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**Grant of MACP to the eligible engineering employees and to stop recoveries from retiring employees- REMINDER**

4 messages

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Fri, Jun 19, 2020 at 1:16 PM

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**ASSOCIATION OF RADIO AND TELEVISION ENGINEERING EMPLOYEES  
(ARTEE)****Largest Employees Welfare Association of Electronic Media  
[WWW.arteeindia.org](http://WWW.arteeindia.org)**

ARTEE/PB/2020/5/014

19-06-2020

The Chief Executive Officer  
Prasar Bharati Secretariat  
Prasar Bharati House, Copernicus Marg,  
New Delhi – 110001.

Sub: Grant of MACP to the eligible engineering employees and to stop recoveries from retiring employees- REMINDER.

Ref:1. DOPT O.M. No.35034/3/2015-Estt.(D) dated 22.10.2019.

2. DoPT OM dated 02-03-2016
3. Our letter dated 5-2-2020

Respected Sir,

With highest regard we seek your urgent action to correct a severe injustice where engineering employees are suffering due to the inaction from the authorities concerned.

ACP Scheme and the MACP Scheme were introduced for compensating acute stagnation among the Central Government Staff. As you are aware, The MACP Scheme envisages 3 MACP's in the 10, 20 and 30 years of service of an employee. Our Department had decided to extend MACP from 1-9-2008 to the Central Government Staff working under AIR& DD as extended to other Central Government Employees. The Department failed to give the MACP to the eligible engineering employees after the year 2014 for no valid reasons. The aforesaid OM dated 22-10-2019 reiterates the earlier and the much-verified rule that MACP should be extended to the employee once he/she completes 10,20,30 years of continuous service or 10 years of continuous service in the same level in Pay Matrix

We quote the first clause of this OM for your kind attention.

“There shall be three financial up gradations under the MACPS, counted from the direct entry grade on completion of 10, 20 and 30 years services, respectively, or 10 years of continuous service in the same level in Pay Matrix, whichever is earlier.”

As per the norms and guidelines governing MACP, the department has to constitute DPC twice a year for awarding MACP to the eligible employees. But the DG AIR has not initiated any action to constitute DPC to extend MACP to the eligible engineering employees after year 2014 for no valid reason. This has caused great heartburn and recurring financial loss to these employees. Many of the employees are retiring without

getting due to MACP for which they are eligible. This, in turn, affects their last drawn pay and the pension benefits as PAOs are offsetting one MACP and Re fixing their pay in the lower Grade Pay without giving the third MACP for which they are eligible either after completing 10 years in the same matrix or on completing 30 years of service. This is against the DOPT orders and clarifications on MACP. It is a reiterated fact that process of MACP cannot be stopped due to pendency of court cases or other issues.

There are enough instances where various courts have ruled that no benefit be denied to an employee because of administrative delays. It is pertinent to mention that neither the Ministry of I& B nor the Prasarbharati have ever asked DG AIR to stop awarding MACP and also DG AIR is giving MACP regularly to the employees of other cadres. Employees are Deprived from their eligible entitlement .

In many cases, the department has affected recovery as the PAO has reduced one MACP and denied another due MACP saying the due MACP was not awarded by the department for which the employee is eligible. As you are aware, recovery from a retiring or due to retire employee is against the directions of the Honorable Apex Court in State of Punjab & Others Vs Rafiq Massih ( whitewasher) in Civil Appeal NO. 11527 OF 2014. We also seek your attention to the Honourable Delhi High Court orders in WP (C) No.11639/2017 Smt. Syamali Biswas Vs. D.G., All India Radio & Others which was based on the Honorable Apex Court judgment in Rafiq Masih case. The High Court has held that no recovery can be made from the retired employee and further directed the Department to release the due amount with 9% interest p.a.. As per this order DG AIR returned the entire amount recovered from Syamali Biawas with 9% interest.

At this juncture, we seek your kind attention to the plight of Sri R N Kulkarni, Assistant Engineer, HPT Malad of AIR Mumbai as a fit example of the pathetic condition faced by the employees. PAO Mumbai has offset his First MACP against promotion from Engineering Assistant to Senior Engineering Assistant .PAO reduced his Grade Pay even after the fact that his 3<sup>rd</sup> MACP Is due .PAO is denying to Extend his 3<sup>rd</sup> MACP for which he is eligible .Such employees are suffering due to inaction of the department. The department failed to give him Third MACP even after serving for 35 years. His Third MACP is due from 2015. PAO is affecting Recovery too. It is highly regrettable that our Department is pushing the retiring employees to despair and sorrow for no fault of these employees.

Therefore, we request your high office to kindly initiate action immediately so that due MACP, 1st,2nd or 3rd, is released to the eligible engineering employees and to direct all PAO offices, not to make any recovery from retiring employees.

With highest Regards


M.P.Chaudhary  
President

Manoj Kumar Gupta  
General Secretary,  
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**5 attachments**

 **11639 2017 syamali biswas.pdf**  
126K

 **DOPT order regarding recovery dated 02-03-2016.pdf**  
199K