

ASSOCIATION OF RADIO & TELEVISION ENGINEERING EMPLOYEES



Office : Room No. 134, Tower-B, Doordarshan Bhawan,
Copernicus Marg, Mandi House, New Delhi - 110001

Largest Employee Welfare Association of Electronic Media in India

Web Site : www.arteeindia.org



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RSA Re Verification under Process

Ref. No.ARTEE/P/51/6/2019

Date.....21.6.19.....

Shri Prakash Javadekar ji,
Hon'ble Minister of Information & Broadcasting,
New Delhi – 110001

Subject : **Prayer to settle the issue of treating 25/2/1999 scales granted w.e.f. 01/01/1978 as an Upgradation while granting, MACP, Resulting downgradation, Re Fixation and Recovery.**

Respected Sir,

With regards, at the outset we whole heartedly welcome you on taking charge as Hon'ble Minister I & B. We express our confidence that under your able stewardship the twin departments of AIR and DD under Prasar Bharati will scale new heights.

Sir, we are the **largest Association of AIR and DD and only Association Affiliated to Bhartiye Majdoor Sangh.**

Further, we want to draw your kind Attention towards a very burning issue of 25/2/1999 scales granted w.e.f. 01/01/1978 and treating these scales as an Upgradation while granting MACP, Resulting downgradation, Re Fixation and Recovery. We are giving some facts about the issue below :

[1]. The scale was granted to Engg. Assistant by the verdict of Hon'ble Supreme Court in Raj Shekhran Case w.e.f. 01/01/1978. later when 5th Pay Commission withdrawn this, **these scales were restored by Late Sh. Pramod Mahajan ji** through 25/2/1999 Order with the approval of Central Cabinet but a word UPGRADATION was attached while it should be Restoration or Revision. 10 other cadres were also included. **(Copy of Order dated 15/05/1995, dated 05/12/97 and dated 25/2/1999 enclosed as Annexure – I.**

[2]. Prasar Bharati implemented MACP ignoring these scales in 2009 **(copy enclosed as Annexure II).**

[3]. In 2014 MIB instructed Prasar Bharati to treat these scales as One Upgradation while Granting MACP on the basis of Advise by DoPT through order dated 08/9/2014. **(copy enclosed as Annexure III)**

[4]. PB sent a reply and asked to reconsider it and MIB asked to Stop Recovery. **(Copy enclosed as Annexure IV).**

[5]. When the matter was referred to them, Deptt of Legal Affairs. DoLA gave a clear advise that these scales are not Upgraded and these have to be ignored while granting ACP/MACP. **(Copy enclosed as Annexure V).**

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[6]. CAT Delhi imposed an Absolute stay on the Recovery.in OA 2479/2015 filed by this Association. **(Copy enclosed as Annexure VI).**

[7]. The matter was referred to Deptt. of Expenditure. DoEXP asked HMIB to take a decision.

[8]. As on today 11 litigations are pending but two cases OA 1118/2015 **(copy enclosed as Annexure VII)** by Madam Shyamli Biswas and OA 2479/2015 by this Association ARTEE are allowed by learned tribunal PB CAT Delhi with clear directions to Respondents, not to treat 25/2/99 scales as an Upgradation while granting MACP. The case OA 1118/2015 Shyamli Biswas is challenged by department in Hon'ble High Court Delhi through WPC 2034/2017. The Case OA 2479/2015 is also allowed in terms of OA 1118/2015 and clubbed with WPC 2034/2017 by Shaymli Biswas Case and it is clearly mentioned in the verdict that the outcome of WPC 2034/2017 will be applicable on the Applicants of OA 2479/2015. **(Copy Verdict of OA 2479/2015 as Annexure-VIII).**

[9]. The similar thing is mentioned in WPC 5168/2018 by this Association filed in Hon'ble High Court Delhi to challenge the impugned order dated 31/1/18 by DG(AIR). **(copy enclosed as Annexure IX).**

