



President
Mob.: 9999279818, 8700719460
E-mail : shyamsingh7@gmail.com

General Secretary
Mob.: 9868129029
E-mail : pawankr.khohli@gmail.com

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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Post Box No. 736
नई दिल्ली-110001
New Delhi-110001

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Ref. No.: ADTEA/2018/022

Date: 02.04.2018

To,
Smt. Smriti Zubin Irani,
Hon'ble Minister for Information & Broadcasting,
Ministry of Information & Broadcasting,
Shastri Bhawan, New Delhi-110001

Subject: Clarification on admissibility of MACP to Tech./Sr. Tech. - additional information.

Reference: MIB communication F. No.: 503/5/2014-BA(E) dated 31.01.2018.

Respected Madam,

We are grateful to the Hon'ble madam Minister for the meeting that she has listened us patiently on 27.03.2018, regarding our issue of one MACP in light of Hon'ble MIB order dated 25.02.1999. Regarding the issue, Hon'ble Minister Madam desired some additional papers issued after 2012. We are hereby enclosing those additional papers with the brief summary of the issue.

As per the observation of the Hon'ble High Court Madras in WP(C) No. 27155 of 2009:--

- 1) Technicians and Sr. Technicians were at par with Lighting Assistant Grade II and I respectively up to 30th June 1983.
- 2) In third pay commission, the Technicians and LA were placed in the scale of Rs. 330-480 and the Assistant Cameramen, working in the Film Division, were placed in the pay scale of Rs. 425-700.
- 3) In the IV Pay Commission, the Tech. and Lighting Assistants were placed in the pay scale of Rs.1200-1800 and the Assistant Cameramen in the Film Division were placed in the pay scale of 1400-2300. The pay scale of Lighting Assistants in

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Guwahati-781001

SOUTH ZONE
P.B. No. 2995
Chennai-600005

WEST ZONE
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the IV Pay Commission was revised from 1200-1800 to Rs 1400-2300 and they were placed on par with the Assistant Cameramen.

- 4) The Technicians, who were doing superior job and shouldering more responsibility, demanded pay scale at par with Lighting Assistant. The said demand was accepted by MOIB as per OM dated 05.12.1997 and thereafter by OM dated 25.02.1999, upgraded pay scales were granted to Technicians and Sr. Technicians in the pay scale of Rs. 4500-7000 and 5000-8000 respectively at par with Lighting Assistant Grade I and Grade II.

Hence before July 1983 and after 01.01.1996 both Tech./Sr. Techs were at par with LAs.

- 5) Even though the pay scales of Technicians and Sr. Technicians were brought at par with LA Grade II and I, MOIB (the respondents) failed to give notional fixation with retrospective effect from 01.07.1983 being the date when the scale of Lighting Assistant Grade II and I revised.

Hence, in light of above observations Hon'ble HC Madras passed the order in WP(C) No. 27155 of 2009 on dated 24.11.2010, keeping set aside the Hon'ble CAT Madras order dated 10.07.2008 in OA No. 390/2006 (In which Hon'ble CAT Madras rejected the demand of Technicians/Sr. Technicians to grant parity with LA from 01.07.1983) to grant the notional fixation of Pay Scale w.e.f. 01.07.1983, conferred on the post of TRES; as evident from para No. 2(iv) of the order dated 25.02.1999 to the Tech./Sr. Techs. Later on, on dated 10.01.2013, Hon'ble Supreme Court of India dismissed the SLP (civil) No. 33048/2011 filled by UOI & ORS Vs. ADTEA & ANR by ordering-

" Rather, it must be held that that by ordering revision of pay scales of the Technicians at par with the LA, the High Court has acted in consonance with the spirit of Articles 14 and 16 of the Constitution".

▶▶▶ In addition to above, As desired by Hon'ble Ma'am Minister, we want to add the following order from file No.: 8 / 20 / 2015 - SIV(A)/, dated 12.05.2017, and dated 18.12.2017, issued by DG AIR. In these orders DG AIR has clearly mentioned this Rs 5000-8000 scale is given to Technicians in compliance of the Judgements given by various courts (2)

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of Law and approval has been taken from MOIB, Ministry of Law and Ministry of Finance.

(Order No.: 8/20/2015-SIV(A)/, dated 12.05.2017 as Annexure 1)

(Order No.: 8/20/2015-SIV(A)/778, dated 18.12.2017 as Annexure 2)

It is most unfortunate that, at one side Department is snatching one MACP from the Subordinate Engineering Employees in the name of Up-gradation given by 25.02.1999 order, while on the other side, is granting MACP to TRES./PEX by treating the said up-gradation null and void in the light of DOPT OM No.:35034 /197/Estt.(D)(Vol IV) dated 18th July 2001, Point of Doubt No. 35.

