

# 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

Affiliated to Union Network International, Geneva

Affiliated to Confederation of Central Govt. Employees and Workers (CCGEW)

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

Largest Employee Welfare Association of Electronic Media in India

Ref : .....ARTEE/P/50/05/2015

Date 20.05.2015

Zonal  
Offices

East Zone  
PO Box-2713  
Kolkata  
(W.B.)  
700001

N.E.Zone  
PO Box-83  
Guwahati  
(Assam)  
781001

North Zone  
P.O.Box-331  
New Delhi  
110001

South Zone  
P.O.Box-176  
Triplicane  
Chennai  
(TN)  
600005

West Zone  
PO Box  
-11228  
Mumbai  
(Maharashtra)  
400020

The Hon'ble Secretary I & B,  
Ministry of I & B  
Shastri Bhawan,  
New Delhi - 110001

The Chief Executive Officer,  
Prasar Bharati,  
New Delhi - 110001

The Director General,  
All India Radio, Sansad Marg,  
New Delhi - 110001

The Director General,  
Doordarshan,  
Copernicus Marg,  
New Delhi - 110001

Subject : [1]. Representation to Implement ACP as per CAT PATNA in OA 514/2004 upheld by Apex Court and Proposal approved by Prasar Bharati Board after clearing the impediment by dismissal of Writ Petition 1869-2015 by Hon'ble High Court PATNA.

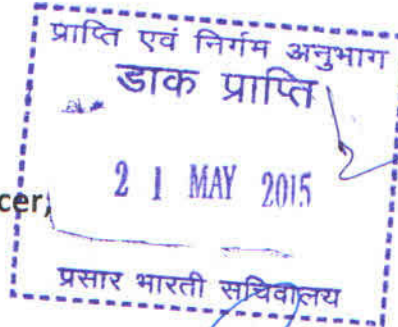
[2]. Representation to challenge the speaking Order no. 8/1/2015-S-IV(B)/70 Dated 17.02.2015 issued by DG(AIR) in OA 4429/2014 filed by Association of Radio and TV Engg. Employees through its President to grant ACP as per verdict of CAT PATNA to all eligible EA,SEA and AEs.

Respected Sir,

1. That Undersigned is presently posted and working as Senior Engineering Assistant, Doordarshan Kendra, New Delhi; and is also the President of the Association of Radio & Television Engineering Employees, which is recognised by the Government of India and Prasar Bharti as per CCS (RSA) Rules, 1993.

.... continued

o/c.



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Handwritten signature and date: 'P. B. S.' and '21/5/15'.

That the ACP Scheme announced by 5<sup>th</sup> CPC has been implemented for Applicants of OA 514/2004 after attaining finality through CWJC 6451-2010 and SLP 20212-2010 on facts and after the approval of the Ministry of Information & Broadcasting, Department of Law Affairs (DOLA), Department of Personnel and Training (DOPT) and Department of Expenditure (DOE) (copy enclosed) subjected to the outcome of a review petition bearing Civil Review No. 141/2012 filed before the Hon'ble Patna High Court and any other legal proceedings to be initiated when applicants filed a Contempt CCPA 22/2011. .(Copy enclosed as Annexure I).

I hereby mention following facts for your kind consideration.

