

प्रसार भारती PRASAR BHARATI
भारत का लोक सेवा प्रसारक INDIA'S PUBLIC SERVICE BROADCASTER
आकाशवाणी महानिदेशालय DIRECTORATE GENERAL : ALL INDIA RADIO
आकाशवाणी भवन : नई दिल्ली AKASHVANI BHAWAN : NEW DELHI

No. 8/9/2022-S.IV(B)/414

November 21, 2022

Subject : Non Effecting DG:AIR Communication No. 15/15/2022-S.IV(B)/237 dated 30/06/2022 in compliance of an interim order dated 28/10/2022 passed by the Hon'ble CAT, Principal Bench in OA No. 2647/2022 in the matter of Association of Radio & Television Engineering Employees (ARTEE) Vs UoI & Ors.

Reference is invited towards this Directorate's letter No. 15/15/2022-S.IV(B)/237 dated 30/06/2022, wherein a clarification regarding counting of promotion from Engineering Assistants to Senior Engineering Assistants as one upgradation under Modified Assured Career Progression was issued to the Senior Accounts Officer, Pay & Account Office, All India Radio (PAO), Mumbai under intimation to all the PAOs under Prasar Bharati.

2. The Hon'ble Principal Bench of CAT, by way of an interim order dated 28/10/2022 has given interim stay on operation of the aforementioned communication till the next date of hearing i.e. 20/12/2022 (copy enclosed) and directed that no recovery shall be effected from the applicants pursuant to the aforesaid order till the disposal of this OA. It is, therefore, requested that the implementation of the said communication dated 30/06/2022 shall not be effected until further orders.

3. This issues with the approval of the CEO, Prasar Bharati.

Encl. : As above


21.11.2022

(Narendra Sharma)

Deputy Director Administration (E)

The Senior Accounts Officer,
Pay & Accounts Office,
All India Radio,
Mumbai – 400020

Copy to :

1. All the PAOs under Prasar Bharati
2. Sh Sanjay Dhar, US BAE, MIB, New Delhi.
3. Sh. B.S. Rawat, Advocate A-14-S Delhi Police Apartments, Mayur Vihar – I, Delhi – 110091

**CENTRAL ADMINISTRATIVE TRIBUNAL
61/35, COPERNICUS MARG, NEW DELHI-110001**

Order Sheet

Item no.: 39
O.A./2647/2022 (DELHI)
[UPGRADATION]
Court No.: 2

No of Adjournment: 3

Order Dated: 28/10/2022

**ASSOCIATION OF RADIO AND TELEVISION ENGINEERING EMPLOYEES ARTEE
THROUGH ITS PRESIDENT HARI GOPAL SHARMA
Vs
PRASAR BHARTI**

For Applicant(s) Advocate : Dr. Ashwani Bhardwaj

For Respondent(s) Advocate : Mr. B. S. Rawat

Order of The Tribunal

The applicants in the instant matter are aggrieved by Communication/Order dated 30.06.2022 bearing the following subject:-

"Clarification regarding refixation/recoveries on grant incorrect MACP."

Learned counsel for the applicants draws our attention to the order passed by the Hon'ble High Court of Delhi in W.P. (C) No. 8712/2018 pointing out that the impugned communication is in contravention to the position taken by the respondents before the Hon'ble High Court of Delhi in the aforesaid Writ Petition. He submits that the respondents have already started effecting recovery from the applicants and in case his prayer for interim relief is not allowed, the entire O.A. is likely to become infructuous, and also create complications by way of the claim of the applicants in future if they were to succeed in the same. He vehemently argues that his prayer for interim relief was heard on 26.09.2022, wherein the respondents were allowed adequate time to file a short reply which they failed to do. Thereafter, the case came up for hearing on 18.10.2022, further time of one week was granted to the respondents and today, they

are obliged to file a reply or to submit their arguments on appropriate instructions.

On the other hand, learned counsel for the respondents points out that the brief has been assigned to him very recently and today for the first time, he has put in appearance in the present matter, and accordingly, in all fairness seeks reasonable time to seek instruction to file the short reply.

While allowing learned counsel for the respondents four weeks' time to file reply to the O.A. and further two weeks, thereafter, to file rejoinder to the applicants, we have to take into consideration the fact that on two previous occasions, the issue has come up before us and we have not considered interim relief only on account of allowing fair opportunity to the respondents to responded to the same. We are of the considered view that in case, consequential action upon the impugned order is not stayed, the applicants' prayer in the O.A. may become infructuous. On the other hand, if action on the impugned communication is stayed, no prejudice is likely to be caused to the respondents. Accordingly, by way of the present Interim Order, the respondents are directed not to give effect to for any purpose whatsoever, to the impugned Communication No.16/15/2022-S.IV(B)237 dated 30.06.2022 till the next date of hearing.

It is further clarified that henceforth no recovery shall be effected from the applicants pursuant to the aforesaid Order, till the disposal of this O.A.

List the matter on 20.12.2022.

Tarun Shridhar
Member (A)

R. N. Singh
Member (J)

/yaksh/