

Association of Radio & Television Engineering Employees

Post Box no. 422, New Delhi-110001



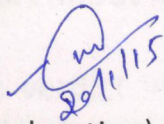
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Affiliated to Confederation of Central Govt. Employees and Workers (CCGEW)

www.arteeindia.org

Ref : ARTEE/P/05/01/2015

Date 20.01.2015

Zonal
Offices

Col. (Retd). Sh. Rajyavardhan Singh Rathore, 
Hon'ble Ministry of State (Information and Broadcasting)
Shastri Bhawan,
New Delhi – 110001

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

Subject : Illegal Recoveries from employees of Sub Ordinate Cadres by treating 25/2/1999 scales as upgradation while granting MACP.
Reference our letter : ARTEE/P/01/01/2015, 06.01.2015 about holding the Gate Meeting.

Respected Sir,

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

With warm regards, this is in reference of our letter on the subject stated above. The employees belonging to all effected 11 Categories are extremely thankful for a very positive approach adopted by you high office. **Based on your Assurance to us in the meeting on 06th Jan 2015 and on 16th Jan 2015, we have deferred our further Agitation Program.**

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

Further in support of our demand to stop Recoveries from Employees, we hereby submit following more points.

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

(1). Some EA, SEA and AEs who refused to be part of 05/12/1997 and 25/2/1999, approached Court law and **their Pay Scale is protected** and they **have been granted ACP also** as per CAT PATNA verdict. **It means who followed instructions of Hon'ble Ministry of I & B are being victimized and who refused to follow are being protected and being awarded.**

(2). Clause 11 of covering letter of MACP Scheme clearly says "Old Cases will not be opened" than Why this issue of upgraded scales is being used to victimize Members. (copy enclosed)

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West Zone
PO Box
-11228
Mumbai
(Maharashtra)
400020

O/C

(3). The latest verdict by Hon'ble Supreme Court about Recovery from Employees

On 18.12.2014 Hon'ble Supreme Court in its verdict in 242 Civil Appeals about Recovery of excess payment to employees, clearly settled this issue in favour of Employees. In verdict delivered 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.

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)***
- (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.***
- (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.***
(copy enclosed)

(4). Recent judgment in case of Floor Assistant & Floor Manager while granting ACP. Hon'ble High Court clearly says that scales granted 25/2/1999 are to be ignored while granting ACP.

(5). The MACP scheme and subsequent clarifications issued, it is nowhere mentioned to treat any upgraded granted due to higher job contents & work while granting MACP. In case of ACP clarification issued on 2001 Clause 35 clearly says that such upgradations are to be ignored while granting ACP.

Based upon above mentioned facts, A letter Recoveries from Employees should be kept in abeyance immediately as it is causing huge amount in Recoveries in to the tune of upto 8 lakhs and more.

We also request that this 15 yrs old issue should be settled once for all.

Thanking you,

Yours faithfully,

Chandra
20/1/15

Umesh Chandra,
President, ARTEE
09871765714
umsharma01@gmail.com

cc for information to :

प्राप्ति एवं निर्गम अनुभाग
डाक प्राप्ति
2/1/15
प्रसार भारती सचिवालय

- [1]. The Joint Secy.(B-II), Ministry of I &B. — Recd. 20/1/15
[2]. The Chief Executive Officer, Prasar Bharati, New Delhi
[3]. Brig.(Retd). Sh. V.A.M.Hussain, PA(PA), Prasar Bharati, New Delhi
[4]. The Director General, All India Radio, New Delhi. *One*
[5]. Office Copy.