

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 121/2004

R.A/C.P No.

E.P/M.A No. 106/2005

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SECTION OFFICER (Judl.)

FORM No. 4
(SEE RULE 12)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Org. App. / Misc Petn / Cont. Petn / Rev. Appl. 121/2004

In O.A.

Name of the Applicant(s) Shri. A.K. Sarkar

Name of the Respondent(s) M.O.I. & Ors

Advocate for the Applicant Mr. A. Ahmed

Counsel for the Railway/CGSC. C.C.S.C. A.K. Chaudhury

OFFICE NOTE

DATE

ORDER OF THE TRIBUNAL

*TL application is in form 19.05.2004
is filed/C.P. for Rs. 50/-
deposited with IPC/BD
No.
Dated.

Dy. Registrar

18/5/04.

18/5/04.

Steps taken with
envelops.

18/5/04.

mb

26.7.2004

Notice & order
sent to D/Section
for issuing to
respondent nos 1 to
5, by regd. with A/D
post.

bb

24/5/04.

D/Memo No = 916 to 920

Dt. 20/5/04.

15/6/04.

Heard Mr. A. Ahmed, learned
counsel for the applicant and also
Mr. A.K. Chaudhuri, learned Addl.
C.G.S.C. for the respondents.

The application is admitted.
Issue notice to the parties,
returnable within four weeks. List on
25.06.2004 for orders.

Member (A)

List the case on 28.8.2004 enabling
the respondents to file written statement
as prayed by Mr. A.K. Chaudhuri, learned
Addl. C.G.S.C.

Member (A)

09.08.2004

Mr.A.K.Chaudhuri, learned Addl. C.G.S.C. prays for four weeks time to file written statement.

Prayer granted. List on 9.9.2004 for written statement.

K.V. Prahladan
Member (A)

bb

9.9.2004 present: The Hon'ble Mr. Justice R.K. Batta, Vice-Chairman

The Hon'ble Mr.K.V.Prahladan, Member (A).

Mr.A.Ahmed, learned counsel for the applicant, was present.

Mr.A.K.Chaudhuri, learned Addl.C.G.S.C. has placed before us letter dated 6.9.2004 of Superintending Engineer, Civil stating therein that the matter is under active consideration of the department. Mr.Chaudhuri seeks four weeks time to sort out the matter at the department level.

Stand over for four weeks. List on 7.10.2004.

K.V. Prahladan
Member (A)

R.
Vice-Chairman

bb

07.10.2004

List on 11.11.2004.

By Order

bb

23.11.2004

On the plea of counsel for the respondents four weeks time is given to the respondents to file written statement. List on 24.12.2004 for orders.

K.V. Prahladan
Member (A)

mb

A/D card return
from resp. No-5.

22/6/04

A/D card return

from resp. No-3,4.

24/6/04

6-8-04

Notice duly served

on R-No 3,4 & 5

No w/s for Secn. filed

sh

6.10.04

1) Notice duly served
on Respondt-No. 3, 4 and 5
except Respondt. 1 & 2.

2) W/s not yet filed
by the Respondents.

bb

07.10.2004

List on 11.11.2004.

By Order

bb

23.11.2004

On the plea of counsel for the respondents four weeks time is given to the respondents to file written statement. List on 24.12.2004 for orders.

K.V. Prahladan
Member (A)

mb

22-11-04

No-w/s for Secn
filed.

sh

15.12.04

W/s submitted

by the Respondent Nos.

1 to 5.

sh

24.12.2004

Heard learned counsel for the parties. Judgment delivered in open Court, kept in separate sheets.

The application is disposed of in terms of the order. No costs.

Received
24/12/05
Fore department

[Signature]
Member

bb

10.1.05

Copy of the order has been sent to the Office for issuing the order in applicant as well as to the Addl. C.S.C. for the record.

08.07.2005

Post on 12.12.2005.

[Signature]
Member

[Signature]
Vice-Chairman

mb

12.12.05.

Counsel for the applicant is not present. Mr. A.K. Choudhury, learned Addl. C.G.S.C. submits that the direction issued by this Tribunal has already been complied.

The Respondents has addressed to the Deputy Registrar of this Bench Tribunal enclosing a copy of the order in regard to the grant of 2nd financial up-gradeation under the ACP Scheme. This order passed in compliance with the direction issued by this Tribunal in the O.A..

The O.A. is accordingly closed.

[Signature]
Vice-Chairman

7-7-05

Copy of the judgment given by the Respondents.

No compliance report filed.

10/14.11.05

A letter received from Supt. Engineer (Civil) regarding compliance of the Bench's order in M.A. 106/05 of O.A. 121/04, which may kindly be placed before the Bench.

*[Signature]*16.12.05

Copy of the order has been sent to the Office for issuing the order to the Advocates for the parties.

[Signature]

5

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./ ~~Box~~ No. 121 of 2004.

DATE OF DECISION 24.12.2004.

.....
Shri Alok Kumar Sarkar.....APPLICANT(S)

.....
Mr. A. Ahmed.....ADVOCATE FOR THE
APPLICANT(S).

-VERSUS -

.....
U.O.I. & Ors.....RESPONDENT(S)

.....
Mr. A.K. Chaudhuri, Addl. C.G.S.C.....ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. K.V. PRAHLADAN, ADMINISTRATIVE MEMBER.

THE HON'BLE MR.

1. Whether Reporters of local papers may be allowed to see the judgment ?
 2. To be referred to the Reporter or not ?
 3. Whether their Lordships wish to see the fair copy of the Judgment ?
 4. Whether the judgment is to be circulated to the other benches ?
- Judgment delivered by Hon'ble Administrative Member.

bml

b

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.121 of 2004.

Date of Order: This, the 24th Day of December, 2004.

THE HON'BLE SHRI K.V.PRAHLADAN, ADMINISTRATIVE MEMBER.

Shri Alek Kumar Sarkar
S/o Late Bhupendra Nath Sarkar
Assistant Surveyor of Works (Civil)
Office of the Superintending Engineer (Civil)
Civil Construction Wing
All India Radio, Ganeshguri Chariali
Dr.R.Kakati Building, 1st Floor
Post Office-Dispur, Guwahati - 6. . . . Applicant.

By Advocate Mr. Adil Ahmed.

- Versus -

1. The Union of India
Represented by the Secretary
to the Government of India
Ministry of Information and Broadcasting
New Delhi-1.
2. The Chief Executive Officer
Prasar Bharati
Broadcasting Corporation of India
Doordarshan Bhawan
Copernicus Marg, Mandi House
New Delhi - 1.
3. The Director General
Prasar Bharati (Broadcasting Corporation of
India, Civil Construction Wing
All India Radio, Government of India
New Delhi - 1.
4. The Chief Engineer-1 Civil
Construction Wing, All India Radio
Suchana Bhawan, 6th Floor
C.G.O. Complex
New Delhi - 110 003.
5. The Superintending Engineer (Civil)
Civil Construction Wing
All India Radio, Ganeshguri Chariali
Dr.R.Kakati Building, 1st Floor
Post Office:- Dispur
Guwahati - 6. . . . Respondents.

By Mr. A.K.Choudhuri, Addl.C.G.S.C.

O R D E R (ORAL)

PRAHLADAN, K.V., MEMBER(A):

I have heard Mr.A.Ahmed, learned counsel for the applicant as well as Mr.A.K.Chaudhuri, learned Addl.C.G.S.C. for the respondents.

2. The applicant has filed this application praying for grant of Assured Career Progression (ACP). According to him,

Contd./2

he is entitled to grant of ACP.

