

EA (5K) Generalization Issue. Step by Step Detailed Analysis ... A Must Read for All EA(5K)s

2004 to 2013

As you are aware, when the new central office assumed charge in July 2013, like other long pending issues, 1C1P issue was also pending. The Gwalior SLP was the obstacle for the decision in the Review Petition, because on 15.12.2011, the Supreme Court had linked the Review Petition in our case with the SLP of Gwalior Case and ordered to keep the review petition in abeyance till a decision in the SLP of Gwalior Case, And the decision in the SLP of Gwalior Case was delayed due to continuous postponement of the hearing date. But due to our decision for availing the service of senior counsel, Sh. Jayant Bhushan and due to the continuous mentioning by our counsel, (which was well appreciated by all of you) we got a favorable decision in Gwalior SLP on 29.10.2013. After this Review Petition (Civil) No. 2624 of 2011 & 2624 of 2011 in 5K EA main case of 1742/04 dismissed both on the grounds of delay as also on merits on 09.01.2014

Immediately after this, we revived our Contempt petition CP 494/2011 (5K EA Case, Main OA 1742/2004) and the hearing took place on 21.02.14 and the court issued notice to the government. In addition to that, we filed M.A./680/2014 in OA 1743/2004 and the court issued notice and clubbed both contempt petitions. It is pertinent to mention here that some section of affected EAs, influenced by negative elements in and outside ARTEE, were against reviving of contempt petition at that time. But we were determined to make all-out efforts both legally and organizational.

Time	Expenditure	Output
12 yrs.	Around 7.00 Lakhs	Implemented for Five EA(5K)

2013 Onwards ... A Success Story

While we were following the issue very effectively in the legal way, our efforts were going in organizational level also. ARTEE wrote a letter to DG AIR informing the decision of the Review Petition and demanded the implementation of the court verdict. In response to this O/o DG AIR, through the letter dated 07.02.2014, requested the advice of the Ministry of Information and Broadcasting for taking further necessary action in the matter. As a result of our persuasion in Prasar Bharati, Director, (Pers), Prasar Bharati, through the letter dated 06.02.2014, requested the O/o DG AIR to prepare and send a revised proposal to Prasar Bharati as the earlier proposal sent to MIB was prepared on the basis of data available on 17.02.2011. In response to this Prasar Bharati letter, DG AIR issued instructions to zonal offices and Zonal officers in turn issued instructions to field offices to prepare and send a revised proposal as demanded by Prasar Bharati. After this ARTEE Central Office issued instructions to all our office bearers and members to ensure the timely calculation of data in their respective stations. But many stations not at all send any data to zonal offices. Hence the preparation of revised proposal delayed. Meantime, ARTEE Central Leadership had a series of Meetings with Authorities. On 19.03.2014, ARTEE had a meeting with Sh. F. Sheheryar, DG(AIR) along with Sh. R.K. Budhraj, EinC (AIR), Dr. Sanjay Dubey, ADG(A), Sh. R.K. Saxena, ADG(D), DG AIR and other officers and on 21.03.2014, ARTEE had an official meeting with Brig. (Retd.) V.A.M. Hussain, Principle Advisor (Personnel and Administration), PB, Sh. Y.K. Singh, DDG(A), PB,

Dr. Sanjay Dubey, ADG(A), AIR, Madam Vanita Sood, Dir.(A), Sh. Om Prakash, OSD, PB and other officers.

O/o DG AIR through the letter dated 07.03.2014, requested for the direction from MIB in this issue, the points highlighted by DG AIR was.

- i) as to whether the said judgment is to be limited to the post of petitioners i.e. Engineering Assistants or it should be extended to all the category of employees who were given upgraded pay scales vide Ministry of I & B order dated 25.02.1999.
- ii) as to whether the condition as stipulated in para z(i) of the Ministry of t&B order dated 25/02/1999 be applicable to the petitions, in case, it is decided to extend benefit of said upgraded pay scales or otherwise

Since MIB not given any reply, O/o DG AIR through the letter dated 27.03.2014 again requested MIB to give directions in this matter.

