

Update on Court Cases filed by ARTEE

Provisional Pension

ARTEE succeeded in restoring statutory pension to subordinate engineering staff by overturning the draconian provisional pension order issued by MIB on 18.08.2021 which was assailed before PB CAT, Delhi by filing OA No. 2691/2021. Due to this great success, full pension and all retirement benefits are getting restored to our retired/retiring brothers.

- Ministry of I&B with the approval of DOPW has issued order dated 06.10.2022 in compliance with Hon'ble CAT order dated 05.07.2022 in OA No. 2691/2021 fully funded and contested by ARTEE and granted final pension with all retirement benefits to retiring employees in suppression of provisional pension order dated 18.08.2021, which was handwork of newly formed association, a bunch of back-stabbers. For example, their patrons back-stabbed by signing the agreement with MIB and wounds inflicted by MIB order dated 05.12.1997 are still bleeding even after 25 years.
- O/o CCA, MIB issued OM dated 07.10.2022 and directed all the PAOs to strictly comply with directions contained in MIB letter dated 06.10.2022.
- O/o ADG(B&A) vide OM dated 17.10.2022 issued directions to six PB PAOs to strictly implement the instructions issued by MIB vide letter dated 06.10.2022.
- DG:AIR issued instructions vide letter dated 21.10.2022 to all the Zonal ADGs to ensure the compliance with MIB and CCA orders.

MACP recovery on Account of EA to SEA promotion

The issue of off-setting one MACP against EA to SEA promotion was pending since long. The DG:AIR communication dated 30 June 2022 provided an opportunity which we grabbed immediately by challenging the same in Hon'ble CAT, Delhi by filing OA 2647/2022. The dispute on FR 22 benefits prior to getting MACP was also bothering subordinate engineering cadres. We have succeeded in getting relief on both the counts.

- DG:AIR issued order dated 21.11.2022 directed all the PAOs not to affect the recovery/re-fixation on account EA to SEA promotion in compliance with interim order dated 28.10.2022 in OA No. 2647/2022 which has stayed the operation of DG:AIR communication dated 30.06.2022.
- MIB vide letter dated 16.12.2022 requested PB to comply with interim order dated 28.10.2022 in OA 2647/2022 with the directions to take undertaking before releasing final pension to retiring employees.
- O/o ADG(B&A) issued directions to all six PAOs to strictly implement instructions of Hon'ble CAT vide OM dated 23.12.2022.
- O/o ADG(B&A) issued letter dated 09.01.2023 and directed all PAOs and Pay fixation cell under IAW to strictly comply with orders dated 05.07.2022 & 28.10.2022 of PB CAT, New Delhi as directed by MIB vide letters dated 06.10.2022 and 23.12.2022 as earlier instructed vide its letters dated 17.10.2022 & 23.12.2022.

All the above orders have been issued by authorities on the vigorous persuasion by ARTEE only. No other association can claim an iota of share in the above mentioned success of ARTEE. Particularly, the matter of PP was vigorously pursued in DOPT also. Not only provisional pension was withdrawn, but complete stoppage of recovery/re-fixation on account of 25.02.1999 pay scales was secured which other Associations failed to achieve despite order of *status quo* from Hon'ble High Court. Similarly, re-fixation/recovery on account of EA to SEA promotion was also stopped after IR dated 28.10.2022 in OA 2647/2022.

Helper ACP

ARTEE is seriously contesting the issue of Helper ACP in WP 10218/2015, wherein, we are in process of filing an affidavit for speedy disposal of the case before NDOH on 25.05.2023.

The 3rd MACP to Sr. Tech

OA 3035/2015 was disposed off vide order dated 18.08.2018. in favour of Sr. Technicians in terms of Manju Vashistha which has been upheld by the Apex Court. The CP 394/2019 was filed for the implementation of the CAT order. When CAT ordered the personal appearance of DG:DD, government moved to High Court by filing WP 1272/2023 seeking to raise new grounds that pay scale of Sr. Tech is up-graded as per MIB order 25.02.1999 and therefore, not eligible for the grant of 3rd MACP. Hon'ble High Court of Delhi vide order dated 01.02.2023 remanded the matter back to CAT so as to decide question of Law in the light of Apex Court judgment in Manju Vashistha case. The order dated 18.08.2018 of CAT in OA 3035/2018 is set aside. As the case was already decided in favour of applicants, the only issue remains to be adjudicated is related to the point whether scale of 5000-8000 granted to the Sr. Tech cadre by virtue of Court orders is upgraded or not. We are hopeful of positive outcome on this issue within next few months.

Recovery and re-fixation on account of 25.02.1999 pay scales

ARTEE filed OA 2479/2015 for stay on MIB letter No. 503/5/2014-BA(E) dated 08.09.2014. The OA was disposed off vide order dated 01.12.2017 in terms of order dated 31.03.2016 of PB, CAT in OA 1118/2015 (Shyamali Biswas vs. UOI) which is still sub-judice in WP 2034/2017, wherein, stay has been granted on the operation of PB CAT order dated 31.03.2016. Government has filed RA in the case which still at admission stage.

