

Update about 1999 Pay Scale Issue

As you are aware, since 2013 ARTEE was making continuous efforts for the solution of 1999 Pay Scale issue by considering pay scales granted by Ministry vide O.M dated 25.02.1999 as normal replacement scales by DoPT and MIB.

The issue started with DoPT advice dated 10.07.2013 to Ministry of I&B that “ as the benefits under the MACPs are allowed in the Grade Pay hierarchy, any upgradation availed during their career would be counted against the three upgradation permissible under MACPs ” .

[Click here for the DoPT advice to MIB dated 10.07.2013](#)

In view of the above DoPT advice, Ministry of I&B through letter dated 08.09.2014 directed Prasar Bharati is to take further necessary remedial action urgently.

[Click here for the MIB Letter dated 08.09.2014.](#)

But due to the successful efforts of ARTEE, Prasar Bharati through its letter dated 22.10.2014 to MIB had expressed its strong opinion that 1999 scales should NOT be considered as an upgradations for MACP.

[Click here for the MIB Letter dated 22.10.2014.](#)

Unfortunately MIB not agreed with the views expressed by Prasar Bharati and reiterated its stance expressed through MIB letter dated 08.09.2014. Hence our Association approached Delhi CAT with the OA No.2479/15. In this OA, ARTEE got the interim stay on 13.07.2015 and absolute stay on 08.09.2015 against the implementation of the MIB order dated 8.09.2014. It was due to this stay that all the Subordinate Engineering employees saved from re-fixation and recovery since 13.07.2015.

While continuing its legal efforts ARTEE continued its organizational efforts also. Due to the effective persuasion of ARTEE, Law Ministry through its advice dated 04.01.2016 to Ministry also had taken the stand to MIB *“that higher scales granted to the 11 categories of Programme & Engineering staff of All India Radio and Doordarshan by the Ministry of I & B vide its Order No. 310/173/97- B(D) dated 25.02.1999 were not upgradation but were essentially replacement scales”*.

[Click here for Law Ministry Opinion dated 04.01.2016](#)

Due to the continuous efforts of our Association, the issue regarding treatment of Pay Scales granted as per MIB's order dated 25.2.1999, as one upgradation against three upgradation under MACP Scheme or otherwise was again referred to DOP&T by Ministry of I&B. DoPT vide its advice dated 4th March,2016 has advised that:- "The DoPT has already given its advice. Since, now there are no new facts in this case, our earlier advice holds goods. As such it is stated that upgraded scales granted to 11 categories of employees of subordinate Engineering and programme cadre of Prasar Bharati is to be treated as one upgradation against the three upgradations allowed under MACP scheme." The above views of DOP&T have been endorsed by the Department of Expenditure, Ministry of Finance.

Meantime the OA 2479/2015 filed by our Association disposed of in terms of the Delhi CAT order dated 31.03.2016 in Smt. Syamali Biswas case (OA No.1118/2015) and the same was subject to the orders passed in Writ Petition No.2034/2017. On 11.04.2017, the Honb'l Delhi High Court stayed the Delhi CAT order and there by stayed the absolute stay passed by Delhi CAT in Mrs. Shyamali Biswas Case.

Taking advantage of removal of absolute stay, Hon'ble MIB issued order dated 31.01.18 order once again clarifying that Pay Scales granted as per MIB, OM dated 25.02.1999 is to be treated as one upgradation against the three upgradations allowed under MACP and directed Prasar Bharati to necessary action.

[Click here for MIB order dated 31.08.2018](#)

Efforts by ARTEE in 2020

In continuation of our organizational efforts for finding a solution to the 1999 Pay Scale issue, on 12.02.2020 ARTEE again submitted a representation to MIB to consider pay scales granted by Ministry vide O.M dated 25.02.1999 as normal replacement scales. As per the representation submitted by ARTEE and other Associations, MIB on 06.03.2020 had send a letter to Prasar Bharati to examine the representations by Associations and send a point wise comments along with probable solutions on the issues raised by Associations.

[Click here for MIB letter to CEO,PB dated 06.03.2020.](#)

Even though MIB had directed to send the comments along with probable solutions latest by 11.03.2020 for perusal by HMIB/Sec (I&B), delay happened and on 21.08.2020 Ministry again send a reminder to CEO, Prasar Bharati to expedite the matter and send the report to Ministry urgently.

[Click here for the MIB reminder letter to CEO,PB dated 21.08.2020](#)

In the month of September 2020, the Association which is always working against unity and interest of employees submitted a threatening letter to Prasar Bharati, alleging delay in sending reply by Prasar Bharati to MIB in the issue of 1999 scales. It was very much an immature reaction without realizing the real facts in the issue. Actually, the delay in sending the proposal happened not at Prasar Bharati. Prasar Bharati had already directed O/o DG AIR to prepare the comments as requested by Ministry. Since they were not at all following the issue, they were not aware about it and hence they wrongly accused Prasar Bharati and ADG (HR) for the delay in sending the proposal.

As you are aware, due to the efforts of ARTEE since 2013, Prasar Bharati had always taken a positive stand in 1999 Pay Scale issue. Due to the efforts by ARTEE Central Office, on 19.10.20, DG AIR send a proposal through e-mail to Ministry of I&B with the approval of CEO, Prasar Bharati.

Through the proposal dated 19.10.2020, DG AIR and Prasar Bharati had expressed their view to Ministry *that “ the scales granted by MIB vide OM dated 25.02.1999 have already been restored in due course of time by various court judgments in respect of above mentioned 7 categories of employees except Helpers, AEs of CCW, Transmission Executives and Program Executives of program cadre from pre dates of 5th Pay Commission ie.w.e.f 01.01.1978 and 01.12.1983 in case of EAs and Technicians respectively. Hence, upgraded scales have only regularized the anomaly which has crept in due to reduction of Pay Scales by 5th Pay Commission, to draw parity with employees of Film Division and as per the Court orders that has attained finality.”*

As per the proposal dated 19.10.2020 submitted by Directorate General AIR to MIB in the issue of 1999 scales, Directorate and Prasar Bharat have once again reiterated its earlier stand that 1999 scales are replacement scales. And DG AIR have also requested MIB to withdraw the MIB order dated 31.01.2018 to consider 1999 scales as one upgradation for MACP.

After this a high level meeting held at Ministry of I&B in the last week of October 2020, between a team of ADG HR , DDG HR,DDA (Engg.) of Prasar Bharati and Honorable Joint Secreatray (Broadcasting). It is learnt that Joint Secretary (BA) had discussed the issue in detail with the high level team of Prasar Bharati very positively and assured to follow up the issue in DOPT also to reach to an amicable solution.

[Click here for Complete Proposal by DG AIR to MIB dated 19.10.2020](#)

Central Office