

**CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH**

**ORIGINAL APPLICATION NO.170/00629/2017**

**DATED THIS THE 14<sup>th</sup> DAY OF FEBRUARY, 2019**

**HON'BLE DR.K.B.SURESH, JUDICIAL MEMBER**

**HON'BLE SHRI C.V.SANKAR, ADMINISTRATIVE MEMBER**

Usha B.Patil  
Announcer  
All India Radio, Gulbarga  
Resident of : House No.45, Gunj Colony  
Kalburgi (Gulbarga)-585103.

....Applicant

(By Advocate Shri N.Obalappa)

Vs.

1. The Union of India  
Represented by its Secretary  
Ministry of Information and Broadcasting  
'A' Wing, Shastry Bhavan  
New Delhi-110 001.
2. The Chief Executive Officer  
Prasar Bharati, I "C" Tower  
Doordarshan Bhavan  
Copernicus Marg  
Mandi House  
New Delhi-110 001.
3. The Director General  
All India Radio, Akashvani Bhavan  
Parliament Street  
New Delhi-110 001.
4. The Station Director/Head of Office  
All India Radio  
Gulbarga-585103.

...Respondents

(By Advocate Sri K.Gajendra Vasu)

**ORDER**

**(PER HON'BLE SHRI C.V.SANKAR, MEMBER (ADMN))**

The applicant has filed the present OA seeking the following relief:

- a. *To quash Annexure-A6 dtd.29.10.2014 with Grade Pay of Rs.4800/- & Annexure-A7 dtd.9.6.2015 with Grade Pay of*

*Rs.5400/-(Impugned orders) which are contrary to Annexure A5 dtd.4.9.2013 issued by the 3<sup>rd</sup> respondent.*

- b. Call for records leading for not granting the 2<sup>nd</sup> ACP in hierarchical the pay scale of Rs.10000-15200 with Grade Pay of Rs.6600/- w.e.f.27.10.2007 and for not granting of 3<sup>rd</sup> MACP after 30 years of service with Grade Pay of Rs.7600/- vide Annexure-A3 dtd.19.05.2009.*
- c. To direct the respondents to grant the 2<sup>nd</sup> ACP with Grade Pay of Rs.6600/- w.e.f. 27.10.2007 vide Annexure-A5, dtd.4.9.2013 & 3<sup>rd</sup> MACP with Grade Pay of Rs.7600/- w.e.f. 27.10.2013 vide Annexure-A3 dtd.19.05.2009 and to pay all the consequential benefits of the arrears of pay & allowances, revision of pay etc. as per the draft pay fixation statement supported by the applicant at Annexure-A9 after due verification by the respondents.*

2. The facts leading to the case are as follows:

The applicant was declared as Government servant as Announcer w.e.f.

27.10.1983(Annexure-A1). Thereafter she got 1<sup>st</sup> ACP w.e.f. 9.8.1999. The

3<sup>rd</sup> respondent vide communication dtd.4.9.2013(Annexure-A5) clarified that

Announcers who are recruited in the pre-revised pay scale of Rs.5000-8000

and completed 24 years of regular service on a date between 1.1.2006 and

31.8.2008, will be allowed 2<sup>nd</sup> financial upgradation in GP of Rs.6600 subject

to fulfilment of promotion norms(after framing of Recruitment Rules(RRs)

post- merger). The applicant submits that 4<sup>th</sup> respondent vide order

dtd.29.10.2014 granted 2<sup>nd</sup> ACP with Grade Pay(GP) of Rs.4800 w.e.f.

27.10.2007 instead of granting the 2<sup>nd</sup> ACP vide order

dtd.4.9.2013(Annexure-A5) with GP Rs.6600, hence the 2<sup>nd</sup> ACP order

dtd.29.10.2014(Annexure-A6) is liable to be set aside. She got 3<sup>rd</sup> MACP

OA.No.170/00629/2017/CAT/Bangalore Bench again wrongly with GP of Rs.5400 w.e.f. 27.10.2013(Annexure-A7) instead of granting GP Rs.7600 after completion of 30 years of service by 27.10.2013. She submitted a representation dtd.28.12.2016(Annexure-A8) requesting the 3<sup>rd</sup> respondent for grant of ACP & MACP on hierarchy of promotion pay scales which has not been considered. Aggrieved by the same, the applicant filed the present OA.