[10]. Meanwhile Madam Shyamli Biswas filed another WPC 11639/2018 with the prayer to release her deducted Amount of Rs. 6,90,104/- with 18% interest. The WPC 2034/2017 and WPC 11639/2017 came up for hearing on 12/11/2018. From the the order of hearing of Hon'ble High Court. The interim order in WPC 2034/2017 which stayed the implementation of verdict of learned tribunal in OA 1118/2015 by Shyamli Biswas is modified to the extent that **her dues to be paid with 9% interest** to Madam Shaymli Biswas in 15 days as the issue is squarely covered by Rafiq Massiah Case. **(Copy of Interim order of WPC 2034/2017 and WPC 11639/2017 is enclosed as Annexure – X).**

[11]. Meanwhile DoPT issued an Order about impermissibility of Recoveries for a Payment done more then 5 yrs back. (Rafiq Massiah Case).**(Copy enclosed as Annexure XI).**

[12]. As per direction of DoEXP, HMIB issued an Order dated 31/01/2018 asking PB to implement its earlier order dated 08/9/2014 to treat these scales but clearly mentioned that Recoveries will be regulated by Rafiq Massiah Case. PB and DG(AIR) issued subsequent Orders dated 06/4/2018 and 26/6/2018. **(Copy enclosed as Annexure-XII).**

[13]. When despite Restriction, DG(AIR) issued order dated 26/6/18. ARTEE filed Contempt in OA 2479/15 and in hearing dated 29/6/18, CAT issued notices to Respondents and gave interim relief of **restraining Respondents from taking any Coercive step.** **(Copy enclosed as Annexure-XIII).**

[14]. Programme Staff Association challenged DG(AIR) action in CP and DG(AIR) issued an order to maintain status quo. DG(AIR) issued Order in PSA Case on 07/8/18 but refusing to issue order in ARTEE Case saying that it is a different case. **(copy of order dated 07/8/18 enclosed as XIV)**

[16]. Despite all the stay orders and restrictions by Hon'ble Ministry of I & B has not issued any order and all PAOs are continuing the Downgradation/ Refixation/ Recoveries of Retired Employees. DG(AIR) has asked Prasar BHarati to take action on this through its letter 07/02/2019. **(copy of order dated 07/8/18 enclosed as XV)**

[17]. As mentioned above, there are around 11 litigations on the issue. In an issue by another Association, Hon'ble High Court issued Notices Hon'ble Secretary I&B, CEO, PB, DG(AIR), DG(DD) and all PAOs asking why should contempt proceedings not started against respondents.

[18]. Payment of GPF is also being delayed without any fault of employees. It is pertinent to mention that as per DoPT OM 3/3/2016 DoP&P(W) dated 16/01/2016 it is clearly Govt. clearly directed that has established that Interest has to be paid on GPF also for delayed period. **(copy of order dated 07/8/18 by DoP&PW is enclosed as XVI).**

It is very surprising that despite clear instructions by Hon'ble judiciary in various cases, a segment is hell bent to downgrade / Re fix / Recover the huge amounts from the salary of incumbents. This is nothing like defying the Hon'ble Judiciary and like judicial indiscipline.

Prayers

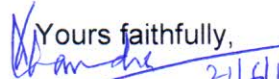
[1]. We request to issue instructions to all PAOs by Hon'ble MIB, clearly ordering not to Recover any Amount as per Rafiq Massiah Case and to stop all the Re fixation /downgradation as these scales are not Upgradation but a revision of scales.

[2]. We have mentioned above that the case filed by ARTEE OA 2479/2015 is clubbed with this case and any verdict in this case will be implemented for all ARTEE Members henceforth we request your high office to generalize the benefit of Interim Order dated 12/11/18 in Shaymali Biswas case by releasing the deducted amount with 9% interest from employees Retired after 08/9/2014 and are incumbents of 25/2/99 scales. It is pertinent to mention that by not releasing the Payment shall cause the loss of interest @ 9% to the exchequer.

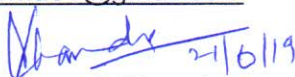
[3]. To issue clear instructions to release GPF Amount on the day of Retirement failing which to pay interest for delayed period.

An urgent intervention by your office is requested as every month employees are retiring with tears in their eyes after serving the department for 30 to 40 years.

Enclosed as above

Yours faithfully,

Umesh Chandra,
President, ARTEE
9871765714

umsharma01@gmail.com


Umesh Chandra,