1. Whereas on the Implementation, in view of the aforesaid order dated 17/01/2012 having been passed by the concerned authorities, the Central Administrative Tribunal, Patna was pleased to dispose of the aforesaid C.C.P.A. No. 22/2011 by an order dated 23/05/2012.
2. Whereas in the meantime, one O.A. No. 597/2011 had been filed by the Doordarshan Engineering Employees Welfare Association before the CAT Delhi , New Delhi was also allowed on the basis of the recommendation of the said screening committee made during its meetings held on 11/01/2013 and 14/01/2013, an order dated 28/02/2013 was passed by the DG , All India Radio, New Delhi, by which 16 persons. .(Copy enclosed as Annexure II)
3. Whereas In the meantime, undersigned had moved the CAT, New Delhi with other similarly situated persons in O.A. No. 757/2013 with a prayer for a direction upon the concerned authorities under the Ministry I & B to take steps towards extending the benefits of the financial upgradations under the Assured Career Progression Scheme in favor of the applicants of the said case and as such, by an order dated 04/03/2013 passed by the CAT New Delhi, the said O.A. No. 757/2013 was disposed of with a direction to examine the cases of the applicants and if it was found that they were covered by the decision of the Patna Bench of the CAT .(Copy enclosed as Annexure III).
4. Whereas, thereafter, a speaking order dated 16/04/2013 was passed by DG, All India Radio, New Delhi, by which the applicants of O.A. No. 757/2013 were informed that the matter of grant of financial upgradation under the ACP Scheme would be decided only after adjudication of Civil Review No. 141/2012 filed before the Hon'ble Patna High Court. (Copy enclosed as Annexure IV).
5. Whereas subsequently, the aforesaid Civil Review No. 141/2012 was taken up for hearing by the Hon'ble Patna High Court and as such, by an order

dated 23/10/2013 the said case was dismissed as withdrawn upon the request made by the Union of India. .(Copy enclosed as Annexure V)

6. Whereas after the passing of the aforesaid order dated 23/10/2013 in Civil Review No. 141/2012 by the Hon'ble Patna High Court, by which the said case was dismissed as withdrawn, Undersigned and other similarly situated persons moved the Central Administrative Tribunal, Principal Bench, New Delhi in M.A. No. 1291/2014 seeking implementation of the order dated 16/03/2013 passed by the said Tribunal in O.A. No. 757/2013 as mentioned in the foregoing paragraphs.
7. Whereas In hearing of M.A. No. 1291/2014 CAT Delhi an order dated 10/09/2014 was passed, Deptt. is directed to implement the order dated 16/03/2013 passed by the said Tribunal in O.A. No. 757/2013 without any further delay and **asked DG(AIR) and Under Secy.(BA-E) to appear personally.** .(Copy enclosed as Annexure VI).
8. Whereas the Cadre Controlling Authority i.e. Director General, All India Radio prepared a proposal to grant ACP as per O.A. No. 514/2002 to the applicant of O.A. No. 757/2013; and it was established after scrutiny of service records that the **applicant of OA 757/2014 are similarly situated with the applicants of O.A. No. 514/2002.** (Copy enclosed as Annexure VII).
9. Whereas on 21/01/2015 Hon'ble **Ministry of I & B delegated the powers to DG(AIR) to constitute Screening committee and conduct DPC** for ACP as per Order No. 515/18/2013-BA(E). (Copy enclosed as Annexure VIII).
10. Whereas, Chief Executive Officer, Prasar Bharati held a Meeting on 22/4/2014 with the representatives of the Association of Radio & Television Engineering Employees of which the present intervenor petitioner/respondent is the President and took a decision which is quoted below :

“(i) Grant of ACP to the EAs and SEAs in pursuance of CAT (Patna Bench) Order dated 07.09.2009 in OA 514/2002.

ADG(A), DG AIR informed that since the Ministry was giving approval for implementing the CAT order in respect of the applications before the CAT, EAs/SEAs were approaching the CAT in batches. It appeared ridiculous to encourage employees to approach Courts to obtain identical orders and then be forced to act. So, to reduce the proliferation of Court cases on identical issues, CEO directed DG AIR to explore the possibility of proposing a 'Generic Order' for all eligible employees along with full financial implications involved both one time and annual and to send the proposal to the Ministry of I & B after obtaining the approval of Prasar Bharati.”, Accordingly DG(AIR) prepared a

proposal and the proposal was approved by Prasar Bharati Board its 122<sup>nd</sup> Meeting on 8<sup>th</sup> July 2014. (Copy enclosed as Annexure IX).