Sensing the casual approach of the officials in the MIB and in DG AIR, and after realizing the possibility of MIB attempt to withdraw the scales granted as per 25.02.1999 order, ARTEE Central Office was on high alert. ***On our persuasion, our respected CEO held a meeting under his Chairmanship with all higher officials, including standing Counsel of Prasar Bharati Sh. Rajeev Sharma, on 22.04.14. In the meeting respected CEO, Prasar Bharati directed DG AIR to prepare a proposal with full financial implications involved (both one time and annual) for consideration of Prasar Bharati and for referral to the Ministry, after approval of Prasar Bharati Board.***

[**Click here for Minutes of Meeting with ARTEE**](#)

The Prasar Bharati Board in its Meeting on 8th July 2014, approved all three core decisions taken by the CEO in the Meeting with ARTEE on 22.04.2014

[**Click here for Minutes of 122nd Meeting of Prasar Bharati Board**](#)

The proposal prepared as per the direction of CEO in the meeting held on 22.04.2014 with ARTEE, sent to Prasar Bharati on 21.08.2014, and Prasar Bharati sends the proposal to MIB on 14.10.2015.

Meantime, due to the efforts of Central Office and due to the pressure created by the Contempt Petition in OA 1742/43 of 2004, in MIB the file movement started in the case of OA 1742 and 1743 of 2004. But as suspected by Central Office, MIB again tried to deny and delay the implementation by sending a letter to the Department of Expenditure, asking about the validity of the 1999 executive order in light of the amendments to the Prasar Bharati Act 2011 and hinting about the possibility of withdrawing the scales already granted through the executive order of MIB dated 25.02.1999. But the Department of Expenditure through the letter dated 16.06.2014 to the MIB opined that **‘this is purely a legal issue, on which this Ministry does not have any Comment’** and the Department of Expenditure further directed MIB to **“ take up the matter with the Ministry of Law & Justice for seeking their advice for further course of action in the matter ”**. It is to be noted that MIB efforts was to take away the very basis of the Court Order in OA 1742/43 of 2004, by withdrawing the 1999 scales granted as per executive order dated 25.02.1999, since MIB defeated in all the cases filed for Pay Parity by EAs.

After this, on 18.07.2014, MIB sends the file to Department of legal affairs for their advice and due to the efforts of ARTEE Central Office and also due to the efforts of the applicants of the OA

1742 of 2004, on 31.07. 2014 ,the Department of legal affairs gave a clear opinion in favor of us and very clearly advised MIB that “ **The amendment of section 11 of the PB Act doesn't in any way affect the operation of the order dated 25.02.1999 of the Ministry** ”. The Department of legal affairs further advised MIB that “ **with the dismissal of review petition in the matter, the order dated 31.05.2006 of the CAT (OA No. 1742/43 of 2004) has attained finality and the department is left with no option but to implement the same in letter and spirit and not doing so or withdrawing the benefit of the order of 25.02.1999 will invite contempt in the case** ”.

After the above advice of the Department of legal affairs, which gave its approval only for implementation of Court order in OA No. 1742/43 of 2004, and which was silent about the proposal of generalization, Central Office initiated thinking about other options. With amidst information about implementing the Court Order only for Applicants in OA No. 1742/43 of 2004, the team of ARTEE consisting of **President, Add. Gen. Secy.,VP (AIR) and VP(TV) visited the Hon'ble Ministry of I&B demanding generalization**. A letter for this purpose delivered to Hon'ble Secretary I&B on 12.08.2014, citing the facts which support Generalization.

[**Click here for Copy of Letter Submitted on 12.08.14**](#)

On 21.08.2014 Central Office arranged a detailed Meeting of the Advocate with some of the EAs (5K), who came to watch the hearing of the Contempt Petition scheduled on 22.08.15 . The EAs asked many queries from the Advocate. The Advocate categorically informed that on the basis of these OAs ie 1742/43 of 2004, the Government is not bound to generalize it for all. For this purpose a separate OA has to be filed and preferably a single OA representing all the beneficiaries. He also opined that, It would have been better, if an OA for generalization was filed along with these OAs in 2004 itself.

After consultation with the EAs (5K), who came for watching the contempt hearing and the EAs (5K) from outside Delhi and Advocates , it is decided that, If required ARTEE SHALL FILE AN OA FOR ALL OF ITS MEMBERS. For this purpose, we uploaded one representation and instructed our members to submit it through proper Channel to their stations and advance copy to Hon'ble Secretary I&B. For this purpose Central Office also submitted one representation to the Hon'ble Ministry of I &B

Following EA (5K) were present in the Meeting with Advocate on 21.08.15 and in Contempt proceedings on 22.08.15.