3. The respondents in their written statement at Para 4.7 stated that Government had agreed to grant the financial upgradation under the ACP to all eligible Assistant Engineers and they are in the process of taking a decision in the matter. For better understanding para 4.7 of the written statement is reproduced below:-

"4.7 With regard to the statement made in Paragraph 4.7 of the application, the respondents beg to state that on the advice of the Ministry, the matter regarding grant of ACP to Asstt. Engineers had to be kept pending till the grant of higher scale of Rs.7000 to Rs.12000/-, granted by Prasar Bharati to AEs, instead of the pay scale of Rs.6500 to Rs.10500/- granted by Pay Commission to AEs, was resolved. Subsequently, this matter had to be further kept pending till the settlement of various court cases filed by Diesel Technicians/programme staff Association, demanding higher pay scale at par with the upgraded pay scales granted to certain cadres by Prasar Bharati, as mentioned above. Thus, because of the reasons as explained above, the applicant as well as others similarly placed employees, could not be granted the ACP benefit as prayed for in the O.A. The clarification was necessary as the AEs have already been granted upgraded revised scale w.e.f. 1/-1-96. However, the matter has now been resolved in consultation with the DOP&T and the Govt. has agreed to grant the financial upgradation under the ACP to all eligible Asstt. Engineers including the applicant. The case of all the eligible AEs for grant of pay scale of Rs.10,000-Rs.15,000/- are being processed as per the provisions of ACP Scheme and the instructions of the Govt."

4. Considering the above decision of the respondents the application can be disposed of by giving directions to the respondents to take a decision in the matter in the light of paragraph 4.7 of their written statement within a period of six months from the receipt of this order. The O.A. stands disposed of in aforesaid terms with no order as to costs. Compliance will be filed by the respondents after four months of receipt of this order.

K.V. Prahladan

(K.V. PRAHLADAN)
ADMINISTRATIVE MEMBER

18 MAY 2004

गुवाहाटी न्यायाधीश
Guwahati Bench

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI**

**(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT 1985)**

ORIGINAL APPLICATION NO. 121 OF 2004.

BETWEEN

Shri Alok Kumar Sarkar

... Applicant

-Versus-

The Union of India & Others

... Respondents

LIST OF DATES AND SYNOPSIS

Annexure-A is the photocopy of extract of Seniority list of Assistant Engineers (Civil) in Civil Construction Wing in All India Radio as on 01-06-1998.

Annexure-B is the photocopy of ACP Scheme vide Office Memorandum dated 09th August 1998.

Annexure-C & D are the photocopies of such financial up gradation orders under ACP Scheme issued by the instant Respondents in case of Junior Engineers (Civil).

Annexure-E is the photocopy of the Order No.A-32013/8/97-CWI/299 dated 30th January 1997.

Annexure-F is the photocopy of representation dated 4-12-2003 filed by the applicant.

This Original Application is made for non-implementation of Assured Career Progression (ACP) Scheme issued by the Govt. of India vide Office Memorandum dated 09-08-1999 by the Respondents to the applicant. The applicant is working as Assistant Surveyor of Works

(Civil), Office of the Superintending Engineer (Civil), Civil Construction Wing, All India Radio, Guwahati. He has already completed 30 years service under the Respondents. As such he is entitled for two financial pay scale up gradation under the ACP Scheme but the Respondents have been denying the benefit to the applicant. Hence he has filed this Original Application before this Hon'ble Tribunal praying a direction to the Respondents for his next higher grade pay scale i.e. @ Rupees 10,000-375-15,200/-.


A. Sankar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI
(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT 1985)

ORIGINAL APPLICATION NO. 121 OF 2004.

BETWEEN

Shri Alok Kumar Sarkar


Son of Late Bhupendra Nath Sarkar
Assistant Surveyor of Works (Civil)
Office of the Superintending Engineer (Civil)
Civil Construction Wing,
All India Radio, Ganeshguri Chariali,
Dr.R.Kakati Building, 1st Floor,
Post Office-Dispur, Guwahati-6.

...Applicant

-AND-

1. The Union of India represented by the Secretary to the Government of India, Ministry of Information and Broadcasting, New Delhi-1.
2. The Chief Executive Officer,
Prasar Bharati,
Broadcasting Corporation of India,
Doordarshan Bhawan,
Copernicus Marg, Mandi House,
New Delhi-1.
3. The Director General,
Prasar Bharati (Broadcasting Corporation of India, Civil Construction Wing, All India Radio, Government of India, New Delhi-1.

Filed by
Shri Alok Kumar Sarkar
Applicant
through D.L.
A (times)
Civil Advocate

A. Sankar

4. The Chief Engineer-1 Civil
Construction Wing, All India Radio
Suchana Bhawan, 6th Floor,
C.G.O. Complex,
New Delhi-110003.
5. The Superintending Engineer (Civil)
Civil Construction Wing,
All India Radio, Ganeshguri Chariali,
Dr.R.Kakati Building, 1st Floor,
Post Office-Dispur, Guwahati-6.

... Respondents

1) DETAILS OF THE APPLICATION PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

The Application is made for non-implementation of Assured Career Progression (ACP) Scheme to the applicant by the Respondents and also praying for a direction from this Hon'ble Tribunal to the Respondents for grant of higher pay scale to the applicant as per the above mentioned Assured Career Progression (ACP) Scheme issued by the Government of India. Ministry of Personnel, Public Grievances and Pensions (Department of Personal and Training).

2) JURISDICTION OF THE TRIBUNAL

The applicant declares that the subject matter of the instant application is within the jurisdiction of the Hon'ble Tribunal.

3) LIMITATION

The applicant further declares that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act 1985.

Signature

4) **FACTS OF THE CASE:**

Facts of the case in brief are given below:

4.1) That your humble applicant is a citizen of India and as such he is entitled to all rights and privileges guaranteed under the Constitution of India.

4.2) That your applicant begs to state that he was appointed as Junior Engineer under the Respondents on 13-03-1974 and he was posted at Udaypur, Rajasthan. He was promoted to the post of Assistant Engineer on 25-11-1983. The Seniority list of Assistant Engineers (Civil) in Civil Construction Wing in All India Radio as on 01-06-1998 the applicant's position is in Serial No.18. Now your applicant is posted as Assistant Surveyor of Works under the office of the Respondent No.5.

Annexure-A is the photocopy of extract of Seniority list of Assistant Engineers (Civil) in Civil Construction Wing in All India Radio as on 01-06-1998.

4.3) That your applicant begs to state that the Fifth Central Pay Commission recommended interalia for an Assured Career Progression (ACP) Scheme as a "Safety net" for those Central Government Civilian employees who are stagnated due to lack of adequate promotional avenues. Pursuant to the recommendation of the CPC, the Govt. of India, vide its Office Memorandum No.35034/1/97-Estt (D) dated 09-08-1999 issued by the Department of Personal and Training (DOPT) launched an ACP Scheme with certain modifications for the Central Government Civilian employees to mitigate hardships in cases of acute or in an isolated post. As per the said ACP Scheme the Group "B", "C" and "D" employees are entitled to be granted to financial up gradations on completion of 12 years and 24 years of regular service irrespective of availability of posts/vacancies. The detailed Scheme and the conditions thereto have been circulated by the DOPT vide its said O.M. dated 09-08-1999.

A. Sankar

Annexure-B is the photocopy of ACP Scheme vide Office Memorandum dated 09th August 1998.

4.4) That your applicant begs to state that your applicant had already completed 30(Thirty) years of service under the Respondents. As such he is entitled for two financial up gradations on completion of 12 years and 24 years of regular service irrespective of availability of Posts/Vacancies. The applicant has only got one promotion i.e. Junior Engineer to Assistant Engineer on 25-11-1983. He is over due for next financial up gradation to next higher post i.e. the post of Executive Engineer in the pay scale of Rupees 10,000-325-15,200/- but till now the Respondents has not taking any steps for financial up gradation of the applicant. Hence finding no other alternative your applicant is compelled to approach this Hon'ble Tribunal for seeking justice in this matter.

4.5) That your applicant begs to state that under the Assured Career Progression (ACP) Scheme para 7 under the "Condition for grant of benefits under ACP Scheme" which provides that-

" 7 Financial up gradation under the Scheme shall be given to the next higher grade in accordance with the existing hierarchy in a cadre/category/of posts without creating new posts for the purpose. However, in case of isolated posts, in the absence of defined hierarchical grade, financial up gradation shall be given by the Ministers/Departments concerned in the immediately next higher (Standard/Common) pay scales...."

