructions.

On the other hand, learned counsel for the respondents points out that the brief has been assigned to him very recently and today for the first time, he has put in appearance in the present matter, and accordingly, in all fairness seeks reasonable time to seek instruction to file the short reply.

While allowing learned counsel for the respondents four weeks' time to file reply to the O.A. and further two weeks, thereafter, to file rejoinder to the applicants, we have to take into consideration the fact that on two previous occasions, the issue has come up before us and we have not considered interim relief only on account of allowing fair opportunity to the respondents to responded to the same. We are of the considered view that in case, consequential action upon the impugned order is not stayed, the applicants' prayer in the O.A. may become infructuous. On the other hand, if action on the impugned communication is stayed, no prejudice is likely to be caused to the respondents. Accordingly, by way of the present Interim Order, the respondents are directed not to give effect to for any purpose whatsoever, to the impugned Communication No.16/15/2022-S.IV(B)237 dated 30.06.2022 till the next date of hearing.

It is further clarified that henceforth no recovery shall be effected from the applicants pursuant to the aforesaid Order, till the disposal of this O.A.

List the matter on 20.12.2022.

Tarun Shridhar
Member (A)

R. N. Singh
Member (J)

/yaksh/