

# Association of Radio & Television Engineering Employees

Post Box no. 422, New Delhi-110001



Recognized by Govt. Of India and Prasar Bharati as per CCS(RSA) Rules 1993  
Largest Employee Welfare Association of Electronic Media in India

Affiliated to Bhartiye Majdoor Sangh (B.M.S.)

Affiliated to Union Network International, Geneva

[www.arteeindia.org](http://www.arteeindia.org)

ARTEE/P/134/12/2015

17.12.2015

Ref : .....

Date .....

The Hon'ble Secretary, Information and Broadcasting,  
{Kind Attention Sh. Ajay Joshi, Dy.Secy. BA(E)}  
7<sup>th</sup> Floor, Shastri Bhawan,  
New Delhi – 110001

Subject : **Resentment about non compliance of Instructions of Hon'ble Ministry of I & B about Recovery despite Absolute Stay and request to issue reminder to PAO for the same about Recovery of MACP due to upgraded Scales as per 25/2/1999 order.**

Respected Sir,

With warm regards, this letter is in continuation of our discussion with you in your office on 15/12/15 as per instructions of Joint Secy. (B-II) Sh Puneet Kansal ji on the subject stated above.

Pl. note that above as per MIB Order 515/04/2014-BA(E) Pt dated 17<sup>th</sup> Feb 2015 addressed to Brig(retd) Sh. V.A.M.Hussain, Principal Advisor (PA), PB, (copy enclosed as Annexure 1), subsequent orders by PB-4(4)/2014-Admn 19.02.2015 (copy enclosed), orders by DG(AIR) and DG(DD) alongwith Order G-11508/PrAO/Complaint/2014-15/TA/3258 Dated 19 Feb 2015 by Principle Accounts Office of Hon'ble Ministry I & B, this Recovery has to be kept in abeyance.

Later when even after such clear orders Recovery was being done unabated, this Association approached Court of law and filed an OA 2479/2015 in Principle Bench Delhi, who immediately stayed the Recovery and any adverse order on 13/7/2015 till next date which was 29/7/2015. (Copy enclosed).

On Next Date of hearing 29/7/2015, since no reply was received from Respondents and Hon'ble CAT converted the stay into an absolute one. (copy enclosed).

On 18.12.2014 Hon'ble Supreme Court in case State of Punjab others vs Rafiq. Masih (White Washer) etc. In civil Appeal No. 11527 of 2014 arising out of SLP No. 11684 of 2012. Its verdict about Recovery of excess payment to employees, clearly settled this issue in favor of Employees.

The Apex Court has clearly laid down the circumstances where the Recovery from employees shall be impermissible which are given below (Refer to Para 12) :

(a). Recovery from Employees belonging to Class III an Class IV services. (Class 3 and class 4 employees) – In our case Helpers, Technicians & Sr. Technicians are group III and IV employees.

... Contd.

O/C

  
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Ref: ...~~(b)...~~ Recovery from employees retired or retiring within one year from ~~the date of~~.....  
Recovery.

(c). Recovery for excess payment done more than five years prior to order of Recovery  
– MACP Granted upto 2010 falls can be covered by this clause.

(d). Recovery where Employee performed duties equitable to higher post but paid for lower.

(e). In any other case when Court arrives at the conclusion that recovery if made from employees would be iniquitous or harsh or arbitrary to such an extent as would far outweigh the equitable balance of the employer's right to recover.

All Clauses except (d) are applicable for incumbents of 25/2/1999 scales

**A Contempt 715/2015 in OA 2479/2015 is also filed in Principle Bench, Delhi and hearing has started.**

*It is sordid state of affairs that despite such clear instructions and absolute stay, various PAOs through out the country are recovering huge amounts from Retiring employees to the tune of upto 7 lakhs and gearing for Recovery from serving employees also which is a clear contempt of Hon'ble CAT, PB Delhi*

*In the light of above mentioned facts, the Recovery is absolutely illegal and un justified, henceforth it is humbly requested to take up the issue with PAOs and issue a reminder mentioning all above mentioned facts.*

Thanking you.  
Yours faithfully,

  
**Umesh Chandra,**  
President, ARTEE  
09871765714

[umsharma01@gmail.com](mailto:umsharma01@gmail.com)

enclosed as above

CC for information to :

- (1). Member(P), Prasar Bharati, PTI Building, New Delhi.
- (2). Office copy.

