

Association of Radio & Television Engineering Employees

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Ref. ARTEE/GS/SIB/MIB/2011/03

Dated.16-03-2011

Sh.Reghu Menon IAS,
Secretary, Ministry of I&B,
Shastri Bhawan, New Delhi

Ref: Letter No. ARTEE/GS/AS(B)MIB/2011/02, dated 14-02-2011

Sub: ACP for subordinate engineering cadres in the light of dismissal of SLP by Hon'ble Supreme Court in Patna case & One Pay for One Cadre.

Respected Sir,

I request your kind attention to the letter in the reference through which we have requested the Ministry of I&B to implement the benefit of ACP Scheme to all subordinate Engineering employees of AIR&DD in the light of the verdicts of CAT, Kolkata & CAT Patna (which is upheld by Hon'ble High Court Patna and Hon'ble Supreme Court on the issue of ACP to the subordinate Engineering Cadres. The verdict of the Principal Bench of CAT Delhi (which was upheld by Hon'ble High Court Delhi & Hon'ble Supreme Court) to grant one pay scale to one cadre supports our demand to extend the benefits of Patna case to all employees of these cadres.

I would like to bring it to your kind notice that the subordinate engineering cadres in AIR & Doordarshan are deprived of ACP benefits on illogical grounds of having been granted upgraded pay scales. It may kindly be noted that the order dated 9th August 1999, granting ACP to government employees, clearly says that, 'as it is the compensation for delay in promotion, employee should be given the pay scale of next cadre in the hierarchy wherever regular promotion is available'. It never defined on any particular pay scales.

When our repeated request went unheeded, the employees were compelled to approach the court of law for justice. In the case filed by some of our members, *Hon'ble CAT Kolkata has directed department to grant ACP to our cadres* but it has not been implemented. On the other hand the department had implemented ACP to AEs of CCW, AIR who were also given the same verdict by Hon'ble CAT Kolkata in the similar case. It is pertinent to note that, earlier Ministry had forwarded some objection for the AEs of CCW: AIR as well, on the same ground i.e. citing the order issued on 25.2.1999. Smt. Ambika Soni, *Hon'ble Minister for I&B was kind enough to advise the officials in the meeting, held on 23rd July 2009, to extend the benefit of ACP to subordinate engineering cadres of AIR&DD since it has already been granted to AEs of CCW.*

Meanwhile some of the employees approached Hon'ble CAT Patna, demanding the Pay scales of Rs.8000 – 13500 as ACP to the Engineering Assistants/Senior Engineering Assistants & Assistant Engineers, who are in the pay scale of Rs.6500 – 10500, after completion of 12 years of service. When the Hon'ble CAT Patna directed the department to grant the benefit, the Govt, including DOP&T appealed in the Hon'ble High Court, instead of implementing it. Hon'ble High Court, Patna upheld the decision of the CAT, Patna and thereafter Hon'ble Supreme Court dismissed the SLP filed by the department. Hon'ble CAT & High Court Patna directed the department to grant ACP in the pay scale of Rs.8000 – 13500 after 12 years of service, to the EA/SEA/AE having pay scale Rs.6500-10500.

In another case filed by some of Engineering Assistants, the Principal Bench of Hon'ble CAT, Delhi directed the department to grant the pay scale of Rs.6500-10500 to the EAs who joined after 25.2.1999 also on the basis of One Pay scale for One cadre. The appeal filed by the government in the Hon'ble High Court Delhi and SLP in the Hon'ble Supreme Court were dismissed in favour, citing One Pay scale for one cadre as per article 14 of the Constitution.

In the light of these verdicts & decisions, we were expecting that the Ministry will implement the benefit of ACP scheme to all employees of subordinate engineering cadres right from Helper to AE. But unfortunately, it is learnt that Ministry of I&B is correlating the order dated 25.2.1999 with the ACP scheme for all cadres, which is uncalled for. It may kindly be noted that though the Hon'ble Courts directed to extend justice by granting

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ACP scheme to all employees, the scale to which the ACP has to be granted were redefined only for the cadres of EA, SEA & AE (considering the pay scales of all cadres as Rs.6500-10500 and to ignore the promotions granted to them as per the clarifications of DOP&T) the pay scales for other cadres is very clear as they were holding as on 09.08.1999, the date of implementation of ACP Scheme. It is pertinent to note that all these employees were getting their promotions till today on the basis of existing pay scales and ACP is only the scheme to compensate the delay in promotions.

