

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

Largest Employee Welfare Association of Electronic Media in India

ARTEE/P/114/10/2015

Date 09.10.15

Ref :

The Director Genral,
All India Radio,
Akashwani Bhawan,
New Delhi – 110001



Subject : Request to implement ACP in letter and spirit of OA 514/2002 of CAT Patna Upheld by Hon'ble Supreme Court.

Respected Sir,

With regards, we want to express our gratitude for expediting the implementation of ACP as per CAT PATNA in OA 514/2002 upheld by Apex Court. Meeting of DPC under your chairmanship may be conducted any time. The ACP scheme was declared in 1999 to give some respite to the stagnating cadres. After fighting for almost 18 years some ray of hope is seen. This can give some relief to Sub ordinate Engg EA, SEA and AEs who are deprived from their fundamental right of better career opportunities and are stagnating since decades.

We also wish to convey our concern and apprehension about misinterpretation of verdict by some segments with the sole intention to deny us the benefit. We are also apprehensive about raising the issues which has been debated and decided during long litigation. **It is pertinent to mention that initially First DPC has denied the ACP benefit and when the personal appearance of erstwhile CEO Sh. Rajiv Takru was ordered, the same DPC implemented it but still erroneously i.e. 12 years were counted w.e.f. 01/01/96.** While doing this the essential ingredient of ACP that the time for grant of ACP i.e. 12 yrs. has to be counted from Date of Joining was ignored. **It had not served any purpose and only increased litigations and the justice was restored when Appellants again went to Court.**

Deptt. has been defeated in Hon'ble High Court Patna four times and all arguments have been overruled by Hon'ble Court. In recent verdict in CWJC 2797/2015 made some remarks which has created a bad image for the department. We are reproducing the phrase below :

*We are surprised at the conduct of the Doordarshan Authorities, One a statutory Scheme is framed, then whether a person asked for a benefit thereunder or not, it becomes a statutory duty of the Implementing Authority to give benefit to the employees or beneficiaries of the scheme. This is the command of law. **No beneficiary has to go with a begging bawl to ask what he is rightfully entitled to. It is only upon the failure of the executive to perform its duty** or when the executive disputes the entitlement, does that matter come to the tribunal, but that does not mean that unless the tribunal orders, the executive can hold its hand and sit back without implementing the scheme. The Attitude of Doordarshan appears that unless you get an order of the tribunal to give you benefit of ACP, we shall not examine nor give you the benefit. **A preposterous situation and total abdication of power and authority.***

... contd.

O/c

Zonal
Offices

East Zone
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Guwahati
(Assam)
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New Delhi
110001

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

West Zone
PO Box
-11228
Mumbai
(Maharashtra)
400020

The same was informed to you through this Association's letter ARTEE/P/83/07/2015 Dated 08/07/2015 addressed to Hon'ble Secy. (I&B) copy was marked to your high office also. (copy enclosed).

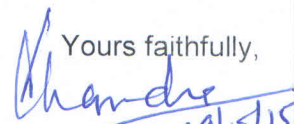
Now the implementation of verdict is done correctly for appellants in the pre revised scale of Rs. 8000-13500 on completion of 12 yrs from the date of joining. We also wish that it should be implemented in the same manner as per correct interpretation in true spirit. Failing which will only enhance number of litigations and also enhance desperation, disbelief and restiveness among staff Members as the wait is going endless.

So, we request you high office to implement the verdict in tur letter and spirit and as it is implemented for Appellants of OA 514/2002 of CAT PATNA in the scale of Rs. 8000-13500 (Class-I), by counting 12 yrs from Date of Joining . It also not out of context to say that after the Gazette Notification of Amending Sec 11(b) of PB Act, all Employees joined before 05/10/2007 belongs to one Category.

We also convey your sincere thanks for kind intervention in implementation of EA(5K) issue.

Thanking you in Anticipation.

Yours faithfully,



Umesh Chandra,
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cc for information to :

[1] Member(P), Prasar Bharati, PTI Building, New Delhi – 110001.

[2] Office Copy.

