

Hearing in OA 4249/ 2014 filed by A.R.T.E.E for Generalization of the Verdict of ACP as per CAT Patna Verdict, upheld by the Hon'ble Supreme Court.

The Case filed by ARTEE for Generalization of the Verdict of ACP as per CAT Patna Verdict upheld by the Hon'ble Supreme Court, came for hearing today (01-12-2014) in the Hon'ble Principle Bench, CAT Delhi.

The Advocate argued that the proposal for Generalization has been approved by DG (AIR) and the Prasar Bharati Board. Now Proposal is pending with the Hon'ble Ministry of Information and Broadcasting. In OA it also mentioned that as per the decision of Respondent 2 i.e. CEO, PrasarBharati, Respondent 3 i.e. DG(AIR) has prepared a proposal with full justification including Financial Implications both one time and Annual is prepared. This proposal is sent for approval of Respondent 1 i.e. Hon'ble Ministry of I & B.

The Hon'ble Court directed the Respondents to examine the Representation within a period of 60 days, from receiving the copy of the Verdict.

In this case Main Applicants are

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| (1). Sh. Umesh Chandra | President for ARTEE |
| (2). Sh. Gajendra Sharma, | Effectuated AE and VP(AIR), |
| (3). Sh. ManasDutta, | Effectuated SEA and Member DG Council DD |
| (4). Sh. R.P.Aggarwal, | Effectuated EA and Member. |

?? Why ARTEE has not filed case earlier and Why Now ??

An Association always has to look in broader perspective and consider the pros and cons. In ACP Patna the main question to be settled was "whether we are similarly placed with ACP PATNA Applicants or not"? There is no doubt that we are similarly placed, but the department has to accept this. We fulfill all the criteria's of establishing the Similarity as per DOPT norms, i.e. Recruitment Rules, Service, Conditions, Duties and Responsibilities and Seniority lists.

Till today all the verdicts delivered, directed to extend the benefit “If they are similarly situated”. It was discussed at various levels that some of the orders issued about scales, like 05/12/97 order and 25/2/99 order are said to be the hurdles in deciding the Similarity. This point has been argued and debated during litigation of ACP PATNA.

As everybody is aware in 2013 , 11 applicants, including some CWC Members i.e. President, VP(TV), VP(NZ) and other Members filed an OA 757/2013 in their Individual Capacity. The department issued a speaking order to “Consider the Grant of CAP PATNA subjected to the outcome of Review Petition filed by the department against the decision of CAT and High Court Patna”. This Review Petition was dismissed on 22nd Oct 2013. After this persuasion is being done. An Execution Petition is filed and in this MIB has submitted that “DG (AIR) has to send a Proposal for the Applicants and they are Ready to consider”. MIB has issued several letters to DG(AIR) for preparing and sending proposals for applicants. On 10th Sept 2014 in the hearing of Execution Petition, Hon’ble Court ordered the personal appearance of Under Secy. And DG (AIR).

Feeling pressurized by this development and vigorous follow up made at various levels, DG (AIR) has prepared a proposal and in this proposal FIRST TIME DG (AIR) HAS MENTIONED THE FOLLOWING:

As per service Records, the appellants of OA 514/2002 to whom ACP is granted and appellants of OA 757/2013 are similarly placed.

Meanwhile, some segments have been spreading rumors about the persuasion of OA 757/2013 as a selfish move of Central Office bearers, while it was being done with the motive to establish the Similarity. Also a panic was being created that only applicants only going get it. If ARTEE would have filed the case earlier the Govt. could question the above mentioned points, but now since we have at least one official document in which similarity is established, we filed OA from ARTEE for all eligible EAs, SEAs and AEs.

ARTEE Central Office expresses gratitude to the members who followed the instruction for not approaching court of law Individually despite extreme provocations.

Fighting for ACP PATNA is one of the top most priority for Central Office and we are committed to do everything, that the Members get the benefit of ACP at the earliest. We are committed to doing the same on other issues.

In today's hearing President, VP(TV), Addl.G.S.,Treasurer and JS(SEA/EA), NZ were present in the Court.

Central Office