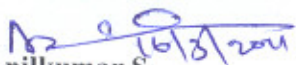
It clears without any doubt that the extension of natural justice by granting the ACPS- the compensation scheme for delay in promotions due to non availability of vacancies- has nothing to do with present pay scales of the cadres and thereby any movement to link the pay scales granted as per the order dated 25.2.1999 to the cadres of Helper, Technician, Senior Technician, Diesel Engine Driver, Diesel Technician & Mast Technician will be the denial of justice to these cadres and create unrest in the organisation for which this Association cannot be held responsible. Also the pay scales accorded after 6th CPC was based on the pay scales as per order dated 25.2.1999.

We are hereby reproducing a way of implementation of ACP Scheme to the subordinate cadres, in the light of all those court verdicts, for your kind reference:

| Cadre | Pay scale As on 09.08.1999 | 1 st ACP | 2 nd ACP/ MACP | 3 rd MACP |
|------------------------------|-------------------------------|--|---|---|
| Assistant Engineer | Rs. 6500 – 10500 | Rs.8000 – 13500/ [Rs.15600-39100, PB-3,GP- Rs.5400 in 6CPC] | Rs.10000- 15200/ [Rs.15600-39100, PB-3, Rs. 6600 (GP) in 6CPC] | Rs.15600-39100, PB-3, Rs.7600 (GP) |
| Senior Engineering Assistant | | | | |
| Engineering Assistant | | | | |
| Senior Technician | Rs.5000 - 8000 | Rs.6500 – 10500 [with 7450-11500 w.e.f.1.1.2006] [Rs.9300 – 34800,PB-2, GP-Rs.4600 in 6CPC] | Rs. 7500 – 12000 [Rs.9300 – 34800, PB-2, GP-Rs.4800 in 6 CPC] | Rs.8000 – 13500 [Rs.9300 – 34800, PB-2, GP-Rs.5400] |
| Mast Technician | | | | |
| Diesel Technician | | | | |
| Technician | Rs. 4500 - 7000 | Rs. 5000 – 8000 [upgraded to 6500-10500, with 5500 – 6500 w.e.f.1.1.2006] [Rs.9300 – 34800,PB-2, GP-Rs.4200 in 6CPC] | Rs.6500 – 10500 [with 7450-11500 w.e.f.1.1.2006] [Rs.9300 – 34800, PB-2, GP-Rs.4600 in 6 CPC] | Rs. 7500 – 12000 [Rs.9300 – 34800, PB-2, GP-Rs.4800] |
| Helper | Rs. 3050 - 4590 | Rs. 3200- 4900 [Rs.5200-20200, PB-1, GP 2000 in 6 CPC] | Rs. 4000- 6000 [Rs.5200-20200, PB-1, GP 2400 in 6 CPC] | Rs. 4500- 7000 [Rs.5200-20200, PB-1, GP 2800 in 6 CPC] |
| Diesel Engine Driver | Rs 3250 - 4900 | Rs. 5000 – 8000 [upgraded to 6500-10500, with 5500 – 6500 w.e.f.1.1.2006] [Rs.9300 – 34800,PB-2, GP-Rs.4200 in 6CPC] | Rs.6500 – 10500 [with 7450-11500 w.e.f.1.1.2006] [Rs.9300 – 34800, PB-2, GP-Rs.4600] | Rs. 7500 – 12000 [Rs.9300 – 34800, PB-2, GP-Rs.4800] |


In the light of the above developments I request your goodself to kindly take necessary steps to grant ACP to the subordinate Engineering employees w.e.f. August 1998.

With warm regards,


Anilkumar S.
General Secretary
Ph: 9818759192

Copy for kind information to:

1. Smt. Ambika Soni, Hon'ble Minister for I&B, New Delhi.
2. Shri. Rajiv Takru, IAS, Additional Secretary (Broadcasting), Ministry of I & B, New Delhi
3. Sh. Arvind Kumar IAS, Joint Secretary (B), Ministry of I&B, New Delhi
4. Sh. V. Shiva Kumar, Member Personnel, Prasar Bharati
5. Ms. Noreen Naqvi, Director General, All India Radio, New Delhi.


Anilkumar S.

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