



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

General Secretary
Mob.: 9450395298, 9695976376
E-mail : aniddkko@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

www.adteaindia.com

पोस्ट बाक्स नं० 736

Post Box No. 736

नई दिल्ली-110001

New Delhi-110001

Date: 03.12.2018

Ref. No.: ADTEA/2018/066

To,
Shri. Amit Khare (IAS),
Secretary to the Govt. of India,
Ministry of Information & Broadcasting,
Shastri Bhawan, New delhi-110001



Subject: Request to amend the Gazette Notification of 1979 (amended in 1986 also) of Engineering Assistant for pre 05.10.2007 recruitee, as per the prasar Bharti Amendment act 2012.

Respected Sir,

We most humbly request to His Excellency Hon'ble President of India, to exercise the power conferred by provision of article 309 of the Constitution of India, for the following Amendment in the Recruitment Rules, 1979, of Engineering Assistant who are working in Prasar Bharti as Central Govt. Employee on deemed deputation :-

1. **Revision of scale of Engineering Assistants in The Gazette of India-**

Scale of Engineering Assistant should be revised to Rs. 2000-60-2300-75-3200 (in IVth CPC); Rs. 6500-200-10500 (in Vth CPC) ; Rs. 9300-34800, G.P.RS 4600, PB-2 (in VIth CPC) due to following reasons.

a. That is, Govt. revised the pay scale of Engineering Assistant to Rs. 2000-32000 through MIB order No. 310/15/93-B(D) dated 15.05.1995, at par with Sound Recordist after the Hon'ble Apex Court order dated 25.11.1994, upheld the CAT, Madras Judgement passed in O.A. No. 654/89 dated 29.6.90. (Copy of MIB order as Annexure 01)

b. That is, 5th CPC proposed to down grade the pay scale of Sound Recordist and thereby the same to Engineering Assistant.

(Copy of Para 73.16 of proposal regarding EA as Annexure 02)

c. That is, Govt. had out rightly rejected above proposal of 5th CPC regarding EA through Govt. of India resolution vide letter no.: G.I.M.F no.: 50(1)/IC/97 dated 30/09/1997, and matter of scale of Engineering Assistant had been referred to the committee of Secretaries for examination through Fast Track Mechanism. Resolution further states that during the

Anil Gupta
03/12

ADTEA ZONAL HEADQUARTERS :-

EAST ZONE
P.B. No. 2607
Kolkata-700001

NORTH ZONE
P.B. No. 736
N.D.-110001

NORTH EAST ZONE
P.B. No. 123
Guwahati-781001

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

WEST ZONE
P.B. No. 11048
Mumbai-400020

pendency "normal replacement scale will apply" for EA.

(Copy of Govt. Resolution as Annexure-3, Para-2&8)

- d. That is, On the basis of recommendation of Fast track Committee, DOP&T (Govt. of India) submitted a note to restore the Pay Scale of Engineering Assistant, by protecting the pay scale instead of pay as recommended by Pay Commission and finally cabinet approved the note in its meeting dated 06.11.1997. Copy of relevant portion of the MIB communication I. D. No.310/173/97-B(D) dated 05.01.98 is given below.

13. On the basis of recommendations of the Fast Track Committee, the Department of Personnel and Training submitted a note for consideration of the Cabinet recommending that while other categories may draw the pay scales as recommended by the Pay Commission, the existing incumbents in the Grade of Engineering Assistants may be given protection of the pay scale instead of pay as recommended by the Pay Commission. The Cabinet considered the note in its meeting on 6th November, 1997 and decided that Minister for Information and Broadcasting, in consultation with the Ministry of Finance and Ministry of Personnel, Public Grievances and Pensions, may take appropriate decision in the matter.