4.6) That your applicant begs to state that Junior Engineers(Civil) Civil Construction Wing, All India Radio, who has completed 12 years of service without any promotion is granted financial up gradation under the ACP Scheme in the pay scale of Rupees 7,500-12000/- with effect from 09-08-1998.

Annexure-C & D are the photocopies of such financial up gradation orders under ACP Scheme issued by the instant Respondents in case of Junior Engineers (Civil).

S. D. Sankar

M
3/2/2003

4.7) That your applicant begs to state that some of the Assistant Engineer (Civil) has already been promoted to the post of Executive Engineer on 30th January 1997 vide order No.A-32013/8/97-CWI/299. The applicant has already submitted a representation dated 4-12-2003 requesting him for grant of ACP Scheme in favour of the applicant. But till now the Respondents had not taken any steps in this matter. As such the Respondents have adopted a discriminatory attitude towards the applicant. It is fit case for the Hon'ble Tribunal to interfere with and to protect the rights and interests of the applicant directing the Respondents to grant of higher pay grade scale Rupees 10,000-375-15,200/-.

Annexure-E is the photocopy of the order No.A-32013/8/97-CWI/299 dated 30th January 1997.

Annexure-F is the photocopy of representation dated 4-12-2003 submitted by the applicant before the Respondent No.4.

4.8) That your applicant begs to state that due to non-consideration of his case for grant of higher pay scale of Rupees 10,000-325-15,200/- he is suffering from heavy financial loss. As such the action of the Respondents are arbitrary, unjust, unfair, illegal, discriminatory and violative of the principle of natural justice and doctrine of equality.

4.9) That your applicant begs to state that the cause of action arises each and every day, every month for non-fixation of appropriate pay scale in favour of the applicant. As such the case of the applicant is well within the period of limitation prescribed under section 21 of the Administrative Tribunal Act 1985.

4.10) That your applicant submits that the Respondents have acted with a mala-fide intention only to deprive the application from his legitimate right.

4.11) That your applicant submits that the action of the Respondents is highly illegal, improper, and whimsical and also against the fair play of Administrative justice.

4.12) That your application submits that the Respondents have violated the fundamental rights of the applicant.

S. Sanoor



4.13) That this application is filed bonafide and for the interest of justice.

5) GROUNDS FOR RELIEF WITH LEGAL PROVISION:

- 5.1) For that, due to the above reasons narrated in detail the action of the Respondents is in prima facie illegal, mala fide, arbitrary and without jurisdiction.
- 5.2) For that, the applicant acquired valuable rights for financial up gradation under the ACP Scheme since they completed the required years of regular service as envisaged under the Scheme.
- 5.3) For that, the applicant is entitled for higher-grade pay scale of Rupees 10,000-375-15,200/- as per ACP Scheme issued by the Govt. of India (DOPT). Hence the Respondents cannot deny the same benefit to the applicant without any cause or causes.
- 5.4) For that, the action of the respondents is arbitrary, mala-fide and discriminatory with an ill motive.
- 5.5) For that the Respondents have violated the Article 14,16 & 21 of the Fundamental rights guaranteed under the Constitution of India.
- 5.6) For that, the Junior Engineers (Civil), who is working under the same ministry has already given the reliefs but the Respondents are not giving the same reliefs to the instant applicant. As such, the actions of the Respondents are bad in the eye of law and also not maintainable in fact.
- 5.7) For that, due to non-consideration of his higher grade pay scale the applicant is suffering from great financial loss and also mental anxiety due to neglected attitude of the Respondents.

A. Jaisan

The applicant craves leave of this Hon'ble Tribunal advance further grounds the time of hearing of this instant application.

6) DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious and remedy available to the applicant except the invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

7) MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

That the applicant further declares that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, writ petition of suit is pending before any of them.

8) RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicant most respectfully prayed that Your Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relieves sought for the applicant may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following relieves.

- 8.1) That the Hon'ble Tribunal may be pleased to direct the Respondents to give next higher pay scale to the applicant @ Rupees 10,000-325-15,200/- as per ACP Scheme issued by the Govt. of India (DOPT).

A. Sankar

8.2) To Pass any other relief or relieves to which the applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.

8.3) To pay the cost of the application.

9) INTERIM ORDER PRAYED FOR:

At this stage applicant does not seek any interim relief but if the Hon'ble Tribunal may deem fit and proper may pass any order/orders.

10) Application is filed through Advocate.

11) Particulars of I.P.O.:

I.P.O. No. 116 389302

Date of Issue 6.5.2009

Issued from Guwahati G.P.O.

Payable at Guwahati

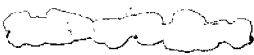
12) LIST OF ENCLOSURES:

As stated above.

Verification

A. Datta

VERIFICATION

I, Shri Alok Kumar Sarkar,  Son of Late Bhupendra Nath Sarkar, Assistant Surveyor of Works (Civil), Office of the Superintending Engineer (Civil), Civil Construction Wing, All India Radio, Ganeshguri Chariali, Dr.R.Kakati Building, 1st Floor, Post Office-Dispur, Guwahati-6 do hereby solemnly verify that the statements made in paragraph nos. 4.1, 4.4, 4.5, 4.8, 4.9 — are true to my knowledge, those made in paragraph nos. 4.2, 4.3, 4.6, 4.7 — are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the ~~18th~~ day of May 2004 at Guwahati.

Alok Kumar Sarkar

PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
DIRECTORATE GENERAL: ALL INDIA RADIO
(CIVIL CONSTRUCTION WING)

No. A-23011/3/98-CW-I

N.Delhi, the 31.8.98

Subject:- Seniority list in the cadre of AE(C) in CCW, AIR as on 01.06.98.

Draft seniority list in the cadre of AE(C) in the CCW, AIR drawn as on 01.6.98 is sent herewith for further circulation among the concerned officers of the HQs/Circle/Divisional and Sub-Divisional Offices, so that discrepancies/Corrections, if any, in the list could be suggested by officers and may be intimated to this Office by 15.10.98.

2. The seniority list has been drawn in accordance with the old Recruitment Rules/New Recruitment Rules and DP&T O.M.No. 35014/2/80-Estt.(D) dated 7th Feb, 1986 on the seniority.

3. The computerisation of employees details are complete at Hqrs. In future, all the correspondences should be made indicating the employee code also, for data entry in the computer.

(Signature)
(A.K. Sinha)

Engineer Officer-I to CE-I

Encl: Above

Copy to:-

1. SSW-I/SSW-II/SSW-III/SE(I)/SE(C) - Delhi/SE(C)-II, Delhi/SE(C), Mumbai/Guwahati/Amal/SE(C) - SE(C)-II, Calcutta for necessary action.
2. All EE(C), CCW, AIR/SW(C), CCW, AIR/SW(P&M)/SW(Vic)/EE(C) /EO-I/EO-II for necessary action.

All the AE(C)'s/ASW(C)'s/FA's be provided with the seniority list so that discrepancies /corrections if any, in the list could be pointed out by them by the stipulated time.

