



आकाशवाणी एवं दूरदर्शन तकनीकी कर्मचारी संघ A.I.R. & D.D. Technical Employees Association

(भारत सरकार द्वारा पंजीकृत एवम् मान्यता प्राप्त)
(Registered and Recognised by Govt. of India)
No. 2298/63

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सचिव का कार्यालय (सू.प्र. मंत्रा.)
Secretary Office (I & B)
सं. सं./Dy. No.
दिनांक/Date

Ref. No.: ADTEA/2021/16

Date.:
Date: 13.09.2021

To,

Shri. Apurva Chandra,
Secretary to the Govt. of India,
Ministry of Information & Broadcasting,
Shastry Bhawan, New delhi-110001

Subject: Clarification regarding Hon'ble High Court order dt. 13.09.2019 in WP No. 9890/2019 filled by AADEE & Ors. Vs. UOI & others before Hon'ble High Court Delhi and other similarly placed employees - reg.

- Reference: (1) Ministry of I&B order dated 18.08.2021 (Enclosure 01)
(2) Provisional Pension Rule 64 (Enclosure 02)
(3) Department of Pension & Pensioners' welfare through its OM dated 17 July 2020 (Enclosure 03)
(4) Provisional Pension Rule 69 (Enclosure 04)

Respected Sir,

With highest respect, on behalf of our Association, this association would like to file our deep resentment against the Ministry of I&B order dated 18.08.2021 on the above cited subject. This Association's status quo order dt. 26.06.2018 in OA 932/2017 granted by Hon'ble CAT Jabalpur bench and status quo order dt. 13.08.2018 in OA 2655/2018 granted by Hon'ble CAT Principal Bench New Delhi are also clubbed as similarly placed employees by MOIB in the instant case.

This association is humbly requesting you to review the ruling of Provisional Pension as:

1. Provisional Pension Rule 64, CCS (Pension) Rules, applicable to the isolated case where, it may not be possible for the Head of Office to forward the pension papers to Account Officer within the period prescribed in sub rule (4). One such possibility was also considered by Department of Pension & Pensioners' welfare through its OM dated 17 July 2020 for Covid Pandemic time when the functioning was affected due to lockdown. But now the offices are functioning normally.
2. Rule 69, CCS (Pension) Rules, deals with the Provisional Pension where Departmental or Judicial Proceedings may be pending against any individual. Rule 69 GID (1) states that it is mandatory to grant Provisional pension if any Departmental or Judicial Proceedings are continued for grave misconduct or negligence of any individual.

Hence Rule 64 & 69 doesn't applicable in the present pending MACP litigations where status quo orders are continued against any re-fixation and recoveries.

In addition to above this association wants to draw your kind attention that DOPT advice of adjustment of one MACP against 25.02.99 upgradation had been received without proper representation of the case w.r.t. Engineering Assistant cadre and Tech. cadre. Moreover DOPT

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advice of adjustment of one MACP against 25.02.99 upgradation had been received by Concealment of facts by MOI&B (through ID Note No.: 503/05/2014 dt.11.02.2016; available in the Ministry) for Engineering Assistant Cadre and Technician cadre of AIR & DD. For both the cadres Hon'ble Supreme Court has granted Sound Recordist parity to Engineering Assistant from 1978 and Lighting Assistant parity to Tech./Sr. Tech. from 1983, but MOIB hadn't quoted those parities in the Id note dtd. 11.02.2016. It is also necessary to mention here that Union Cabinet had also considered the Pay Scale Protection of Engineering Assistant from 01.01.1996 in the Cabinet meeting dated 06.11.1997 and asked to implement as per the implementation schedule enclosed with the Cabinet decision.

Hence it is a humble request to you to kindly revisit your decision dated 18.08.2021 of Provisional Pension and issue direction to fix full pension to the affected employees who are going to retire. It is also requested to move fresh Id note to DOPT for clarification of OM dated 25.02.1999 in light of Hon'ble Supreme Court direction of Sound Recordist parity to Engineering Assistant from 1978; Union Cabinet direction dated 06.11.1997 and Hon'ble Supreme Court direction of Lighting Assistant parity to Tech./Sr.Tech. from 1983.

With best regards.

Enclosures: (4) as stated above

Sincerely Yours



(Anil Kumar Gupta)
President

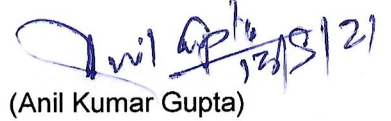
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डाक प्राप्ति
13 SEP 2021
प्रसार भारती सचिवालय

Copy for information: (i) Chief Executive Officer, Prasar Bharati, New Delhi-110001

(ii) CCA, Principal Account Office, MOIB, New Delhi-110001




(Anil Kumar Gupta)