

### Agenda point No. 3

#### Cadre Restructuring in Subordinate engineering Cadre employees

##### For Helper Cadre

- a. That is, the Vth Central Pay Commission in its report has made certain recommendations relating to the ACP scheme for the Central Govt. Employees as a "safety net" to deal with the problem of genuine stagnation and hardship faced, due to lack of adequate promotional avenues.
- b. That is, to get the benefit under ACP scheme, 46 helpers filed the case before the Hon'ble PB Delhi, i.e. OA 1949/2012 Rishi Raj Vs UOI & others, to get ACP benefit in the Technician scale i.e. Rs 4500-7000, where 20% ear-marked quota is available for helpers having more than 11 years of service experience to get promotion to Technician post, subject to passing departmental examination.
- c. That is, Hon'ble PB CAT Delhi appreciated the above plea of helpers over the UOI plea and allowed the OA with the direction to grant the scale of Technician i.e. Rs 4500-7000 to the applicants, from the due date, as ACP within a period of eight weeks with the arrears as a result of re-fixation of their pay. Hon'ble PB CAT also directed to take a decision on the recommendations of the cadre review committee expeditiously (in which it was recommended that "this post, i.e. helper, be re-designated as Broadcast Assistant with PB-1 with grade pay of Rs. 2800"), in so far as the applicants are concerned. (Annexure -01)
- d. That is, this association appreciates the step taken by DG: DD, to grant the ACP to helpers working in Doordarshan, in line with the judgment of this case by the order No.: 3(10)/2012-Admn/1544 dated 18.06.2014. (Annexure -02)
- e. But, when the similarly placed helpers raised their voice to get ACP through judgment passed in OA 3607/2014 ARTEE, ADTEA & others vs. UOI by Hon'ble CAT PB Delhi, in which Hon'ble PB CAT "*directed the respondents to grant the scale of Technician i.e. 4500 -7000 to the applicants from the due date as ACP benefits. Hon'ble PB CAT Delhi also directed to take a decision on the recommendations on the cadre review committee expeditiously; in so far the applicants are considered.*"
- f. Instead of extending the benefit of ACP to all eligible helpers, DG AIR has issued an speaking order to the applicants of OA 944/2014, 1949/2012, 3607/2014 & 4027/2014, that DG: DD has filled a Review Application 219/2014, against the judgment dtd. 03.04.2014 in OA 1949/2012 before Hon'ble CAT, PB, New Delhi and matter may be taken up after the finalization of the aforesaid RA. (Annexure -03)
- g. On dated 14<sup>th</sup> May 2014, Hon'ble PB Delhi dismissed the RA 219/2014 both on grounds of "limitation and merits", and cleared the way of implementation for all eligible helpers of AIR & DD. (Annexure -04)

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- h. Surprisingly, Instead of implementation of the judgment of Hon'ble PB CAT New Delhi, DG AIR has decided to challenge the judgment in Hon'ble High Court Delhi through WP(C) 5597/2015, WP(C) 10215/2015, WP(C) 10218/2015 and matter is pending in Hon'ble High Court Delhi against the lowest class of employees of AIR & DD.
- i. As per Clause 7 of the ACP Scheme, financial up-gradation contemplated under the ACP Scheme is to be given to the next higher grade in accordance with the existing hierarchy, and technician is the next higher grade for helpers in accordance with the existing hierarchy as follows ---
- 1) As per the recruitment rules of Technicians, it is clear that for helper 10% quota is for seniority cum fitness and 10% quota for Limited Departmental Exam for promotion to Technician. (Annexure -05)
  - 2) As per the duties and responsibilities of helpers, it is clear that helpers are engaged purely for technical work. No clerical work or other works (which are given to other group "D" employees) are given to helpers ever. (Annexure -06)
  - 3) In the present scenario, helpers are
    - i) engaged in operation of control room & transmitters in LRS.
    - ii) independently running shifts in LPTVs and
    - iii) are being engaged for maintenance & up keeping of technical equipment.

In this association's view, though helpers are group 'D' employee and department should not deprive them (i.e. helpers) from ACP (in the cadre of Technicians) in the name of erstwhile Group 'D' post.

#### Demand

Keeping in view of the direction of Hon'ble Principle Bench Delhi (Para "C"), it is requested to withdraw the case, against helpers (the lowest cadre employee), from Hon'ble High Court Delhi and generalize ACP, to all eligible helpers, as per the judgment in Rishiraj case.

Simultaneously, it is also requested to take a decision on the recommendations of the cadre review committee expeditiously (in which it was recommended that "*this post, i.e. helper, be re-designated as Broadcast Assistant with PB-1 with grade pay of Rs. 2800*"), in so far, for all helpers.

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