- [1]. Shri Chandrashekhar Azad DDK Lucknow
- [2]. Shri Niranjan Kumar LPT Navada (Bihar)
- [3]. Shri Ashish Kumar DDK Patna
- [4]. Shri C.B.Singh Abhay DDK Patna
- [5]. Shri Prabhu Nath Singh AIR NBH New Delhi
- [6]. Shri Manoj Kumar Sahoo DDK Patna
- [7]. Shri M.S. Rana LPT Kotdwar (Uttarakhand)

And many other EAs from Delhi.

After the opinion of Department of legal affairs in OA No. 1742/43 of 2004, MIB was left with no other option and hence they send the file to the Department of Expenditure for final approval and Department of Expenditure granted approval for the implementation of CAT Order in OA. 1742/43 of 2004. After this MIB, issued the order for applicants on 23.09.14. But in DG (AIR) some negative elements tried to create confusion about MIB Order and DG AIR planned to send a proposal for

issuance of order to the Hon'ble Ministry for approval, which was totally unnecessary. Then the Central Office registered a strong Resentment on the development. And finally, **due to the timely intervention ARTEE Central office, DG AIR issued the order for six applicants on 14.10.2014.** ARTEE President personally contacted Applicants and informed them about the order and congratulated them.

As a result of this Order, ***an unabated fight of 12 years has resulted in grant of scale for only five members (M.S. Rana in 1743/2004 and four people in 1742/2004) after spending more than 7 lakhs. It may be noted that ARTEE has also spent money on Gwalior case even though it was filed without our consent, but since it was linked with our case and if they lost our cause would have finished.***

After the issuance of the order only for the applicants, the Hon'ble Ministry of Information & Broadcasting issued a letter dated 25.09.14 to Prasar Bharati and DG AIR to inform the financial implications of generalizing the benefit of the CAT verdict to all eligible Engineering Assistants, in the possibility of similar cases by similarly placed other EAs.

ARTEE Central Office, keeping the promise given to the 5K EAs in the meeting held on 21.08.15 and after analyzing the developments after that decided to file a case for generalizing the benefit of OA 1742/43 of 2004 to all similarly placed Engineering Assistants and the OA was filed on 05.11.2014. The verdict of this OA 4012/2014 was delivered on 13.11.2014, (in the first hearing date itself). In the hearing our Advocate argued that DG (AIR), the Cadre Controlling Authority and the Prasar Bharati Board, already approved it and sent the proposal to the Hon'ble Ministry of I & B. After hearing arguments Hon'ble Court directed the respondents to extend the benefit in a period of two months from the date of receiving of the judgment. Through the favorable decision in the OA 4012 of 2014, ARTEE Central Office not only ensured the grant of scale 6500-10500 from date of joining, but also the time bound grant of arrears from the date of joining.

By the efforts of ARTEE Central Office, a very positive proposal was prepared in DG (AIR) and sent to Hon'ble MIB on 05.01.15.

[Click here for DG AIR Letter to MIB Dated 05.01.15](#)

Meantime, MIB had sent the file to Department of legal affairs in the last week of December 2014, but Department of Legal Affairs returned the file asking the MIB to attach all files, since some parts of the main file were attached with the file sent to the expenditure department in cases filed by few individuals, Hence sending of the generalization file back to the Department of Legal affairs delayed till the return of the file of few individuals to MIB. Finally the file sent to the Department of Legal affairs and on 27.03.2015, the Department of Legal affairs reiterated its earlier view given in earlier cases and approved the generalization with the opinion that **"MIB does not appear to be left with any option but to accept the CAT Order dated 13.11.2014 in OA.4012 of 2014"**.

After the approval of the Department of Legal affairs on 27.03.2015, MIB sent a letter dated 20.04.2015 to DG AIR asking the number of ARTEE members, with a suspected motive of implementing the Order only for ARTEE members, But ARTEE persuaded and succeeded in sending a reply from DG AIR that the order should be implemented for all similarly placed irrespective of Association Membership. As requested by O/o DG(AIR) ***ARTEE submitted a letter dated 05.05.2015, informing that that we have 450 EA(5K)s who are Members of ARTEE.***

[Click here for copy of Letter Submitted by ARTEE](#)

Mixing up with OA 1625/2015 by PB Employees.