- e. That is, On dated 16.04.2001, vide office order No. 13/2001-SI(A) from file No. 37/2/99-SI(A), DG:DD granted the revised pay scale of Rs.6500-10500 to incumbent Sound Recordists on personal basis w.e.f 1.1.96 with the approval of Ministry of Finance, Dept. of Expenditure (IC) and concurrence of IFD of MIB. (Annexure-4)
- f. That is, The PB CAT Delhi in DEEWA case, OA1867/1998, granted the pay scale of Rs.6500-10500 as normal replacement scale of Rs.2000-3200 (of 4th CPC) to -incumbent EA- which was upheld by Apex court. (Annexure-5)
- g. That is, in terms of Article 14 of The constitution of India, DG: AIR, in concurrence with MOIB, has extended the Pay Scale of Rs. 6500-10500 to all the Engineering Assistants recruited up to 05.10.2007 being Central Govt. employees due to various court orders. (order No. 314/66/2015-S-IV(A)/60 dated 15.01.2016 as Annexure-6)
- h. The 5th CPC recommended the single pay scale of Rs. 6500-10500 (S-12) after the rationalisation of the two scales i.e. 2000-3200 & 2000-3500.

The above development, of pre 05.10.2007 recruited Engineering Assistants, clearly states that the scale of Engineering Assistant should be revised to Rs. 2000-60-2300-75-3200 (in IVth CPC); Rs. 6500-200-10500 (in Vth CPC) ; Rs. 9300-34800, G.P.RS 4600, PB-2 (in VIth CPC) in The Gazette of India.

Dr. G. P. S.
05/12

2. **Revision of status of Engineering Assistants in The Gazette of India-**

Status of the Engineering Assistant should also be changed to **“General Central Services, Group B, non-Gazetted, non-ministerial”** as the revised scale i.e. Rs. 2000-32000 belongs to the group B non- gazetted officials.

Though a court's verdict has to be implemented *suo motu* in case of all similarly situated employees without forcing every one of them to approach courts of law for the same relief, the Ministry of I&B has always been trifling with the judgments if it belonged to subordinate engineering employees. On the contrary, the Ministry has been implementing the CAT judgments in individual cases to all of the officers and to all the cadres if it belonged to Class A officers, also amended the RRs through Gazette Notification in 2013 for group ‘A’ posts (named Indian Broadcasting (Engineers) Service (Amendment) Rules, 2013), without filing any review application or challenging in higher courts.

Hence, a similar action is humbly requested in Engineering Assiatant cadre, pending from long time, for the amendment in Gazette notification of 1979, for the above two entries i.e. **revision of scale and status of Engineering Assistants in “The Gazette of India”**, as explained.

Thanking you sir.

Encls.: (06) as stated above.
total (25) pages including application.

Sincerely Yours



(Anil Kumar Gupta)

General Secretary

Ph. 9695976376

Annexure (1)

No.310/15/93-B(D)
Government of India
Ministry of Information and Broadcasting

New Delhi, the 15th May, 1995

To
Director General,
All India Radio,
NEW DELHI.

Director General,
Doordarshan,
NEW DELHI.

SUBJECT:- Revision of pay scale in respect of
Engineering Assistant of AIR and
Doordarshan in pursuance of Supreme Court
orders dated 25.11.1994.

Sir,

I am directed to say that in pursuance of the
(Hon'ble) Judgement of the Supreme Court in Civil Appeal Nos. ____ /94
dated 25.11.94 upholding the CAT, Madras judgement
passed on O.A. No. 654/89 dated 29.6.90, the President
is pleased to revise the pay scale for the post of
Engineering Assistant as follows:

<u>Name of the post</u>	<u>Revised Scale of pay (in Rs)</u>	<u>Effective from</u>
Engineering Assistant	550-900	1.1.1978
- do -	2000-3200	1.1.1986

2. The officers who held and are holding above mentioned grades during the respective period are entitled to the benefit of arrears of pay as a result of this revision and refixation with effect from the dates as mentioned in the para (1) above.

3. This issues with the concurrence of Integrated Finance Branch of the Ministry vide their U.O. No.791/95-Fin-¹ dated 15.5.1995.