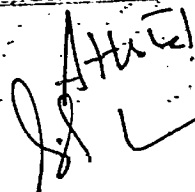
EE(C)

(Signature)
A.K. Sinha

(Signature)
(Kishan Pal)
Section Officer
for Director General

AS ON 01.06.98

S. No.	EMP. CODE	NAME	DATE OF BIRTH	RANK AS PER UPSC/ DPC LIST	YEAR OF EXAM OR DPC	QUALIFICATION	DATE OF APPT.	PLACE OF POSTING	WHETHER SC/ST	WHETHER D/R OR PROMOTEE	REMARKS
✓ 1	C0021	S/Sh.A.K.Khan	11.4.48	8	1980	Diploma	30.7.80	Calcutta	SC	Promotee	Ad-hoc EE(C)
✓ 2	C0029	K.P.Mandal	25.5.47	10	1980	Diploma	10.10.80	Siliguri	SC	Promotee	Ad-hoc EE(C)
✓ 3	C0037	K.K.Mathur	15.8.51	5	1981	Diploma	31.8.81	N.Delhi	Neither	Promotee	Ad-hoc EE(C)
✓ 4	C0039	Raghubir Singh	5.7.47	7	1981	Diploma	1.2.82	N.Delhi	SC	Promotee	Ad-hoc EE(C)
✓ 5	C0108	Sanjiv Batra	4.3.61	4	1983	B.Tech.	29.1.86	N.Delhi	Neither	D/R	
6	C0049	M.B.A.Khan	15.11.51	7	1982	Diploma	7.4.82	Chennai	-do-	Promotee	Ad-hoc EE(C)
7	C0052	K.Veeraraghavan	10.6.49	8	1982	Diploma	03.05.82	Chennai	-do-	Promotee	Ad-hoc EE(C)
8	C0045	P.K.Dash	04.01.49	9	1982	Diploma	15.03.82	Mumbai	-do-	Promotee	-do-
9	C0047	P.B.Nath	03.07.49	11	1982	-do-	17.03.82	N.Delhi	-do-	Promotee	Ad-hoc EE(C)
10	C0054	Adesh Samanta	09.03.53	01	1982	-do-	11.11.82	BBSR	-do-	Promotee	
11	C0057	U.N.Pradhan	15.10.48	03	1982	-do-	14.01.83	Sambalpur	-do-	Promotee	
12	C0056	M.A.Wahab	20.05.82	04	1982	Degree	29.11.82	Bangalore	-do-	Promotee	
13	C0059	T.Narayanan	07.06.49	01	1983	Diploma	12.10.83	Chennai	-do-	Promotee	
14	C0069	K.Gangadurai	20.10.49	04	1983	-do-	12.12.83	Coimbatore	-do-	Promotee	
15	C0071	S.A.Hameed	20.10.53	05	1983	-do-	25.02.84	Hyderabad	-do-	Promotee	
✓ 16	C0070	M.Vijayan	11.03.51	06	1983	-do-	16.12.83		-do-	Promotee	
✓ 17	C0068	A.Chattopadhyaya	14.01.49	07	1983	-do-	07.12.83	Calcutta	-do-	Promotee	
✓ 18	C0066	A.K.Sarkar	08.01.52	09	1983	-do-	25.1.83	Dibrui	-do-	Promotee	
19	C0062	J.K.Swamy	30.05.50	10	1983	-do-	83	Mumbai	-do-	Promotee	
20	C0065	Biplab Kar	07.12.48	11	1983	-do-	83	B'Patna	-do-	Promotee	
21	C0076	V.N.Vishnu	03.03.52	12	1983	-do-	10.07.84	TVM	-do-	Promotee	
22	C0058	T.S.Kapoor	20.02.48	13	1983	-do-	07.10.83	Shillong	SC	Promotee	
23	C0072	M.N.Singh	12.07.48	14	1983	-do-	29.02.84	Guwahati	SC	Promotee	
✓ 24	C0077	M.S.Mukherjee	01.10.48	01	1984	-do-	13.07.84	Calcutta	Neither	Promotee	
25	C0080	A.Vijaykumar	05.03.50	02	1984	-do-	20.09.84	Vijaywada	-do-	Promotee	
26	C0075	Dharam Singh	12.08.51	04	1984	-do-	05.07.84	Allahabad	SC	Promotee	
27	C0093	A.S.Reddy	04.06.49	01	1985	-do-	14.05.85	Hyderabad	Neither	Promotee	
28	C0092	Mehboob Sharif	12.08.50	02	1985	-do-	09.05.85	Pune	-do-	Promotee	
29	C0104	S.K.Bhadra	28.10.49	03	1985	-do-	22.11.85	N.Delhi	-do-	Promotee	
30	C0096	N.C.Paul	01.03.48	04	1985	-do-	30.04.85	Silchar	Neither	Promotee	
✓ 31	C0090	S.K.Adhikari	09.01.49	05	1985	Diploma	30.04.85	Siliguri	-do-	Promotee	



 S. K. Adhikari

North Block, New Delhi, 110001
August 9, 1999

OFFICE MEMORANDUM

Subject: THE ASSURED CAREER PROGRESSION SCHEME FOR
THE CENTRAL GOVERNMENT CIVILIAN EMPLOYEES.

The Fifth Central Pay Commission in its Report has made certain recommendations in respect of the Assured Career Progression (ACP) Scheme for the Central Government civilian employees of Ministries/Departments. The ACP Scheme needs to be viewed as a 'Safety Net' to cope with the problem of genuine stagnation and hardship faced by the employees due to lack of promotional avenues. Accordingly, after careful consideration it has been decided by the Government to introduce the ACP Scheme recommended by the Fifth Central Pay Commission with certain modifications as indicated hereunder:-

2. GROUP 'A' CENTRAL SERVICES

2.1 In respect of Group 'A' Central services (Technical/Non-Technical), no financial upgradation under the Scheme is being proposed for the reason that promotion in their case must be earned. Hence, it has been decided that there shall be no benefits under the ACP Scheme for Group 'A' Central services (Technical/Non-Technical). Cadre Controlling Authorities in their case would, however, continue to improve the promotion prospects in organisations/cadres on functional grounds by way of organisational study, cadre review, etc. as per prescribed norms.

3. GROUP 'B', 'C' AND 'D' SERVICES/POSTS AND ISOLATED POSTS IN GROUP 'A', 'B', 'C' AND 'D' CATEGORIES

3.1 While in respect of these categories also promotion shall continue to be duly earned, it is proposed to adopt the ACP Scheme in a modified form to mitigate hardship in cases of acute stagnation either in a cadre or in an isolated post. Keeping in view all relevant factors, it has, therefore, been decided to grant no financial upgradations [as recommended by the Fifth Central Pay Commission and also in accordance with the Agreed Settlement dated September 11, 1997 (in relation to Group 'C' and 'D' employees) entered into with the Staff Side of the National Council (JCM)] under the ACP Scheme to Group 'B', 'C' and 'D' employees on completion of 12 years and 24 years (subject to condition no.4 in Annexure-1) of regular service respectively. Isolated posts in Group 'A', 'B', 'C' and 'D' categories which have no promotional avenues shall also qualify for similar benefits on the pattern indicated above. Certain categories of employees such as casual employees (including those with temporary status), ad-hoc and contract employees shall not qualify for benefits under the aforesaid Scheme. Grant of financial upgradations under the ACP Scheme shall, however, be subject to the conditions mentioned in Annexure-1.

.....2/-

Attch
Adv
Q2

3.2 'Regular Service' for the purpose of the ACP Scheme shall be interpreted to mean the eligibility service counted for regular promotion in terms of relevant Recruitment/Service Rules.

4. Introduction of the ACP Scheme should, however, in no case affect the normal (regular) promotional avenues available on the basis of vacancies. Attempts needed to improve promotion prospects in organisations/cadres on functional grounds by way of organisational study, cadre reviews, etc as per prescribed norms should not be given up on the ground that the ACP Scheme has been introduced.

5. Vacancy based regular promotions, as distinct from financial upgradation under the ACP Scheme, shall continue to be granted after due screening by a regular Departmental Promotion Committee as per relevant rules/guidelines.

6. SCREENING COMMITTEE

6.1 A departmental Screening Committee shall be constituted for the purpose of processing the cases for grant of benefits under the ACP Scheme.

6.2 The composition of the Screening Committee shall be the same as that of the DPC prescribed under the relevant Recruitment/Service Rules for regular promotion to the higher grade to which financial upgradation is to be granted. However, in cases where DPC as per the prescribed rules is headed by the Chairman/Member of the UPSC, the Screening Committee under the ACP Scheme shall, instead, be headed by the Secretary or an officer of equivalent rank of the concerned Ministry/Department. In respect of isolated posts, the composition of the Screening Committee (with modification as noted above, if required) shall be the same as that of the DPC for promotion to analogous grade in that Ministry/Department.