(Kindly see the order issued by DG AIR I.D. No. 04/40
/2017-S I (B) Pt./184 dated 12/13.02.2018 as Annexure 3)

" It is clear now by the above submission that the scale granted to Tech/Sr. Tech, through MOIB order dated 25.02.1999, are not the higher scale (i.e. Upgraded scale), as are being projected again and again in all communication of MOIB and DG AIR. It was the parity with LA which was disturbed in June 1983 and again restored by Hon'ble Supreme Court. It is the clear view of this association that once the Rs. 5000-8000 scale granted to both Tech/Sr. Tech through various orders dated 12.05.2017 & 18.12.2017, scale granted through MOIB order dated 25.02.1999 have become irrelevant now, as the long pending anomaly (since 1983) has been removed by Hon'ble HC Madras upheld by Hon'ble Apex Court.

Hence, In light of the submission made above, it is a request to you to kindly intervene in the matter to stop any derogatory decision, of adjustment of scale granted by 25.02.1999 order against one ACP/MACP Tech/Sr. Techs and save them, who are deprived

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for 25+ years of cadre stagnation and on the door of heavy recoveries. We will be grateful to your good self if an additional early hearing may be granted to this association as per your convenience.

Thanking you sir.

Sincerely Yours

Annexure: (3) as stated above.

Total (7) pages including application.

SVS
02/4/18

(Shyam Vir Singh)

President

Ph: 8700719460

Copy To: (Through E-mail)

1. Shri. N. K. Shinha, Secretary (I&B), Ministry of I&B, Shastri Bhawan, New Delhi-110001
2. Shri. S. S. Vempati, Chief Executive Officer, Prasar Bharti, Coparnicus Marg, New Delhi-01
3. DG:AIR {Kind Attn. Dr. Shailendra Kumar ADG(A)}, Akashwani Directorate, Akashwani Bhawan, Sansad Marg, New Delhi-110001

SVS
02/4/18

(Shyam Vir Singh)

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PRASAR BHARATI
(INDIA'S PUBLIC SERVICE BROADCASTER)
DIRECTORATE GENERAL: ALL INDIA RADIO

No.8/20/2015-S-IV(A)

New Delhi, dated 12.05.2017

ORDER

Consequent on acceptance of Judgments and Orders of respective Courts of Law in the following OAs and details mentioned against each, it has been decided on the advice of D/o Legal Affairs and with the concurrence of D/o Expenditure, Ministry of Finance to implement the judgments in letter and spirit by granting pay scale of Rs.5000-8000/- to the applicant Technicians on notional basis from 01.01.1996 to 31.03.2015 and on actual basis w.e.f. 01.04.2015:

Sl. No.	Case Title	Name of the Bench	Date of Judgment
1.	OA No.1858/2015 filed by G.M. Tyagi & Ors.	CAT, (PB), New Delhi	24.05.2016
2.	OA No.4101/2015 filed by Sh. Mukesh Kumar Dixit & Ors Vs UOI	CAT, (PB), New Delhi	04.09.2016
3.	MA No.2096/2015 in OA No.4424/2014 filed by ARTEE & Ors.	CAT, (PB), New Delhi	15.12.2014
4.	OA No.1553/2016 filed by ADTEA.	CAT, (PB), New Delhi	04.05.2016
5.	OA No.690/2015 filed by Ashok Dorwal & Ors	CAT, Jabalpur	13.08.2015

2. As per approval of Ministry of I&B, it has also been decided to extend the pay scale of 5000-8000/- to all other similarly placed eligible Technicians who have not gone to any court or have recently filed any court cases.

3. The field offices concerned will draw Pay & Allowances in revised scale from 01.04.2015 on actual basis and from 01.01.1996 to 31.03.2015 on notional basis.

Contd....2

4. The officials concerned will be entitled to arrears of differences in pay to which they are now entitled and what has been actually paid to them w.e.f. 01.04.2015.

5. This issues with the approval of Ministry of I&B, Ministry of Law & Justice and Ministry of Finance.


(D.P. Shukla) 12/5/2017

Dy. Director Admn. (E)

Copy to,

- 1) All the applicants of through their Zonal Heads/Head of Offices of AIR/DDn.
- 2) All Zonal Heads of AIR & DDn with the direction to revise the pay of the concerned Technicians.
- 3) All AIR Stations/DDn Kendras.
- 4) The Under Secretary, BA(E), A-Wing, Shastri Bhawan, New Delhi for kind information.
- 5) The Director (Admn.), PB Sectt, PTI Building, New Delhi.
- 6) PS to DG:AIR, PS to E-in-Chief, PS to ADG(A), PA to Dir(A-II).
- 7) Dy. Director(Admn.), S-IV(A) Section, DG:Doordarshan Bhawan, Mandi House, Copernicus Marg, New Delhi.
- 8) B&A Section, DG:AIR- for making necessary budget provisions.
- 9) Pay and Accounts Office, DG:AIR and DG:DDn, New Delhi.