As in the Case of OA 1742/43 of 2004 and other cases after finishing all options to “**deny and delay**” the MIB sends the file to the Department of Expenditure on 30.06.2015. But even then MIB sends the file with incorrect information that OA 1625 (a case filed by Prasar Bharati Employees for similar demand) implemented already, when the fact was that DG AIR issued a speaking order on 26.06.15 in this case and informed the applicants that their claim will be considered later. Due to this confusion created due to the OA 1625/2015, the Department of Expenditure returned the file to MIB on 10.07.2015 with query related to OA 1625 of 2015.

[Click here for Department of Expenditure Letter to MIB dated 10.07.15](#)

After this, instead of answering the query raised by Department of Expenditure in MIB itself, MIB sent a Letter to DG AIR on 28.10.15.

[Click here for Copy of MIB Letter to DG AIR dated 28.07.15](#)

The issue delayed by three months because of the confusion over the Applicants of OA 1625/2015, who have joined after 05.10.2007 and are neither Government Employees nor ARTEE Members. As per our information this confusion was deliberately created otherwise the final approval might have obtained in July, 2015 itself.

The letter sent by Hon'ble MIB to DG (AIR) dated 28.07.15 regarding the query raised by the Department of Expenditure on 10.07.2015 "not reached" DG AIR till 5.08.15. Then Another copy was brought from MIB and handed over by ARTEE to DG (AIR) on 05.08.15 and a satisfactory reply sent by DG AIR to MIB on 10.08.15.

[Click here for DG AIR Letter to MIB dated 10.08.15](#)

After clearing all queries by DG(AIR), the file again sent by MIB to the Department of Expenditure on 18.09.15 and like all other previous cases, on 08.10.15 the Department of Expenditure given approval for the implementation of OA.4012 of 2014 filed by ARTEE.

After this, on vigorous persuasion, on 19.10.15 the Hon'ble Ministry of I&B has issued the order. ARTEE Leadership was the first to get the Order and we handed over the copy in DG(AIR) on 19.10.15 itself. The file was put up in DG(AIR) on the same day.

Some people who have been enjoying the fruits of the efforts done by ARTEE and criticizing us without doing anything on employee issues, tried to put hurdles in the issuance of the Order by DG (AIR), but ARTEE leadership again successfully convinced Management. We even refused to submit the list of ARTEE Members.

And Finally the moment came after the wait of almost 16 years from 25.02.1999, the discrimination has ended and DG (AIR) has issued Order for ARTEE Members.

[**Click here for the DG \(AIR\) Order**](#)

*It's a great moment of success of ARTEE and like a dream come true, especially we achieved this victory, defeating all the **"denying and delaying tactics"** of the management in addition to the extreme leg pulling by our own members....*

When you read the Order, feel proud to be an ARTEE Member.

We pledge to continue working for ARTEE Member's welfare in the same spirit and with the same determination. It does not mean that we are not cautious about the seriousness of Common Cause but ,

ARTEE for ARTEEians first

Time	Expenditure	Output
11 Months .	Less than 1.00 Lakhs	Order issued for 434 EA(5K)

Relevant orders about the issue:

[Click here for Minutes of ARTEE Meeting dated 22/04/14 with CEO, PB](#)

[Click here for PB Board Meeting 08/7/14 \(Part of Minutes\)](#)

[Click here for One Cadre One Pay Proposal](#)

[Click here for MIB to DG\(AIR\) for 1742/2002 & 1743/2002](#)

[Click here for Letter to MIB for Generalization.](#)

[Click here for DG\(AIR\) Order for 1743/2002 M.S.Rana & 1742/2002 Lalit Pawar & Ors.](#)

[Click here for DG\(AIR\) Order in Other OAs](#)

[Click here for Verdict in OA 4012/201 filed by ARTEE](#)

[Click here for DG\(AIR\) Proposal to MIB for all in the light of OA 4012/2014](#)

[Click here for ARTEE Members EA\(5K\) information to DG\(AIR\)](#)

[Click here for Query by DOEXP about PB Employees](#)

[Click here for Query by Hon'ble MIB to DG AIR about PB Employees](#)

[Click here for reply of query by DG\(AIR\)](#)

[Click here for Hon'ble MIB order for Generalization](#)

[Click here for DG\(AIR\) Order for 434 EAs in OA 4012/2014](#)

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