

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

Dated 17th June, 2015

To,

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

(Kind Attention: Sh. Ajaya Kumar.K.P., DDA(E))

Subject: - Order in OA No. 757/2013, M.A. No. 1291/2014 filed by Sh. Umesh Chandra and Ors and other similarly placed applicants in similar OAs 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. 8/3/2011-S.IV (B) –Part dated 05-06-2015 regarding grant of ACP to EAs/SEAs/AEs to similarly placed applicants in similar OAs as per CAT, Patna verdict in OA No. 514/2002.

2. In this connection it is stated that the advice of DOP&T was sought to allow the appointing and cadre controlling authority of EAs in DG:AIR to hold Screening Committee and extend the financial benefits as was done by it in the case of Department of Revenue wherein DOP&T had advised as follows:-

“It is clear from conditions for grant of benefits under the ACP scheme laid down in Paras 1 and 12 of annexure-1 to DOPT’s O.M No. 35034/1/1997-Estt.(D) dated 09.08.1999 that the scheme envisages merely placement in the higher pay scale for grant of financial benefits (through financial up-gradation) only to the Govt. Servant concerned on personal basis and shall, therefore, neither amount to functional/regular promotions nor would require creation of new posts for the purpose.

In this connection attention may also be drawn to the instructions laid down in DOPT’s OM. No. 11012/5/2000-Estt. (A) dated 10.05.2001. As Per these instructions, in scheme such as the ACP, the classification of a post shall be determined with reference to the grade in which the post is originally sanctioned irrespective of the grade/pay scale in which the officer may be placed at any point of time.

*The matter under reference relates to ACP and not to regular promotion. **As Such, there is no question of seeking the approval of the Competent Authority applicable to promotion to Group 'A' posts in cases of ACP.***

3. In reply to this Ministry's reference, DOP&T vide its OM No. 1053132/14/CR dated 15-01-2015 advised this Ministry to examine the matter in terms of their OM No. 35034/3/2008-Estt. (D) (Vol.II) dated 10-12-2014. DOP&T vide its OM dated 10-12-2014 has conveyed its decision to all department that henceforth the recommendation of Screening Committee be placed before the Appointing Authority of the post even in cases where the Screening Committee was used to be constituted in the Ministry/Department. Accordingly, it was decided by this Ministry to convey the advice of DOP&T to DG:AIR to constitute the Screening Committee of its own and process the cases of the applicants in different OAs for grant of ACP vide our letter dated 21-01-2015.

4. In view of above, referencing of DG:AIR as the appointing authority or cadre controlling authority in respect of AEs, EAs, SEAs etc. belonging to Group-B & C post in AIR/Doordarshan vide Para 5 of our letter dated 21-01-2015 makes it incumbent upon, DG:AIR to constitute the Screening Committee to process the cases of the applicants in various OAs decided on the line of direction of CAT, Patna Bench in OA No. 514/2002.

5. So far as the clarification relating to applicability of DOP&T OM dated 10-12-2014 for MACP and not for ACP is concerned, it has been adequately explained in previous paras.

6. In view of above, DG:AIR is requested to take urgent necessary action under intimation to this Ministry.

Yours faithfully,



(Sanjay Dhar)

Under Secretary(BA-E)

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