3. The respondents have filed reply statement wherein they submit that the applicant joined as Staff Artist/Announcer on contractual terms w.e.f. 27.10.1983 in the revised pay scale of Rs.5000-8000(revised to GP Rs.4200 by 6<sup>th</sup> CPC) and she was granted promotion to Announcer(Senior Grade) w.e.f.25.06.1990 in the revised pay scale of Rs.5500-9000 vide order dtd.26.9.1990. Therefore, she became eligible for 2<sup>nd</sup> financial upgradation under ACP scheme w.e.f. 27.10.2007 after completion of 24 years of service. Accordingly, she was granted 2<sup>nd</sup> ACP in the pay scale of Rs.6500-10500(revised to grade pay of Rs.4600) vide order dtd.29.10.2014. She failed to bring the fact that she was granted promotion to Announcer(Senior Grade). In the meantime, on the recommendations of 6<sup>th</sup> CPC, the pay scale of Rs.5000-8000 and Rs.5500-9000 were merged into GP Rs.4200. Based on this, the DOP&T issued clarification dtd.4.9.2013 for the question “what would be 2<sup>nd</sup> financial upgradation for employee recruited in the scale Rs.5000-8000, who has completed 24 years of regular service on 12.4.2007 (between 1.1.2006 and 31.8.2008)” that “since the pre-revised pay scale Rs.6500-10500 & Rs.7450-11500 have been merged and placed in PB-2 with GP Rs.4600, 2<sup>nd</sup> financial upgradation would be allowed in the GP of Rs.6600,

OA.No.170/00629/2017/CAT/Bangalore Bench subject to fulfilment of promotional norms (after framing of RRs post-merger) as stipulated in condition no.6 of Annexure-I ACPS dtd.9.8.1999, in terms of clarification given on point of doubt No.1 of ACPS dtd.10.02.2000. Accordingly, the applicant is not entitled to get upgradation in the GP Rs.6600. The order is applicable only after the framing of RRs post-merger. However, in Announcer cadre there has been no merger till date. Although the proposal to merge the grades were initiated, the same was not approved by the competent authority. The cadre remains as 4-grades cadre as Announcer Gr-IV with scale of Rs.5000-8000(revised to GP Rs.4200), Announcer Gr-III with scale of Rs.5500-9000(revised to GP Rs.4200), Announcer Gr-II with scale of Rs.6500-10500(revised to GP Rs.4600) and Announcer Gr-I with scale of Rs.10000-15200(revised to GP Rs.6600). Therefore, since the applicant has already been granted 2<sup>nd</sup> financial upgradation as per the available hierarchy of Announcer cadre in the scale of Rs.6500-10500 (revised to GP of Rs.4600 as per 6<sup>th</sup> CPC) as per ACP Scheme and 3<sup>rd</sup> financial upgradation as per MACP Scheme in GP Rs.5400 w.e.f. 27.10.2013 on completion of 30 years of service, she is not entitled to get upgradation in the Grade Pay of Rs.6600/- and is not entitled for any other upgradation under ACP/MACP Scheme. The order dtd.29.10.2014 has been rightly issued and implemented.

4. The applicant has filed rejoinder wherein she submits that the 1<sup>st</sup> promotion is adjusted against the 1<sup>st</sup> ACP granted vide order dtd.29.10.2014(Annexure-A6) with GP Rs.4600 and for 24 years of service without any promotion, she is entitled for 2<sup>nd</sup> ACP in the pay scale of Rs.10000-15200 with GP Rs.6600 and for 30 years of service, she is entitled for 3<sup>rd</sup> MACP w.e.f. 27.10.2013

OA.No.170/00629/2017/CAT/Bangalore Bench with GP Rs.7600/-. It is further submitted that Ministry of Finance vide order dtd.13.11.2009(Annexure-A10) had merged the pay scales of Rs.5000-8000, Rs.5500-9000 & Rs.6500-10500 and upgraded to Rs.7450-11500 and hence the post-merger issue is also settled. With regard to the query that what would be 2<sup>nd</sup> financial upgradation for employee recruited in the scale Rs.5000-8000, who has completed 24 years of regular service on 12.4.2007 (between 1.1.2006 and 31.8.2008), the respondents have rightly considered in Annexure-I of ACP OM dtd.9.8.1999 that since the pre-revised pay scale Rs.6500-10500 & Rs.7450-11500 have been merged and placed in PB-2 with GP Rs.4600, 2<sup>nd</sup> financial upgradation would be allowed in the GP of Rs.6600. Accordingly, the applicant is entitled to be granted 2<sup>nd</sup> ACP in the pay scale of

Rs.10000-15200 with GP Rs.6600 after completion of 24 years of service and 3<sup>rd</sup> MACP with GP Rs.7600/- w.e.f. 27.10.2013 after completion of 30 years of service with all the consequential service benefits.

5. The respondents have filed additional reply statement reiterating the points already made in the main reply and submit that the applicant who got one promotion as Announcer Grade-III in the pay scale of Rs.5500-9000/- w.e.f. 25.6.1990 was entitled to 2<sup>nd</sup> upgradation w.e.f. 27.10.2007 in the pay scale of Rs.6500-10500/- equivalent to the post of Announcer Grade-II. As the pay scales of Rs.5000-8000 and Rs.5500-9000 were merged into PB-2 and Grade Pay Rs.4200/- under 6<sup>th</sup> CPC, the applicant was granted one upgradation w.e.f. 1.1.2006 in GP Rs.4600 and further upgraded to GP Rs.4800 w.e.f.