11. Whereas, the Association of Radio & Television Engineering Employees (ARTEE) and others had moved the Central Administrative Tribunal, Principal Bench, New Delhi in O.A. No. 4249/2014 for a direction upon the concerned authorities under the Ministry I & B to extending the benefits of financial upgradation under the Assured Career Progression Scheme in favour of the said applicants and as such, vide an order dated 01/12/2014 passed by the said Tribunal, O.A. No. 4249/2014 was disposed of with a direction upon the concerned authorities to examine the cases of the applicants of the said case and if it was covered by the earlier order dated 04/03/2013 passed by the Tribunal in O.A. No. 757/2013, the same benefits should be given to the applicants of O.A. No. 4249/2014 and concerned authorities were further directed to pass an appropriate order within a period of two months from the date of receipt of a copy of the said order. (Copy enclosed as Annexure X).
12. Whereas thereafter, orders dated 17/02/2015 were passed by concerned authorities under the Directorate General, All India Radio, New Delhi with respect to the applicants of O.A. No. 757/2013 and O.A. No. 4249/2014 before the CAT Delhi, wherein it was stated that in the view of the connected C.W.J.C. No. 1869/2015 having been filed before this Hon'ble Court and the matter with respect to extending the benefits of financial upgradation under the ACP Scheme being **sub judice**, action on the claims of the applicants of the said cases may be taken only after the finalization of the said case pending before the Hon'ble Patna High Court. (Copy enclosed as Annexure XI).
13. Whereas thereafter, the contempt petitions filed before the CAT, New Delhi by the applicants in different cases were taken up for hearing and as such, by an order dated 11/02/2015 passed by the Central Administrative Tribunal, Principal Bench, New Delhi, the said cases were disposed of while emphasizing that the concerned authorities under the Ministry of Information & Broadcasting should complete the exercise required to be completed by them in terms of the orders passed by the said Tribunal before the disposal of the writ petition pending before the Hon'ble Patna High Court in all respects and in the event the order passed by the Patna Bench of the Central Administrative Tribunal in O.A. No. 514/2002 was not altered/modified by the Hon'ble High Court, necessary action be taken to implement the directions issued in the orders, it would be open to the

- applicants to seek revival of the said proceedings before the Central Administrative Tribunal, Principal Bench, New Delhi.
14. Whereas thereafter the Applicants of OA 757/2013 and OA 4429/2014 filed an IA no. 2918/2015 for Intervention in the 1869/2015 to remove the Impediment in implementation caused by the Writ Petition 1869-2015.

**The Hon'ble High Court PATNA in hearing if the IA 2918-2015 filed by ARTEE on 12<sup>th</sup> May 2015, Dismissed the Writ Petition CWJC 1869/2015 filed by Govt. as Hon'ble Court did not find it Maintainable.** (Copy enclosed as Annexure XII).

So since the impediment caused by the Writ Petition CWJC 1869/2015, is removed by its dismissal and the all points raised by Govt. in the Speaking order 8/1/2015-S-IV(B)/70 Dated 17.02.2015 issued by DG(AIR) in OA 4429/2014 are overruled by the Hon'ble High Court Patna while dismissing the Writ Petition 1869/2015, we requested you to extend the benefit of ACP as per OA 514/2004 CAT PATNA to all Eligible EA, SEA and AEs as per OA 4429/2014 and as per proposal prepared by DG(AIR) and Approved by Prasar Bharati Board in its 122<sup>nd</sup> Meeting on 8<sup>th</sup> July 2014 from Date of Joining and as per delegation of Powers to DG(AIR) by Hon'ble Ministry of I & B with the approval of DOPT.

This will end around 33 numbers of litigation running in various CAT benches and around 10s of Contempts in which all four officers i.e Hon'ble Secy.(I&B), CEO, Prasar Bharati, DG AIR and DG Doordarshan are the respondents.

Thanking You,  
Yours faithfully,

  
**Umesh Chandra**, 20/5/15

President, ARTEE,  
0-9871765714,

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

  
Umesh Chandra 20/5/15

enclosed as above