

No.515/18/2013- BA (E)
Government of India
Ministry of Information and Broadcasting
Shastri Bhawan, New Delhi- 1100 01

Dated 21st January, 2015

To,

The Director General: AIR,
DG:AIR,
Akashwani Bhawan,
New Delhi.

(Kind attention to Sh. Ajaya Kumar K.P. Dy. Director of Admn. (E))

Subject: - Order in OA No. 757/2013, M.A. No. 1291/2014 filed by Sh. Umesh Chandra and Ors. for grant of 1st ACP by extending benefit of judgment dated 07-09-2009 passed by CAT, Patna- convening of Screening Committee – reg.

Sir,

I am directed to refer to your ID Note No. 8/3/2013-S.IV (B) dated 31-10-2014 confirming that the applicants in the OA No. 757/2013 are similarly placed with that of the applicant in OA No. 514/2002 before CAT, Patna. It may be stated that the CAT, PB, New Delhi in the operative part of its order dated 10-09-2014 in MA No. 1291/2014 in OA No. 757/2013 filed by Sh. Umesh Chandra & Ors has observed as under:-

" The respondents are directed to examine the case of the applicants and if it is found that they are covered by the decision of the Patna Bench (supra), they shall also be extended the same benefits as have been given to the applicants therein within a period of two months from the date of receipt of copy of this order. However, if the respondents come to the conclusion that the applicants are not covered by the aforesaid order, they shall pass a speaking and reasoned order within the aforesaid period. In that case, the applicants will have the liberty to challenge the order so passed by appropriate proceedings."

Further, CAT, Patna Bench vide its order 07.09.2009 in OA No.514/2002 had directed the Respondents to grant the pay scale of Rs 8000/- -13500/-(pre-revised) as ACP to the Applicants on completion of service of 12 years in the pay scale of Rs 6500/- - 10500/-(pre-revised).

2. In this connection it is stated that according to the instructions contained in Para 6.2 of DOP&T OM dated 09-08-1999, the composition of the Screening Committee shall be the same as that of the DPC prescribed under the relevant Recruitment Rules for regular promotion to the higher grade to which the financial upgradation is to be granted. Accordingly, while implementing the order dated 07-09-2014 in OA No. 514/2002 before CAT, Patna the Screening Committee was convened in the Ministry.

3. Subsequently, various benches of Hon'ble CAT in such cases filed seeking similar relief, directed, if the Respondents come to a conclusion that the applicants are covered under the CAT, Patna order dated 07-09-2009 in OA No. 514/2002 they may also be granted the same benefit of ACP as extended to the applicants in OA No. 514/2002. Accordingly, Ministry requested DG:AIR, Respondent No. 2 to examine the service record of each individual and inform the Ministry with justification for convening Screening Committee if they are similarly situated with that of applicants in OA no. 514/2002 before CAT, Patna. However, it was noted that in about 25 OAs there are nearly 400 applicants claiming the same benefit and some are in the pipeline too. In such a situation it was felt difficult to convene Screening Committee at short intervals of time in the Ministry.

4. Incidentally, it came to notice that Ministry of Finance, Department of Revenue after obtaining clarification from DoPT on composition of Screening Committee to consider the cases of the officers for grant of pay scale of Rs. 8000-13500/- (pre-revised), informed all the cadre controlling authorities under the Department of Revenue that the cadre controlling authorities are competent to grant ACP in the pay scale of Rs. 8000-13500/- (pre-revised) to Group "B" officers being their appointing authority. As such, the composition of Screening Committee for grant of ACP in the pay scale of Rs. 8000-13500/- (pre-revised) for Group "B" Officers will be same as that of DPC for Group "B" Officers.

5. You are aware that DGAIR is the appointing authority or cadre controlling authority in respect of AEs, EAs, SEAs etc belonging to Group-B & C post in AIR/Doordarshan. Therefore, on the lines of Department of Revenue, Ministry of Finance, it was decided with the approval of competent authority to take up the matter with DOP&T to allow the appointing and cadre controlling authority i.e. DGAIR, not only to verify whether the applicants in a particular OA are similarly placed with that of the applicants in OA no. 514/2002 before CAT, Patna but also to hold Screening Committee and extend the financial benefit.

6. DoP&T, in turn, has advised this Ministry to examine the matter in terms of their OM No. 35034/3/2008-Estt. (D) (Vol.II) dated 10-12-2014 (copy annexed.). DG:AIR is therefore advised to examine the orders of Tribunals in all the similar cases whether the applicants therein are similarly placed with that the applicants in OA No. 514/2002 before CAT, Patna and take action in terms of DOP&T order dated 10-12-2014 under intimation to the Ministry urgently.

Yours faithfully,



(Sanjay Dhar)
Under Secretary (BAE)
Tel.No. 23384754

N0.35034/3/2008-Estt(D) (Vol. II)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

New Delhi 110001
Dated the 10th December, 2014

OFFICE MEMORANDUM

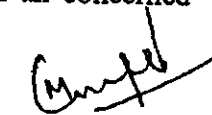
Subject:- Modified Assured Career Progression Scheme for the Central Government Employee-Clarification regarding.

The undersigned is directed to invite reference to the Para 5 of the Modified Assured Career Progression Scheme issued vide the Department of Personnel and Training Office Memorandum No. 35034/3/2008-Estt.(D) dated May 19, 2009 providing that the recommendations of the Screening Committee shall be placed before the Secretary in cases where the Committee is constituted in the Ministry/Department or before the Head of the organisation/competent authority in other cases for approval.

2. References have been received from various Ministries/Departments with regard to delegation of powers of Secretary to a Joint Secretary level officer as a large number of files on various matters are referred to the Secretary for approval and it is an administrative matter of routine nature which can be disposed of at the level of Joint Secretary.

3. The matter has been considered in this Department and it has been decided that the recommendations of the Screening Committee henceforth be placed before the Appointing Authority of the post in both cases where the Committee is constituted in the Ministry/Department or in other cases for approval with regard to grant of financial upgradation under MACP Scheme.

4. Ministries/Departments are requested to bring these instructions to the notice of all concerned including their attached and subordinate offices.



(Mukta Goel)
Director(E-I)

Tele. No. 23092479

All Ministries/Departments of the Government of India.

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1. The President's Secretariat, New Delhi.
2. The Vice-president's Sectt, New Delhi
3. The Prime Minister's Office, New Delhi.
4. The Cabinet Secretariat, New Delhi.
5. The Rajya Sabha Secretariat, New Delhi.
6. The Lok Sabha Secretariat, New Delhi.
7. The Comptroller and Audit General of India, New Delhi.
8. The Secretary, Union Public Service Commission, New Delhi
9. The Staff Selection Commission, New Delhi.
- 10 All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
11. All Officers and Sections in the Department of Personnel and Training.
12. Establishment(D) Section, DoP&T (10 copies)
13. NIC for updaton on the website.