OA.No.170/00629/2017/CAT/Bangalore Bench  
27.10.2007 in accordance with DOPT instructions. The applicant is not entitled to the pay scale of Rs.10000-15200/- for 2<sup>nd</sup> ACP as it is the pay scale of Announcer Grade-I.

6. Heard the Learned Counsel for both the parties and gone through the records and written arguments note filed by the applicant in detail. We find that the applicant was deemed as Civil Government Servant w.e.f. 27.10.1983. We also find that the applicant has not made any mention about the first promotion as Announcer(Senior Grade) given to her on 25.6.1990 in her original application but later admitted the same in her rejoinder to the reply of the respondents. Considering this, the financial upgradation under ACP was given w.e.f. 1.1.2006 in the pay scale of Rs.6500-10500(Revised to GP Rs.4600) and w.e.f. 27.10.2007 with pay band 9300-34800 with GP of Rs.4800/- vide order dtd.29.10.2014. After the introduction of MACP Scheme, the applicant was granted the 3<sup>rd</sup> MACP with the Grade Pay of Rs.5400 w.e.f.27.10.2013 on completion of 30 years of service. The applicant has sought to make a point that she has already fulfilled the conditions relating to entitlement of further grant of 2<sup>nd</sup> ACP with Grade Pay of Rs.6600 on the basis of the respondents' letter dtd.4.9.2013(Annexure-A5) that such entitlement would be allowed subject to fulfilment of promotional norms after framing of RRs post-merger as prescribed therein. The applicant would claim that the Ministry of Finance OM dtd.13.11.2009(Annexure-A10) relating to merger of posts in various pay scales would suffice so far as the condition relating to the merger of posts as mandated by the respondents' letter dtd.4.9.2013 is concerned. The respondents have maintained that the various grades of Announcers are still continuing and there has been no merger as such and no new RRs have been framed for these posts. This is the position

OA.No.170/00629/2017/CAT/Bangalore Bench as it is today and therefore, the contention of the applicant that the merger issue has been settled cannot be accepted. As has been made out by the respondents, the applicant is clearly not entitled for any further upgradations.

7. Considering the above, the OA deserves to be dismissed and therefore, it is ordered accordingly. No costs.

(C.V.SANKAR)  
MEMBER (A)

(DR.K.B.SURESH)  
MEMBER (J)

/ps/

**Annexures referred to by the applicant in OA.No.170/00629/2017**

- Annexure-A1: The applicant declared as Govt. servant w.e.f. 27.10.1983 vide order No.Glb.19(1)/93-S dtd.19.07.1993
- Annexure-A2: The DOPT OM No.35034/1/197 Estt(D) dtd.09.08.1999 ACP Scheme
- Annexure-A3: The DOPT OM 35034/3/2008 Estt(D) dtd.19.5.2009 the applicant is entitled for ACP benefits
- Annexure-A4: The 3<sup>rd</sup> respondent vide communication No.6/1/2013-S-VIII/23 dtd.17.01.2013 issued clarification towards the 1<sup>st</sup> ACP for Announcers
- Annexure-A5: The 3<sup>rd</sup> respondent vide communication No.6/1/2013/S-VIII/402 dtd.4.9.2013, clarified the entitlement of 2<sup>nd</sup> ACP to Announcer Grade-IV
- Annexure-A6: The 4<sup>th</sup> respondent by order No.GLB 10(2)2012-S dtd.29.10.2014 granted 2<sup>nd</sup> ACP to the applicant
- Annexure-A7: The 4<sup>th</sup> respondent vide order No.GLB 10(2)2015-S dtd.09.6.2015 granted 3<sup>rd</sup> MACP to the applicant
- Annexure-A8: The applicant submitted a representation dtd.28.12.2016 to consider the 2<sup>nd</sup> ACP & 3<sup>rd</sup> MACP admissible to her
- Annexure-A9: The applicant submits a draft pay fixation statement from 27.10.1983

to 1.7.2017

**Annexures with reply statement:**

-NIL-

**Annexures with rejoinder:**

Annexure-A10: Copy of the order dtd.13.11.2009

**Annexures with additional reply statement:**

Annexure-R1: D/o Expenditure OM dtd.13.11.2009

Annexure-R2: DG:AIR letter dtd.5.12.2013

Annexure-R3: MIB letter dtd.5.4.2018

Annexure-R4: DOPT clarifications

**Annexures with written arguments note filed by the applicant:**

Annexure-A11: Copy of the DOPT OM clarification dtd.10.2.2000

Annexure-A12: Copy of the 3<sup>rd</sup> respondent letter dtd.9.12.2013

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