Yours faithfully,



(SHYAMALIMA BANERJEE)
UNDER SECRETARY TO THE GOVT. OF INDIA
Tel: 38 79 30

Contd...p..2/-

73.16 A demand has been made for upgradation of the posts of Senior Engineering Asstts (Rs.1640-2900) and Asstt Engineer (Rs.2000-3500) in view of the upgradation of the scale of Engineering Assistant to Rs. 2000-3200. We have recommended elsewhere the scale of Rs.1600-2660 for Sound Recordists. We recommend that the same scale be extended to the Engineering Asstts in order to maintain the existing parity between the Sound Recordists and Engineering Asstts. The Engineering Asstts on promotion as Sr.Engineering Asstts be given the present scale of Sr.Engineering Asstts i.e.Rs.1640-2900. Similarly the post of Asstt Engineer may continue in the existing scale of pay of Rs.2000-3500 and be given the replacement scale thereof. However, the existing pay of Engineering Assistants as given pursuant to the Court's order will be fully protected and will be personal to them only.

Other Demands

73.17 The other demands relate to upgradation of Technician (Rs. 1200-1800) to be at par with the Lighting Asstt (Rs. 1400-2300) of Camera Wing on grounds of similar duties and responsibilities, merger of the posts of Diesel Technician (Rs.1320-2040) with Sr.Technician (Rs.1320-2040), and Diesel Engine Driver (Rs.950-1500) with Technician (Rs.1200-1800), merger of Mast Technician (Rs.1320-2040) with the cadre of Technician Gr.II (Rs.1320-2040) to remove stagnation, and removal of qualification bar on promotions from Sr.Engineering Asstt to Asstt Engineer and further from Asstt Engineer to Asstt Station Engineer (Rs.2200-4000).

Our recommendations

73.18 In so far as the demand relating to parity between Technician and Lighting Asstt is concerned, we feel that it would unduly disturb the existing grade structure of the Technicians cadre. Since restructuring of the cadre is already under process in the Ministry, we do not recommend the demand. The post of Technician will, however, get the scale of Rs.1320-2040 on account of rationalisation. As for merger of the posts, we recommend the merger of the posts of Diesel Technician, Mast Technician and Technician, which will now all be in the scale of Rs.1320-2040. These posts may be designated as Technician Grade II and the existing Senior Technicians may be re-designated as Technician Grade I. We do not, however, recommend merger of the Diesel Engine Drivers in AIR with the Technicians in AIR and Doordarshan. Keeping in view their pay scales, we recommend that Diesel Engine Driver (Rs.950-1500) should be a feeder cadre to Technician (Rs.1320-2040). This will rationalise the cadre structure and bring these posts in the mainstream of the cadre of Technicians in AIR and Doordarshan. The nomenclature of the posts in the re-structured cadre may be as under:-

EXISTING STRUCTURE	PROPOSED STRUCTURE	REMARKS
--------------------	--------------------	---------

GOVERNMENT'S RESOLUTION

*G.I., M.F., No. 50 (1)/IC/97, dated the 30th September, 1997

The Fifth Central Pay Commission was set up by the Government of India by Resolution No. 5 (12)/E. III/93, dated the 9th April, 1994 as amended by Resolution No. 5 (12)/E. III/93, dated the 12th January, 1995, No. 5 (12)/E. III/93, dated the 17th July, 1996, No. 5 (12)/E. III/93, dated the 24th October, 1996 and No. 5 (12)/E. III/93, dated the 19th November, 1996. The Commission submitted on the 30th January, 1997, its Report relating to structure of emoluments, allowances, conditions of service and retirement benefits of Central Government employees including Union Territories, members of All India Services and personnel belonging to the Armed Forces. The Commission also submitted its Supplementary Report No. 1 on Improving the Motivation Level and Supplementary Report No. 2 on Cabinet Secretariat on 28th February, 1997. The Government have given careful consideration to the recommendations of the Commission in respect of civilian employees of the Central Government in Groups 'A', 'B', 'C' and 'D', as also those in the All India Services and have decided that the recommendations of the Commission in respect of these categories of Central Government employees and All India Services shall be accepted broadly subject to the modifications mentioned below:—

- (i) The following six scales of pay (S-1, S-2, S-3, S-4, S-5 and S-13 grades), recommended by the Commission will be improved and the revised pay scales for these grades will be as below:

<i>Recommended by the Commission</i>	<i>As modified by the Government</i>
Grade S-1 : Rs. 2,440-40-3,200	Rs. 2,550-55-2,660-60-3,200
Grade S-2 : Rs. 2,550-45-3,540	Rs. 2,610-60-3,150-65-3,540
Grade S-3 : Rs. 2,650-50-4,000	Rs. 2,650-65-3,300-70-4,000
Grade S-4 : Rs. 2,750-55-4,400	Rs. 2,750-70-3,800-75-4,400
Grade S-5 : Rs. 3,050-70-4,590	Rs. 3,050-75-3,950-80-4,590
Grade S-13: Rs. 7,000-225-11,500	Rs. 7,450-225-11,500

- (ii) With regard to fixation of pay in the revised scales, the percentage of pre-revised basic pay to be added as fitment shall be 40% as against 20% recommended by the Fifth Central Pay Commission. The other recommendation of the Commission in this regard including the recommendation of one increment as a result of "bunching" (for the fifth stage) has been accepted; however, the

* Published as No. 191 in Part I, Section I of the Gazette of India Extraordinary, dated the 30th September, 1997.

fixation shall be made in the manner that every employee will get atleast one increment in the revised scale of pay for every three increments in the pre-revised scale of pay.

2. The recommendations of the Commission in regard to pay scales of ~~Motormen/Engine Drivers, Diesel Assistants in the Ministry of Railways, Engineering Assistants in the Ministry of Information and Broadcasting, Senior Auditors and Accountants in various accounting organizations, Junior Telecom Officers of Ministry of Communication and the upgradation of the entry level posts in DANICS/DANIPS~~ have been referred to a Committee of Secretaries for examination through Fast Track mechanism. The matter is under consideration of the Committee and separate Orders will be issued in respect of these categories, pending which normal replacement scales will apply.

3. The recommendations of the Commission for revised pay scale S-14 shall not be operative for CSS and also for other Services where the Cadre Controlling Authority does not deem it necessary.

4. The Commission's recommendations and Government decision thereon with regard to revised scales of pay and dearness allowance for civilian employees of the Central Government and personnel of All India Services as detailed in the Part-A of the Annexure shall be made effective from 1-1-1996.

5. The revised allowances other than dearness allowance will be effective from 1st day of August, 1997.

6. The Commission's recommendation regarding payment of arrears has been modified to the extent that the arrears would be paid in cash with the stipulation that where the amount of arrears is less than Rs. 5,000, it should be paid in one instalment and where it is in excess of Rs. 5,000, it should be paid in two instalments; in the first instalment payment should be restricted to Rs. 5,000 plus fifty per cent of the balance amount of arrears.

7. In respect of personnel of Central Police Organizations, in the rank from Constable to Subedar Major, Ministry of Home Affairs will carry out an exercise for rationalization of ranks so as to achieve parity with Delhi Police, pending which the scales recommended by the Fifth CPC will be applied.

8. Department specific recommendations which are not included in this Resolution shall be processed by the concerned Department/Ministry and approvals of the Government obtained in consultation with the Ministry of Finance and/or Department of Personnel and Training.

9. The decisions of the Government on the recommendations of the Commission relating to other matters in respect of Civilian employees of the Central Government belonging to Groups 'A', 'B', 'C' and 'D' are indicated in Column 3 of Part-B of the statement annexed to this Resolution. In regard to the All India Services, appropriate action will be taken by the Cadre Controlling Authorities of these Services to give effect to the decisions on these matters as may be applicable to them.

10. The other recommendations of general nature made by the Commission which are not included in the Annexure are being examined by the Government and decisions thereon will be notified separately.

11. The Government of India wish to place in record their appreciation of the work done by the Commission.

ORDER

Ordered that the Resolution be published in the Gazette of India Extraordinary.

Ordered that a copy of the Resolution be communicated to the Ministries/Departments of the Government of India, State Governments, Administrations of Union Territories and all others concerned.