**PRASAR BHARATI
(INDIA'S PUBLIC SERVICE BROADCASTER)
DIRECTORATE GENERAL: ALL INDIA RADIO**

Annexure (2)

No.8/20/2015-S-IV(A) | 778

New Delhi, dated

18.12.2017

ORDER

In partial modification of this Directorate's order dated 12.05.2017 as per approval received from Ministry of I&B, Competent Authority has approved to extend the pay scale of Rs.5000-8000/- to all Technicians who joined service on or before 05.10.2007. The pay scale of Rs.5000-8000/- granted would be on notional basis from 01.01.1996 to 31.03.2015 and on actual basis w.e.f. 01.04.2015.

2. Other terms & condition mentioned in the Order dated 12.05.2017 referred to above remain same.

(D.P. Shukla)

Dy. Director Admn. (E)

Copy to,

- 1) All Zonal Heads of AIR & DDn with the direction to revise the pay of the concerned Technicians.
- 2) All AIR Stations/DDn Kendras.
- 3) The Under Secretary, BA(E), A-Wing, Shastri Bhawan, New Delhi for kind information.
- 4) The Director (Admn.), PB Sectt, PTI Building, New Delhi.
- 5) PS to DG:AIR, PS to E-in-Chief, PS to ADG(A), PA to Dir(A-II).
- 6) Dy. Director(Admn.), S-IV(A) Section, DG:Doordarshan Bhawan, Mandi House, Copernicus Marg, New Delhi.
- 7) B&A Section, DG:AIR- for making necessary budget provisions.
- 8) Pay and Accounts Office, DG:AIR and DG:DDn, New Delhi.

Annexure -3

PRASAR BHARATI
(INDIA'S PUBLIC SERVICE BROADCASTER)
DIRECTORATE GENERAL: ALL INDIA RADIO
S-I(B) SECTION

Subject : Clarification on grant of 1st/2nd ACP in respect of Smt. Kamlesh Pathak, PEX(Retd.), CSU, AIR, Mumbai- Regarding.

Reference CSU, AIR, Mumbai letter No. CSU-21(KP)2018/S/PEN dated 02.0.2018 forwarding therewith PAO AIR, Mumbai's letter dated 30.01.2018 wherein PAO is of the view that upgradation of pay scale vide MIB Order dated 25.02.99 in r/o Smt. Kamlesh Pathak from Rs. 1400-2600 to Rs. 2000-3200 is to be treated as 1st promotion. Therefore, 1st/2nd ACP granted w.e.f. 09.08.1999 and 16.02.2006 to Smt. Kamlesh Pathak is not in order.

2. Smt. Kamlesh Pathak, PEX(Retd.) joined as TRES in the pay scale of Rs.1400-2600 w.e.f 16.02.1982 which was later upgraded to the pay scale of Rs. 2000-3200 as per M/o I&B OM dated 25.02.1999 and has now been granted 1st and 2nd financial upgradation under ACP w.e.f 09.08.1999 and 16.02.2006 consequent upon completion of 12 and 24 years of regular service respectively without any regular promotion. She was promoted as PEX on adhoc basis w.e.f. 27.11.2000 in the pre-revised scale of Rs. 7500-12000. Subsequently, she was promoted as PEX on regular basis w.e.f. 24.10.2013.

3. Ministry of Information and Broadcasting vide letter dated 08.09.2014 had clarified that any upgradation availed during entire service would be counted against the three upgradation permissible under MACP Scheme. As far as grant of ACP is concerned, as per DOPT Office Memorandum No. 35034/197/Estt.(D)(VOLIV) dated 18th July 2001, point of doubt No. 35, where all the posts are placed in a higher scale of pay, with or without a change in the designation; without requirement of any new qualification for holding the post in the higher grade, not specified in the Recruitment Rules for the existing post, and without involving any change in responsibilities and duties, then placement of all the incumbents against such upgraded posts is not to be treated as promotion.

4. Therefore, upgradation of pay scales granted to Smt. Kamlesh Pathak from Rs.1400-2600 to Rs.2000-3200 vide aforesaid order cannot be treated as 1st promotion/financial upgradation for the purpose of ACP and accordingly, 1st ACP has been granted to her. Since she was given adhoc promotion only before completion of 24 years of service, she has also been granted 2nd ACP w.e.f. 16.02.2006. Therefore, AIR Mumbai is requested to clarify the above position to PAO and urgently fix her pension under intimation to this Directorate. Overpayment, if any, on account of grant of additional MACP may be withheld from her gratuity and intimated to this directorate for necessary action as per DOPT O.M. dated 02.03.2016

Deepak.S

(Kanwarjeet Singh)
Dy. Director of Admn.(P)
For Director General

o/c

CSU, AIR, Mumbai(Kind Attention : Shri S.V. Kamble, Administrative Officer)

DG: AIR I.D. No.04/40/2017-SI(B)(Pt.) dated 12.02.2018

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11/02/18