6.3 In order to prevent operation of the ACP Scheme from resulting into undue strain on the administrative machinery, the Screening Committee shall follow a time-schedule and meet twice in a financial year - preferably in the first week of January and July for advance processing of the cases. Accordingly, cases maturing during the first-half (April-September) of a particular financial year for grant of benefits under the ACP Scheme shall be taken up for consideration by the Screening Committee meeting in the first week of January of the previous financial year. Similarly, the Screening Committee meeting in the first week of July of any financial year shall process the cases that would be maturing during the second-half (October-March) of the same financial year. For example, the Screening Committee meeting in the first week of January, 1999 would process the cases that would attain maturity during the period April 1, 1999 to September 30, 1999 and the Screening Committee meeting in the first week of July, 1999 would process the cases that would mature during the period October 1, 1999 to March 31, 2000.

6.4 To make the Scheme operational, the Cadre Controlling Authorities shall constitute the first Screening Committee of the current financial year within a month from the date of issue of these instructions to consider the cases that have already matured or would be maturing upto March 31, 2000 for grant of benefits under the ACP Scheme. The next Screening Committee shall be constituted as per the time-schedule suggested above.

....3/-

Attest
[Signature]

Ministries/Departments are advised to explore the possibility of effecting savings so as to minimise the additional financial commitment that introduction of the ACP Scheme may entail.

8. The ACP Scheme shall become operational from the date of issue of this Office Memorandum.

9. In so far as persons serving in the Indian Audit and Accounts Departments are concerned, these orders issue after consultation with the Comptroller and Auditor General of India.

10. The Fifth Central Pay Commission in paragraph 52.15 of its Report has also separately recommended a "Dynamic Assured Career Progression Mechanism" for different streams of doctors. It has been decided that the said recommendation may be considered separately by the administrative Ministry concerned in consultation with the Department of Personnel and Training and the Department of Expenditure.

11. Any interpretation/clarification of doubt as to the scope and meaning of the provisions of the ACP Scheme shall be given by the Department of Personnel and Training (Establishment-D).

12. All Ministries/Departments may give wide circulation to these instructions for guidance of all concerned and also take immediate steps to implement the Scheme keeping in view the ground situation obtaining in services/cadres/posts within their administrative jurisdiction;

13. Hindi version would follow.

(K.K. JHA)

Director (Establishment)

To

1. All Ministries/Departments of the Government of India
2. President's Secretariat/Vice President's Secretariat/Prime Minister's Office/
Supreme Court/Rajya Sabha Secretariat/Lok Sabha Secretariat/Cabinet Secretariat/
UPSC/CVC/C&AG/Central Administrative Tribunal (Principal Bench), New Delhi
3. All attached/subordinate offices of the Ministry of Personnel, Public
Grievances and Pensions
4. Secretary, National Commission for Minorities
5. Secretary, National Commission for Scheduled Castes/Scheduled Tribes
6. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi
7. All Staff Side Members of the National Council (JCM)
8. Establishment (D) Section - 1000 copies

....4/-

Attended
JH
Adm

CONDITIONS FOR GRANT OF BENEFITS
UNDER THE ACP SCHEME:

1. The ACP Scheme envisages merely placement in the higher pay-scale/grant of financial benefits (through financial upgradation) only to the Government servant concerned on personal basis and shall, therefore, neither amount to functional/regular promotion nor would require creation of new posts for the purpose;
2. The highest pay-scale upto which the financial upgradation under the Scheme shall be available will be Rs.14,300-18,300. Beyond this level, there shall be no financial upgradation and higher posts shall be filled strictly on vacancy based promotions;
3. The financial benefits under the ACP Scheme shall be granted from the date of completion of the eligibility period prescribed under the ACP Scheme or from the date of issue of these instructions whichever is later;
4. The first financial upgradation under the ACP Scheme shall be allowed after 12 years of regular service and the second upgradation after 12 years of regular service from the date of the first financial upgradation subject to fulfillment of prescribed conditions. In other words, if the first upgradation gets postponed on account of the employee not found fit or due to departmental proceedings, etc this would have consequential effect on the second upgradation which would also get deferred accordingly;
- 5.1 Two financial upgradations under the ACP Scheme in the entire Government service career of an employee shall be counted against regular promotions (including in-situ promotion and fast-track promotion availed through limited departmental competitive examination) availed from the grade in which an employee was appointed as a direct recruit. This shall mean that two financial upgradations under the ACP Scheme shall be available only if no regular promotions during the prescribed periods (12 and 24 years) have been availed by an employee. If an employee has already got one regular promotion, he shall qualify for the second financial upgradation only on completion of 24 years of regular service under the ACP Scheme. In case two prior promotions on regular basis have already been received by an employee, no benefit under the ACP Scheme shall accrue to him;
- 5.2 Residency periods (regular service) for grant of benefits under the ACP Scheme shall be counted from the grade in which an employee was appointed as a direct recruit;
6. Fulfillment of normal promotion norms (bench-mark, departmental examination, seniority-cum-fitness in the case of Group 'D' employees, etc.) for grant of financial upgradations, performance of such duties as are entrusted to the employees together with retention of old designations, financial upgradations as personal to the incumbent for the stated purposes and restriction of the ACP Scheme for financial and certain other benefits (House Building Advance, allotment of Government accommodation, advances, etc) only without conferring any privileges related to higher status (e.g. invitation to ceremonial functions, deputation to higher posts, etc) shall be ensured for grant of benefits under the ACP Scheme;

Attested
By *Director*

Financial upgradation under the Scheme shall be given to the next higher grade in accordance with the existing hierarchy in a cadre/category of posts without creating new posts for the purpose. However, in case of isolated posts, in the absence of defined hierarchical grades, financial upgradation shall be given by the Ministries/Departments concerned in the immediately next higher (standard/common) pay-scales as indicated in Annexure-II which is in keeping with Part-A of the First Schedule annexed to the Notification dated September 30, 1997 of the Ministry of Finance (Department of Expenditure). For instance, incumbents of isolated posts in the pay-scale S-4, as indicated in Annexure-II, will be eligible for the proposed two financial upgradations only to the pay-scales S-5 and S-6. Financial upgradation on a dynamic basis (i.e. without having to create posts in the relevant scales of pay) has been recommended by the Fifth Central Pay Commission only for the incumbents of isolated posts which have no avenues of promotion at all. Since financial upgradations under the Scheme shall be personal to the incumbent of the isolated post, the same shall be filled at its original level (pay-scale) when vacated. Posts which are part of a well-defined cadre shall not qualify for the ACP Scheme on 'dynamic' basis. The ACP benefits in their case shall be granted conforming to the existing hierarchical structure only;

8. The financial upgradation under the ACP Scheme shall be purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be no additional financial upgradation for the senior employee on the ground that the junior employee in the grade has got higher pay-scale under the ACP Scheme;

9. On upgradation under the ACP Scheme, pay of an employee shall be fixed under the provisions of FR 22(1) a(1) subject to a minimum financial benefit of Rs.100/- as per the Department of Personnel and Training Office Memorandum No.1/6/97-Pay.I dated July 5, 1999. The financial benefit allowed under the ACP Scheme shall be final and no pay-fixation benefit shall accrue at the time of regular promotion i.e. posting against a functional post in the higher grade;