SD/- C. Ramachandran
Secretary to the Government of India

ANNEXURE

PART — A

Statement showing the recommendations of the Fifth Central Pay Commission on Pay and Dearness Allowance relating to Civilian employees in Groups 'A', 'B', 'C' and 'D' and personnel of All India Services and Government's decisions thereon. (References to chapters and paragraphs in the Statement are to the Pay Commission's Report)

Sl. No.	Recommendations of the Fifth Pay Commission	Decision of the Government
(1)	(2)	(3)

1. PAY

I. Revised Scales of Pay

(i) The Commission has recommended the following revised scales for Civilian Central Government Employees:—

	EXISTING SCALES OF PAY	GRADES	REVISED SCALES OF PAY
1.	750-12-870-14-940	S-1	2,440-40- 3,200 *
2.	775-12-871-14-1,025	S-2	2,550-45- 3,540 *
3.	800-15-1,010-20-1,150	S-3	2,650-50- 4,000 *
4.	825-15-900-20-1,200	S-4	2,750-55- 4,400 *

Accepted subject to following modifications:

* (i) Scales at S-1 to S-5 shall be modified as under:

S-1 2,550-55-2,660-60-3,200

S-2 2,610-60-3,150-65-3,540

S-3 2,650-65-3,300-70-4,000

S-4 2,750-70-3,800-75-4,400

Annexure (4)

**PRASAR BHARATI
DIRECTORATE GENERAL:DOORDARSHAN
DOORDARSHAN BHAVAN**

F.No. 37/2/99-SI(A)

NEW DELHI, the 16th April, 2001

OFFICE ORDER NO. 13/2001-SI(A)

The Ministry of I&B vide their letter No. 508/4/98-TV(A), dated 4.4.2001 referring to the recommendations contained in paragraph 73.55 of the report of the 5th Central Pay Commission have conveyed the sanction of the President for grant of revised pay scale of Rs.5000-8000 corresponding to the pre-revised pay scale of Rs.1600-2660 to the post of Sound Recordists in Doordarshan under Prasar Bharati with effect from 1st January, 1996.

2. While the revised pay scale of Rs.5000-8000 shall be applicable to the fresh appointees to these posts, the pay scale of the existing incumbents to these posts of Sound Recordists would, however, be protected on a personal basis and they will continue to be in the revised pay scale of Rs.6500-10500 as personal to them.

3. This has the approval of Ministry of Finance, Department of Expenditure (Implementation Cell) vide their U.O. No. 6/59/2000-IC, dated 8.1.2001 and also the concurrence of IFD of the Ministry of I&B vide their Dy. No. 250/Fin.I, dated 27.3.2001.



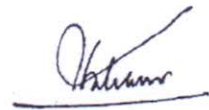
(SEBASTIAN JOSEPH)
Deputy Director (Admn.)
Tele: 338 1637

Copy to:

1. All DDKs/CPC
2. Persons concerned (through respective kendras)
3. Personal files of persons concerned.
4. P&AO, Delhi, Mumbai, Chennai & Calcutta
5. S-III Section/PB Cell/FAS
6. Office Order folder/Guard file and Hindi Unit
7. Spare copies (20)

Attestation, True copy

Harvinder Singh Chavda
31/10/13
हरविन्द सिंह छावड़ा
उप निदेशक (प्रशासन)



For Director General

Annexure (S)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

Annexure (S)

OA 1867/1998

New Delhi this the 4th day of January, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Sh. Govindan S. Tampi, Member (A)

1. Doordarshan Engineering Employees Welfare Association, through its General Secretary, Sh. M. S. Sreekumar, C.P.C. Doordarshan, Siri Fort, New Delhi-110049
2. Shri Raj Kumar Sharma son of Shri Diwan Chand Sharma, House No. 111, Prem Nagar, Ambala City-134003.
3. Shri Yogender Singh Pawar son of Shri Kailash Singh Pawar, Scheme No. 50, I.D.A. Sangam Nagar, Indore, M.P.
4. Shri Shailendra Kumar Mishra son of Shri Hari Chand Mishra, Village & Post Office Narwa, Pitambar Pur, District Faizabad (UP).
5. Sh. Sanjeev Jamwal son of Sh. Suram Singh, 28, Katan Nagar, Jammu (Tawi), J&K 180001.
6. Sh. Prashant Shyngle son of Sh. B. C. Shyngle, C-2/15, D.D.U. Complex, Mayapuri, New Delhi-110064
7. Sh. Anil Kumar Sharma son of late Shri Atma Ram Sharma, 129, Devi Nagar, S.K. Road, Meerut (UP).
8. Sh. Mahesh Chand Sharma, son of Sh. K. Sharma, 406-F, Pocket-II, Phase-I, Mayur Vihar, Delhi-110091.
9. Sh. Ram Chandra Sati son of Shri K. D. Sati, F-10/177, Ward No. 2, Mehrauli, New Delhi.
10. Sh. M. S. Sreekumar son of Mr. R. Sivasankara Pillai Sreenivas, P.O. Chettikulangara, Mavelikara, Kerala-680106.
11. Sh. Kailash Chand Sharma son of Shri Ram Kishan Sharma, M-9, Laxmi Nagar, New Delhi.
12. Sh. Ajay Verma son of Sh. Ramesh Chand Verma, RZ-226, Block, New Roshanpura, Najafgarh, New Delhi-110044.
13. Smt. Narinder Kaur Sandhu, daughter of Sh. Vishwanath, Police Colony, Dar Liza, H. No. 126, Gulbarga-585145 Karnataka.

