

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
Largest Employee Welfare Association of Electronic Media in India

Affiliated to Bhartiye Majdoor Sangh (B.M.S.)

Affiliated to Union Network International, Geneva

www.arteeindia.org

Ref: ARTEE/P/41/02/2016

Date 08.02.2016

The Director General,
All India Radio
Akashwani Bhawan, Sansad Marg
New Delhi – 110001

Subject : [1].Representation to express resentment against illegal, discriminatory speaking order by Screening committee which is away from facts on the issue of grant of ACP as per verdict of CAT PATNA in OA 514/2004.

[2].Conveying the decision of this Association about withdrawal of 25/2/1999 scales on Individual basis for grant of ACP in 8000-13500 (Pre Revised Scale) / Grade Pay 5400 PB-III and Grade Pay 6600.

[3].Request to issue instructions to Screening committee to apply same modus operendi for Members of this Association as applied for Applicants of OA 514/2002 (Patna) for grant of ACP and review speaking order dated 13.10.2015 .

Respected Sir,

With warm regards, we wish to convey our disappointment on gross injustice done by the screening committee on the issue of grant of ACP as per CAT Verdict PATNA in OA 514/2002 upheld by Hon'ble Supreme Court.

The Screening committee issued an speaking order 8/3/2011-SIV(B)/Vol.VI Dated 13/10/2015 (copy enclosed as Annexure I). The speaking order conveys that screening committee has not found the applicants of any OA out of 26 Cases as Similarly situated and denied to extend the ACP benefit and rejected the claim. The reason of this is stated that all applicants have availed upgraded pay scales of order dated 25/2/1999 and created an artificial category as **category- II**.

The finding of Screening committee are not only erroneous but illegal, arbitrary and untenable in the eye of law due to following reasons :

[1]. **First Screening Committee denied the ACP on 24.10.11 due to UPGRADED Scales :**

All Applicants of OA 514/2002 and OA 597/2011 have availed upgraded pay scales of order dated 25/2/1999 as per clause 7 (v) and (vi) of minutes of screening committee consisting of Sh. Arvind Kumar, JS(B-II), Sh. Mukul Tyagi, ADG(E), Sh. R.Venkateshwarulu and Sh. H.K.Wadhwa in file 503/07/2011-BA(E) dated 24.10.2011. We are reproducing these clauses below :

8. On the basis of observations made unanimously by the committee mentioned at para 7 above, the screening committee have assessed all these 12 applicants officers as unfit for grant of 1st financial upgradation under ACP Scheme to raise their pay scale to Rs. 8000-13500/-. Assessment of the officers have been indicated Annexure-II.

..... Contd..



o/c

So initially deptt. denied the benefit of ACP also to 12 Patna Applicants as per CAT verdict due to UPGRADED PAY SCALES.

[2]. Second Screening Committee granted ACP on 03.01.2012 after withdrawing UPGRADED Scales :

When CAT PATNA in CCPA 22/2011 ordered the Personal Appearance of erst while CEO Sh. Rajiv Takru, the meeting of screening committee was convened again on 03/01/2012 and the scale of Rs. 8000-13500 was granted to them after withdrawing scales of Rs. 7450-11500 and Rs 7500-12500. (Copy of Minutes of Screening Committee are enclosed as Annexure – II).

So from the facts described in above paras, it is clearly established that all applicants of OA 514/2004 were beneficiary of upgraded Pay scales and they submitted undertaking also. The benefit of ACP in scales of Rs. 8000-13500 and Rs. 10,000- 15200 was granted to them after withdrawing the so called upgraded Pay Scales as per Order dated 25/2/1999. It is pertinent to mention that the above facts are not based on presumptions and assumptions but these facts are on the basis of minutes of screening committee and Official documents/service records.

In the minutes of screening committee an artificial category was created as **category- I** for these Patna applicants.. **(enclosed as Annexure II)**

It is clear by now that there is no separate category- I or category- II are existing as stated in minutes of screening committee dated 13.10.2015 distorting the facts.

[3]. Opinion of Learned Attorney General : It is learnt that recently Hon'ble Attorney General has clearly gave adverse opinion to Hon'ble Ministry of I & B for filing SLP in Hon'ble Supreme Court in CW(JC) 1869/2015 dismissed by Hon'ble High Court PATNA through an advise given on Hon'ble MIB plea to file a SLP. This Writ Petition was filed to challenge the grant of ACP to Applicants of OA 514/2004 and OA 597/2011. Henceforth the PATNA Litigation has gained finality and stood implemented.

Learned Attorney General, has clearly gave his opinion that the issue has reached finality and no case for SLP is made out. **(enclosed as Annexure-III).**

[4]. Amendment in Sec 11(B) of PB Act : By the Amendment in Sec 11(B), It is clear that we are Govt. Employees working in PB on deemed deputation till Retirement. After the Amendments in Sec 11(b) by Hon'ble Parliament, now there are two categories left

- (1). Employees joined upto 05/10/2007 i.e. Govt. Employees working in PB on deemed deputation
- (2). Employees joined after 05/10/2007 i.e. Prasar Bharati Employees.