10. Grant of higher pay-scale under the ACP Scheme shall be conditional to the fact that an employee, while accepting the said benefit, shall be deemed to have given his unqualified acceptance for regular promotion on occurrence of vacancy subsequently. In case he refuses to accept the higher post on regular promotion subsequently, he shall be subject to normal debarment for regular promotion as prescribed in the general instructions in this regard. However, as and when he accepts regular promotion thereafter, he shall become eligible for the second upgradation under the ACP Scheme only after he completes the required eligibility service/period under the ACP Scheme in that higher grade subject to the condition that the period for which he was debarred for regular promotion shall not count for the purpose. For example, if a person has got one financial upgradation after rendering 12 years of regular service and after 2 years therefrom if he refuses regular promotion and is consequently debarred for one year and subsequently he is promoted to the higher grade on regular basis after completion of 15 years (12+2+1) of regular service, he shall be eligible for consideration for the second upgradation under the ACP Scheme only after rendering ten more years in addition to two years of service already rendered by him after the first financial upgradation (2+10) in that higher grade i.e. after 25 years (12+2+1+10) of regular service because the debarment period of one year cannot be taken into account towards the required 12 years of regular service in that higher grade;

....6/-

Attended
Sh. [Signature]
[Signature]

11. In the matter of disciplinary/penalty proceedings, grant of benefits under the ACP Scheme shall be subject to rules governing normal promotion. Such cases shall, therefore, be regulated under the provisions of relevant CCS(CCA) Rules, 1965 and instructions thereunder;
12. The proposed ACP Scheme contemplates merely placement on personal basis in the higher pay-scale/grant of financial benefits only and shall not amount to actual/functional promotion of the employees concerned. Since orders regarding reservation in promotion are applicable only in the case of regular promotion, reservation orders/roster shall not apply to the ACP Scheme which shall extend its benefits uniformly to all eligible SC/ST employees also. However, at the time of regular/functional (actual) promotion, the Cadre Controlling Authorities shall ensure that all reservation orders are applied strictly;
13. Existing time-bound promotion schemes, including in-situ promotion scheme, in various Ministries/Departments may, as per choice, continue to be operational for the concerned categories of employees. However, these schemes, shall not run concurrently with the ACP Scheme. The Administrative Ministry/Department -- not the employees -- shall have the option in the matter to choose between the two schemes, i.e. existing time-bound promotion scheme or the ACP Scheme, for various categories of employees. However, in case of switch-over from the existing time-bound promotion scheme to the ACP Scheme, all stipulations (viz. for promotion, redistribution of posts, upgradation involving higher functional duties, etc) made under the former (existing) scheme would cease to be operative. The ACP Scheme shall have to be adopted in its totality;
14. In case of an employee declared surplus in his/her organisation and in case of transfers including unilateral transfer on request, the regular service rendered by him/her in the previous organisation shall be counted along with his/her regular service in his/her new organisation for the purpose of giving financial upgradation under the Scheme; and
15. Subject to Condition No. 4 above, in cases where the employees have already completed 24 years of regular service, with or without a promotion, the second financial upgradation under the scheme shall be granted directly. Further, in order to rationalise unequal level of stagnation, benefit of surplus regular service (not taken into account for the first upgradation under the scheme) shall be given at the subsequent stage (second) of financial upgradation under the ACP Scheme as a one time measure. In other words, in respect of employees who have already rendered more than 12 years but less than 24 years of regular service, while the first financial upgradation shall be granted immediately, the surplus regular service beyond the first 12 years shall also be counted towards the next 12 years of regular service required for grant of the second financial upgradation and, consequently, they shall be considered for the second financial upgradation also as and when they complete 24 years of regular service without waiting for completion of 12 more years of regular service after the first financial upgradation already granted under the Scheme.

Sd/-
(K.K. JHA)

Director (Establishment)

Attached
Sd/-
For M.T.

STANDARD/Common PAY-SCALES

As per Part-A of the First Schedule Annexed to the Ministry of Finance
(Department of Expenditure) Gazette Notification dated September 30, 1997

[REFERENCE PARA 7 OF ANNEXURE I OF THIS OFFICE MEMORANDUM]

S.No.	Revised pay-scales (Rs)	
1.	S-1	2550-55-2660-60-3200 Pen
2.	S-2	2610-60-3150-65-3540 De. Secy
3.	S-3	2650-65-3300-70-4000
4.	S-4	2750-70-3800-75-4400
5.	S-5	3050-75-3950-80-4590 LD.
6.	S-6	3200-85-4900
7.	S-7	4000-100-6000 J.D.C./P.A.
8.	S-8	4500-125-7000
9.	S-9	5000-150-8000 Asst.
10.	S-10	5500-175-9000 P.A.
11.	S-12	6500-200-10500 P.S./S.O.
12.	S-13	7450-225-11500
13.	S-14	7500-250-12000
14.	S-15	8000-275-13500
15.	S-19	10000-325-15200 U.S.
16.	S-21	12000-375-16500 D.S.
17.	S-23	12000-375-18000
18.	S-24	14300-400-18300 Dir. Secy

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ANNEXURE-C

PRASAR BHARATI
BROADCASTING CORPORATION OF INDIA
DIRECTORATE GENERAL: ALL INDIA RADIO.
CIVIL CONSTRUCTION WING

JOINT AIR SUPERVISOR
Salary Rs. 10,000/-
1/1/2001

No. A-32015/1/2000-CW-I/

New Delhi, the 1.12.2000

ORDER NO. 58/2000

In accordance with the DP&T O.M.No.35034/1/97-Estt.(D) dated 9.8.99, and on the recommendation of the Screening Committee, Shri M.K.Gupta, Junior Engineer (C) who has completed 12 years of service without any promotion is granted financial upgradation, under the ACP Scheme, in the pay scale of Rs.7500-12000/- with effect from 09.08.99.

2. The financial upgradation is granted subject to the condition that the placement in higher pay scale shall not amount to actual/functional promotion of Shri M.K.Gupta.

3. This benefit under ACP Scheme being personal to him, it shall have no relevance to his seniority position and also for stepping up of pay at par with his junior.

4. The pay of the employee will be fixed under FR-22-1(a)(I). The option may be exercised within the stipulated period. The fixation benefit allowed under the scheme shall be final and no pay fixation benefit shall accrue at the time of regular promotion.

29/12

J.T.
2/11

Attended
J.S. Advait

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SE(c)

Guwahati

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5. Grant of higher pay scale under the ACP Scheme shall be conditional to the fact that an employee, while accepting the said benefit, he shall deemed to have given his unqualified acceptance for regular promotion on occurrence of vacancy subsequently. In case he refuses to accept the higher post on regular promotion subsequently, he shall be subject to normal debarment for regular promotion as prescribed in the general instructions in this regard. The period of such debarment will not be counted as eligible service for grant of second financial upgradation wherever applicable under ACP.

6. As the ACP Scheme will now apply to the Junior Engineers of CCW, AIR, the existing scheme of time bound upgradation in pay scale, as is being given to the Junior Engineers on completion of 5 years of regular service, shall cease to exist as per DOP&T's O.M.No. 5034/1/97-Estt. (D) (Vol. IV) dated 10.2.2000. With the introduction of ACP Scheme and the abolition of the existing scheme, the intermediary scale of Rs. 5500-9000/- will not remain in existence. The pay of those Junior Engineers who have been placed in the scale on completion of 5 years service shall now be fixed in the scale of Rs. 5000-8000/-. Fall in the pay resulting due to this pay fixation will be avoided as per the DOP&T's instructions referred to above, by protecting the pay of the existing incumbents by granting them personal pay in the scale of Rs. 5000-8000 to be adjusted against future increments.

7. Further, the financial upgradation is also subject to condition that the eligible Junior Engineers shall get the higher pay scale of Rs. 7500-12000 so long as they are working in Prasar Bharati. However, if they opt for not becoming employees of Prasar Bharati, they will revert to the pay scale of Rs. 6500-200-10,500/- and undertake to refund all the payments including arrears received by them as per Cabinet decision about the upgradation of pay scale of engineering staff in Prasar Bharati. The staff who are getting the financial upgradation under ACP Scheme has to give an undertaking to this effect in the proforma enclosed.

Atul
Jil *Shank*

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8. The above upgradation is subject to post audit and if any over payment is made, the same will be recovered in lumpsum without any notice.