- The CP 371/2018 in OA 2479/2015 was filed by the Association for implementation of CAT order dated 01.12.2017. **The interim stay granted by PB CAT vides order dated 29-06-2018 for not to take coercive step against applicants is still effective.** Further hearing in CP could not take place as the matter is sub-judice in WP 2034/2017 in Shyamali Biswas case.
- The WP 5168/2018 was filed by ARTEE against order dated 31.01.2018 issued by MIB. The Hon'ble Delhi High Court granted liberty to approach CAT and also restrained the respondents from taking any coercive steps against applicants till matter is taken up by the PB CAT, contrary to the spirit of order dated 01.12.2017 of CAT in OA 2479/2015.
- Afterwards, ARTEE filed OA 2575/2018 against the re-fixation and recovery as per MIB order dated 31.01.20-18 and DG:AIR order dated 26.06.2018 and vides interim order dated 13.07.2018, respondents were restrained from taking coercive steps against applicants, barring the Association.

EA –SEA Merger

Association is vigorously pursuing merger of SEA/EA as per DoE/MOF order dated 13-11-2009 and as per proposal of PB BOARD 139TH MEETING. The synopsis based on WP 8712/ 2018 has been filed as per direction of the Court. **NDOH is 02.05.2023.** Detailed letter has also been submitted to MIB for speedy merger of the EA & SEA on GP 4600 which has become imperative after the merger of feeder cadres of Tech/Sr. Tech in the GP 4200. ARTEE is pursuing this case at High Court level. The related OA and CP has been dealt with by individual applicant.

ATREE CENTRAL

Details of Court cases filed or funded by ARTEE

Sl.No	Case No	Court	Lawyer	Particulars of Prayer	Next date
1	OA 2479/2015	Disposed	Sh. Yogesh Sharma	Stay on MIB letter No. 503/5/2014-BA(E) dated 08-09-2014. Disposed off in terms of order dated 31.03.2016 of PB, CAT in OA 1118/2015 (Shyamali Biswas vs. UOI) which is still sub-judice in WP 2034/2017 (NDOH 02.05.2023) where stay has been granted on the operation of order dated 31.03.2016.	01/12/2017
2	CP 371/2018 (in OA 2479/2015)	CAT PB	Dr. Ashwani Bhardwaj	Stay order dated 29-06-2018 for not to take coercive step against applicants. The stay order is still effective.	Next date not fixed as matter is sub-judice in WP 2034/2017.
3	RA 2479/2019 and MA 970/2019	CAT PB	Sh. Yogesh Sharma	Government has filed RA against order dated 01.12.2017 of PB CAT, Delhi in OA No. 2479/2015. MA 970/2019 for condonation of delay has not been yet decided by the Court.	
4	WP 5168/2018	Delhi High Court	Dr. Ashwani Bhardwaj	WP was filed by ARTEE against order dated 31.01.2018 issued by MIB. The Hon'ble Delhi High Court granted liberty to approach CAT and also restrained the respondents from taking any coercive steps against applicants till matter is taken up by the PB CAT, contrary to the spirit of order dated 01.12.2017 of CAT in OA 2479/2015.	Disposed off on 15.05.2018
5	OA 2575/2018	CAT PB	Dr. Ashwani Bhardwaj	Against re-fixation and recovery on Ministry and DG Air order dated 26.06.2018. Vide interim order dated 13.07.2018, respondents were restrained from taking coercive steps against applicants, barring the Association.	26/07/2023
6	WP 5043 /2019	Delhi High Court	Sh. Manish Vishnoi	For granting the benefit of IR dated 13.07.2018 in OA No. 2575/2018 to ALL ASSOCIATION MEMBERS.	03/05/2022
7	OA 1982/2017	CAT PB	Sh. Yogesh Sharma	Association Recognition	30/05/2023

8	OA 3035/2015		Sh. Yogesh Sharma	3 rd MACP to Sr. Technician. Case was disposed off in favour of Sr. Technicians in terms of Manju Vashistha Case.	Disposed on 08.08.2018/ Remanded back NDOH 04.05.2023
9	CP 394/2019 in OA 3035/2015	CAT PB	Sh. Yogesh Sharma	3 rd MACP to Sr. Technician	Closed on 07/02/2023
10	WP 1272/2023	Delhi High Court	Ms. Kamlakshi Singh	3 rd MACP to Sr. Technician. The matter is remanded back to CAT to decide question of Law in the light of Apex Court judgment in Manju Vashistha case. The order of CAT in OA 3035/2018 is set aside.	Disposed vide order dated 01.02.2023.
11	OA 1193/2021 L.N. Dwiedi vs GOI	CAT PB	Sh. Yogesh Sharma	Against Recovery and Re-fixation on retirement	28/04/2023 Bench not constituted
12	OA 2691/2021 Bhanwar Lal vs UOI	Disposed	Sh. Yogesh Sharma	Against provisional pension order dated 18.08.2021 issued by MIB/CCA.	05/07/2022
13	WP 10218/2015	Delhi High Court	Sh. Manish Vishnoi	ACP to Helpers. We are in process of filing an affidavit for speedy disposal of the case. The same will be done before NDOH on 25.05.2023.	25/05/2023
14	OA 1180/2018	CAT PB	Sh. Yogesh Sharma	Normal replacement scale to Engineering Assistants as per DEEWA.	20/07/2023
15	WP 8712/2018	Delhi High Court	Dr. Ashwani Bhardwaj	Merger of SEA/EA as per order dated 13-11-2009 and as per proposal of PB BOARD 139 TH MEETING. Synopsis based on WP has been filed in the Court.	02/05/2023
16	OA 2647/2022	CAT PB DELHI	Dr. Ashwani Bhardwaj	Against MACP RECOVERY on account of EA to SEA Promotion.	27/07/2023
17	Civil Suit 1825/2022	Patiala House Courts, New Delhi	Sh. Vijay Joshi	Against ARTEE election filed by Sh. Vijay Haror	First hearing on 16/09/2022 and NDOH is 19/07/2023