The undertaking submitted by us at the time of availing 25/2/1999 scales has now become redundant as we are Govt. Employees working in PB on deemed deputation

.... contd

[5]. **The DEWA Case** : It is also pertinent to mention that Employees who have not opted for 25/2/1999 scales at that time filed OA 1867/1998 and their scales are granted to incumbents by the Hon'ble CAT which are upheld by Hon'ble High Court Delhi and Hon'ble Supreme Court. All of these EA/SEA/AEs have later got upgraded pay scales as per 25/2/1999. All of them have availed upgraded scales and some of them submitted Undertaking Also. **Undertaking given by Sri Nagina Singh, AE, Sri Vinod Kumar SEA, Sri Prashant Shyngle SEA and Pay fixation order of Sri HK Mishra, SEA, Sri Vinod Kumar SEA are enclosed which are also an evidence on record to establish that all had availed upgraded scales. (Enclosed as Annexure IV)**

[6]. **The erroneous, contradictory and away from facts Speaking Order :**

(a). In clause 8, the Speaking Order 8/3/2011-SIV(B)/Vol.VI Dated 13/10/2015 describes that there two categories – **category- I**, who have not availed the upgraded scales as per 25/2/1999 and **category- II**, who have availed the upgrade scales as per 25/2/1999 order.

(b). In clause 9 (a) speaking order, it is accepted that **all except EAs** even in category II have availed upgraded scales , it means EAs are not enjoying these scales.

In Clause 9(c) . It is clearly explained that Sh. B.K.Roy main applicant had accepted upgraded scales and later he opted for scales as per Category I, It means Sh. B.K.Roy and many others have granted benefit of ACP as per OA 514/2002 In the scale of Rs. 8000-13500 and 1000—15200 after withdrawing upgraded pay scales. Contradictory to their earlier statement, it is strange that even after scrutinizing the service records of 1832, including EAs, even while it is mentioned that EAs have not availed upgraded Pay Scales. (copy of speaking order enclosed as Annexure V) **screening committee could not find even a single employee similarly situated including EAs out of 1832. (Copy of Speaking Order and Undertaking enclosed as Annexure V)**

[7]. **Adjudging Similarly Situated in four OAs by DG(AIR) :**

It is pertinent to mention that DG(AIR) while preparing proposal in OA 757/2013, OA 3106/201, OA 3400/2014 and OA 879/2013 adjudged the Applicant as Similarly Situated while saying the following :

As per service records, the appellants of OA No. 514/2002 to who ACP has been granted and appellants of OA 757/2013 are similarly placed.

Similar Language is used in all four proposals. (Copy enclosed as Annexure VI).

It is utmost surprising that screening committee could not find even a single employee similarly situated including EAs out of 1832. It shows the prejudice and unjustified findings of screening committee.

.... contd

It is clearly established that all EA/SEA/AEs have availed so called upgradation in scale 7450-11500 & 7500-12500 and ACP PATNA is implemented to applicants after withdrawing these scales and henceforth there is no category I and Category II. All belong to only one Category

We convey decision of our General Body held in Allahabad on 20/11/2015 as following :

It is resolved that for grant of ACP in the scales of Rs. 8000-13500 (1st ACP) on completion of 12 yrs from Date of Joining and Rs.10000-152000 (2nd ACP/MACP) on completion of 24 yrs from Date of Joining or through MACP on completion of 20 yrs from Date of Joining as per verdict of CAT PATNA in OA 514/2002 upheld by Hon'ble Supreme Court as it is implemented for Applicants of OA 514/2002 and OA 597/2011, If an option is asked , we agree to withdraw the Pay Scales of Order 25/2/1999 on Individual basis.

We request you to kindly reconsider this serious issue and do the justice with EA/SEA/AEs of this deptt who gave decades of our lives but striving for a single promotion even after 30+ yrs of service.

Yours faithfully,

Umesh Chandra 09/02/16

Umesh Chandra,

President, ARTEE

09871765714

umsharma01@gmail.com

Umesh Chandra 09/02/16

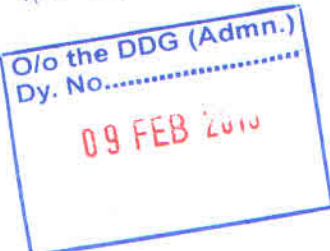
Umesh Chandra,

enclosed as above



9/2/16

- [1]. Sh. Animesh Chakraborty, E.in.C.(AIR), New Delhi-110001
- [2]. Sh. R.G.Dastidar, ADG(E), All India Radio, New Delhi-110001
- [3]. Sh. O.K.Sharma, ADG(E), Doordarshan, DD Bhawan, Copernicus Marg, New Delhi.
- [4]. Sh. R.A.Ansari, DDG(A), All India Radio, New Delhi-110001
- [5]. Office Copy.



Umesh Chandra 09/2/16