9. This issues with the approval of CEO in consultation with finance.

A. J. S. Uppal
4.12.74
(A.J.S. UPPAL)

ENGINEER OFFICER-I TO CE-I

Copy to:-

1. PS to CEO, Prasar Bharati, New Delhi.
2. PS to DG/E-in-C/DG:AIR.
3. CE-I/CE-II/Chief Architect.
4. Person concerned. (Through concerned SE(C/E)/SSW(C/E).
5. PAD, AIR, New Delhi/Calcutta/Mumbai/Lucknow/Chennai.
6. All SEs(E/C)/All SSW(C/E)/SE(Trg).
7. All EE(C/E)/SWS(E/C)/SW(Vig/P&M).
8. Junior Engineers Association, CCW, AIR, New Delhi.
9. AIR & DOn SC/ST Association, New Delhi.
10. Personal file/Service Book of person concerned.
11. Office Order folder/Guard file.
12. Spare copies 10.

(Signature)
(HARVINDER SINGH)
DY. DIRECTOR OF ADMN.

Attined
File

22-

ANNEXURE-D

PRASAR BHARATI
BROADCASTING CORPORATION OF INDIA
DIRECTORATE GENERAL: ALL INDIA RADIO
CIVIL CONSTRUCTION WING

CW, All India Radio
No. 3764
21/8/2000

No.A-32015/1/2000-CW-I

New Delhi, the 26.07.2000

O R D E R NO. 32/2000

In accordance with the DP&T O.M.No.35034/1/97-Estt.(D) dated 9.8.99, and on the recommendation of the Screening Committee, the following Junior Engineers (C/E) who have completed 12 years of service without any promotion are granted financial upgradation under ACP Scheme in the pay scale of Rs.7500-12000/- with effect from the dates mentioned against their names.

JUNIOR ENGINEERS

1. Existing Pay - Scale : Rs. 5000-150-8000 on initial appointment to be upgraded to Rs. 5500-175-9000 after 5 years regular service
2. Upgraded pay scale to be granted under ACP scheme : Rs 7500-250-12000

S.NO.	NAME	DATE OF JOINING	DATE OF EFFECT OF 1ST ACP
-------	------	-----------------	---------------------------

S/Shri

1.	Jayanta Mukherjee	15.06.83	09.08.99
2.	P.K. Saha	17.06.83	-DO-
3.	P.K.Roy Choudhary	22.06.83	-DO-
4.	V.P. Singh	23.06.83	-DO-
5.	B.K. Chattopadhyay	29.06.83	-DO-
6.	Ram Kumar	26.07.83	-DO-
7.	D.Sen	20.08.83	-DO-
8.	S.N. Guha	20.08.83	-DO-
9.	Manjit Dutta	24.08.83	-DO-
10.	Amitava Dutta	25.08.83	-DO-
11.	Mustaqun-Ud-Din	29.09.83	-DO-
12.	Kashi Ram	04.10.83	-DO-

(DY. DIRECTOR OF PERSONS CONCERNED)

GNT.

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ANNEXURE - E

Government of India
Directorate General: All India Radio
(Civil Construction Wing)

No.A-32013/2/97-CW.I

299

New Delhi, dated the
January 30, 1997.

Subject: Promotion to the grade of Executive Engineer.

.....

Enclosed please find herewith a copy of
Ministry of Information & Broadcasting's Order
No. 7/97-B(D) dated 30.01.1997 on the above
subject for information and necessary action.

2. Charge assumption report may be sent to
this Directorate in duplicate for further necessary
action.

Kishan Pal

(Kishan Pal)
Section Officer
for Director General

✓
Shri. R.C. Das
Executive Engineer (Civil),
Civil Construction Wing,
All India Radio,
Silchar.

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Alia
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Adm to

- 24 - 33
No.302/2/96-B(D)
Government of India
Ministry of Information & Broadcasting
Shastri Bhawan 'A' Wing
New Delhi-110 001

Dated : 30.01.1997

Order No.7/97-B(D)

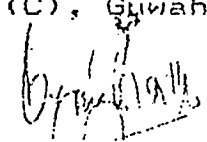
The President is pleased to appoint the following officers officiating in the grade of Assistant Engineer(Civil) /Assistant Surveyor of Works(Civil) (Rs.2000-3500) to officiate in the grade of Executive Engineer(Civil)/Surveyor of Works(Civil) in the pay scale of Rs.3000-4500 in Civil Construction Wing of All India Radio with effect from the date they assume charge of their respective posts as indicated against each ;

S.No.	Name of the officers	Present posting	New Posting and designation
1.	2.	3.	4.
1.	Sh. Sanjiv Batra	AE(C) on long leave	EE(C), Sambalpur
2.	Sh. A.K. Sinha	EO-I to CE-I N. Delhi	EO-I to CE-I N. Delhi
3.	Sh. R.K. Sharma	EE(C), Siliguri	SW(C) SSW-I Unit, N.Delhi
4.	Sh. R.B. Sinha	EE(C), Patna	EE(C), FTII Calcutta
5.	Sh. Anil C. Mathur	SW(C) SSW-I Unit, N. Delhi	EE(C), Jaipur
6.	Sh. A. Vasu Babu	NBH, N. Delhi	NBH, N. Delhi
7.	Sh. N. Sridhar	EE(C), Bhopal	EE(C), Bhopal
8.	Sh. Shiv Pujan Prasad	EE(C)-I, Calcutta	EE(C)-I, Calcutta
9.	Sh. Dinesh Kr. Mishra	ASW(C), Guwahati with CDC as EE(C) Guwahati	EE(C), Guwahati
10.	Sh. R.N. Sharma	SW(P&M) SSW-II Unit, N. Delhi	SW(P&M) SSW-II Unit, N. Delhi
11.	Sh. K.P. Shankaran	EE(C), Bangalore	EE(C), Bangalore

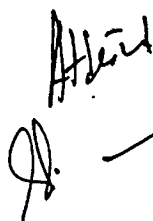
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Attest
[Signature]

1.	2.	3.	4.
12.	Sh. S. R. Mondal	SW(C), SSW-I Unit, N. Delhi	SW(C), SSW-I Unit, N. Delhi
✓ 13.	Sh. R.C. Das	EE(C), Silchar	EE(C), Silchar
14.	Sh. R.M.R. Parthi	SW(C), SSW-III Unit, N. Delhi	SW(C), SSW-III Unit, N. Delhi
15.	Sh. Naresh Kumar	EO-II to CE-I N. Delhi	EE(C), Chandigarh
16.	Sh. A.K. Jain	EE(C), Bareilly	EE(C), Bareilly
17.	Sh. S.C. Arora	SW(QC), SE(Trg) N. Delhi	SW(QC), SE(Trg) N. Delhi
18.	Sh. K.S. Rooprai	EE(C), I.P. Bhawan, N. Delhi	EE(C), I.P. Bhawan, N. Delhi
19.	Sh. A.K. Sarin	EE(C), Chandigarh	EE(C)-II, Soochna Bhawan N. Delhi
20.	Sh. N.B.A. Khan	EE(C), Madras	EE(C), Madras
21.	Sh. G.J. Chandekar	EE(C), Pune	EE(C), Pune
22.	Sh. P. Pullaiah	ASW(C), Hyderabad	EE(C), Itanagar
23.	Sh. U. Raju	AE(C), Tirupathi	EO-II to CE-I N. Delhi
24.	Sh. S N. Das	ASW(C), Calcutta Circle-I	EE(C), Siliguri
25.	Sh. E. Khongwir	SW(C), Guwahati	SW(C), Guwahati


 (Vijay Sharma)
 Under Secretary to the Govt. of India
 Ph : 3384754

Contd....37--


 Admte

-26-

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-: 3 :-

Copy to :

1. P&AO(IRLA), Min. of I&E, AGOR Bldg., N. Delhi.
2. P&AO, AIR (All concerned stations)
3. Dte. General, All India Radio, N. Delhi
4. Dte. General, Doordarshan, N. Delhi
5. E-in-C, AIR & E-in-C, Doordarshan, N. Delhi
6. Chief Engineer-I, CCW:AIR, PTI, Bldg., N. Delhi
7. Vigilance Section, Min. of I&E & DG:AIR, N. Delhi
8. Officers concerned (through CCW)
9. Secretary, UPSC (attn. Sh. S.K. Arora, US), with ref. to the Commission's letter No.1/19(2)/96-AU.6, dated 13.1.1997.
10. Order folder.
11. Spare copies(20).

(Vijay Sharma)

Under Secretary to the Govt. of India

@@

Attested
By
Date

From,
Shri A.K.SARKAR
Assistant Surveyor of works
Civil Construction Wing,
All India Radio,
Dr. P.Kakoti Building, 1st Floor,
Ganeshguri Chariali
Guwahati - 781006.

To,
The Chief Engineer - I.
Civil Construction Wing,
All India Radio,
Soochna Bhawan,
Lodhi Marg,
New Delhi - 110003.

Sub: Request for grant of 2nd ACP in favour of Shri A.K.Sarkar, ASW,
(I.R.I.A. no - 10518).

Sir,

With due respect and humble submission I beg to state that I joined in this department as Sectional Officer(Civil) on 13.03.1974 (Joining date) and subsequently I was promoted as The Assistant Engineer on 25.11.1983. I have already completed twelve years service in the present cadre as on 24.11.1995.

Presently I have completed twenty four ^{years} of service on March 98. As per Deptt. Of Personnel and training, Union of India O.M. no 15041/1/97-Estt. Dt. 09.08.99 I am entitled to get the 2nd ACP w. e. f. March 98. Moreover I have yet complete 30 years of service by next 12.03.2004

In view of the above it is requested to kindly take necessary action to grant the ACP and fix my pay in the next higher scale of Rs. 10,000 - 325-15,200 since Mar 98.

Thanking you sir.

Yours faithfully

(Signature)

(A.K.SARKAR)

Date: 04.12.2003

Assistant Surveyor of works
CCW: AIR :: Guwahati
(I.R.I.A. no - 10518)

Copy to :

1. The Chief Executive Officer, Prasar Bharati, P. U. I. Building, 2nd floor, Parliament Street, New Delhi for favour of kind information and necessary action please.
2. The Superintending Surveyor of Works - II Civil Construction Wing, All India Radio, Soochna Bhawan, Lodhi Road, New Delhi - 110003 for information and necessary action please.
3. The Superintending Engineer, Civil Construction Wing, All India Radio, Dr. P. Kakoti Building, 1st floor, Ganeshguri Chariali, Guwahati - 781006. for information and necessary action please.

(Signature)

(A.K.SARKAR)

Assistant Surveyor of works

(Handwritten notes and signatures)

Y

1 5 DEC 2004

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

ORIGINAL APPLICATION NO. 121 OF 2004

IN THE MATTER :-

Shri Alok Kumar Sarkar

... Applicant

- VS -

Union of India & others.

... Respondent

Written Statement for and on behalf of Respondents
No.1 to 5

I, V. K. Chaudhary, Superintending Engineer(Civil),
Civil Construction Wing, All India Radio, Guwahati do
hereby solemnly affirm and lay as follows :-

1. That I am the Superintending Engineer(Civil), CCW, All India Radio, Guwahati and Respondent No.5 in the above case and as such fully acquainted with the facts and circumstances of the case. I have gone through a copy of the application and have understood the contents thereof save and exempt whatever is specifically admitted in the Written Statement, the other contentions and statement may be deemed to have been denied. I am authorized to file this Written Statement on behalf of all the respondents.

Para 1: The respondents beg to offer no comments.

Para 2: The respondents beg to offer no comments.

Para 3: The respondents beg to offer no comments.

Para 4: Facts of the case.

Para 4.1: The respondents beg to state that this is matter of record.

Para 4.2: The respondents beg to state that this is matter of record.

Para 4.3: The respondents beg to state that this is matter of record.

Para 4.4: The respondents beg to state that this is matter of record.

Para 4.5: The respondents beg to state that this is matter of record.

Para 4.6: The respondents beg to state that this is matter of record.

Union of India & others - Respondent
through
Group Manager
Adm. Central Govt. Standing Council
15/12/04 C. A. T.
Guwahati

✓

Para 4.7: With regard to the statement made in paragraph 4.7 of the application, the respondents beg to state that on the advice of the Ministry, the matter regarding grant of ACP to Asstt. Engineers had to be kept pending till the issue of grant of higher scale of Rs.7500 to Rs.12000/-, granted by Prasar Bharati to AEs, instead of the pay scale of Rs.6500 to Rs.10500/- granted by Pay Commission to AEs, was resolved. Subsequently, this matter had to be further kept pending till the settlement of various court cases filed by Diesel Technicians/Programme staff Association, demanding higher pay scale at par with the upgraded pay scales granted to certain cadres by Prasar Bharati, as mentioned above. Thus, because of the reasons as explained above, the applicant as well as other similarly placed employees, could not be granted the ACP benefit as prayed for in the OA. the clarification was necessary as the AEs have already been granted upgraded revised scale w.e.f. 1-1-96. However, the matter has now been resolved in consultation with DOP&T and the Govt. has agreed to grant the financial upgradation under the ACP to all eligible Asstt. Engineers including the applicant. The case of all the eligible AEs for grant of pay scale of Rs.10,000- Rs.15,000/- are being processed as per the provisions of ACP scheme and the instructions of the Govt.

Para 4.8: The respondents beg to state that the statement made in Para 4.7 of the Written Statement is reiterated.

Para 4.9: The respondents beg to state that the statement made in Para 4.7 of the Written Statement is reiterated.

Para 4.10: The respondents beg to state that the statement made in Para 4.7 of the Written Statement is reiterated.

Para 4.11: The respondents beg to state that the statement made in Para 4.7 of the Written Statement is reiterated.

39

Para 4.12: The respondents beg to state that the statement made in Para 4.7 of the Written Statement is reiterated.

Para 4.13: The respondents beg to state that the statement made in Para 4.7 of the Written Statement is reiterated.

Para 5:1 The respondents beg to state that the statement made in Para 4.7 of the Written Statement is reiterated.

Para 5:2: The respondents beg to state that the statement made in Para 4.7 of the Written Statement is reiterated.

Para 5:3: The respondents beg to state that the statement made in Para 4.7 of the Written Statement is reiterated.

Para 5:4: The respondents beg to state that the statement made in Para 4.7 of the Written Statement is reiterated.

Para 5:5: The respondents beg to state that the statement made in Para 4.7 of the Written Statement is reiterated.

Para 5:6: The respondents beg to state that the statement made in Para 4.7 of the Written Statement is reiterated.

Para 5:7: The respondents beg to state that the statement made in Para 4.7 of the Written Statement is reiterated.

Para 6: That with regard to the statement made in paragraph 6 of the application, the respondents beg to offer no comments.

Para 7: The respondents beg to offer no comments.

Para 8: The statement made in para 4.7 of the Written Statement is reiterated. However, in respect of Para 8.3, it may be stated that there is no valid and legitimate case for paying cost of the application to the applicant, in view of the reasons explained against para 4.7. above.

Para 9: The respondents beg to offer no comments.

Para 10: The respondents beg to offer no comments.

Para 11: The respondents beg to offer no comments.

Para 12: The respondents beg to offer no comments.

4

VERIFICATION

I, Shri V.K. Chaudhary, Superintending Engineer(Civil), Civil Construction Wing, All India Radio, Guwahati being authorized to hereby solemnly affirm and verify that, the statements made in paragraph 1 of the written statement are true to my knowledge and those made in paragraphs 4.1 to 4.6 being matters of record are true to my information and I have not suppressed any material fact.

And I sign this verification on this 8th th day of December, 2004 at Guwahati.


DEPONENT

Crtcase/AKs/11-14