[Handwritten signature and stamp]



15. Ms. Sangeeta Prasad daughter of
Dr. D. Prasad, Flat No. 192-B,
Sector-37, NOIDA (UP)

.. Applicants

(By Advocate Sh. G. D. Gupta)

Versus

1. Union of India through the Secretary to the Government of India, Ministry of Information & Broadcasting, Shastri Bhawan, New Delhi.
2. The Director General, Doordarshan, Doordarshan Bhawan, Mandi House, New Delhi.
3. The Director General, All India Radio, Akashvani Bhawan, Parliament Street, New Delhi.
4. The Chairman, Prasar Bharti, Broadcasting Corporation of India, Doordarshan Bhawan, Mandi House, New Delhi-110001

.. Respondents

(By Advocate Shri R. P. Aggarwal)

O R D E R (ORAL)

Hon'ble Shri Govindan S. Tampi, Member (A)

This application is filed by Doordarshan Engineering Employees Welfare Association through its General Secretary and 14 others seeking a direction that the respondents be restrained from reducing the scale of pay of the applicants from Rs. 2000-3200 to Rs. 1600-2660 with the replacement scale of Rs. 5000-8000/- and that they be paid the correct replacement scale of Rs. 6500-10500/- w.e.f. 1.1.1996 with increments in the correct replacement scale.

2. The brief facts of the case, are that the applicants, 2 to 15, are employed as Engineering Assistants (EAs) in the Department of Doordarshan under the Ministry of Information and Broadcasting and presently on deputation to Prasar Bharti

[Handwritten signature and notes]
Advocate Sh. G. D. Gupta
Sector-37, NOIDA (UP)



Broadcasting Corporation of India, constituted under the Prasar Bharti Broadcasting Act, 1990 which came into force with effect from 15.9.1997. All of them have been appointed as direct recruit EAs, through open competition and have joined duties on various dates during the period July 1988 to December, 1994.

3. One Shri Rajasekaran, Senior Engineering Assistant Doordarshan, Bangalore filed an Original application(OA 654/89) before the Madras Bench of this Tribunal for the fixation/revision of the pay scale of the EAs employed with Doordarshan on the basis of the judgement of the Hon'ble Supreme Court in the case of Y.K.Mehta Vs. UOI (JT 1988(3)SC 466). His case was that his scale, should be revised from Rs.425-750 to Rs.550-900 w.e.f. 1.1.1978, the date on which the Hon'ble Supreme Court had allowed the same scale to the Sound Recordists of the Doordarshan. Replacement scale for Rs.550-900/-w.e.f. 1.1.1986 was Rs.2000-3200/-. Rajasekharan, who joined as Engineering Assistant(EA) in April,1981 and became a Sr. Engineering Asstt. (SEA) in May, 1986, stated that both the EAs and Sound Recordists of Doordarshan were drawing the same scale of pay i.e. Rs.425-700 w.e.f. 1.1.1973 on the basis of the Third Pay Commission recommendations which has altered by the Ministry of Information and Broadcasting, who gave the pay scale of Rs.550-900 to the Sound Recordists in the Film Division. On the Sound Recordists of the Doordarshan approaching



the Supreme Court, seeking parity with their counterparts in the Films Division, another wing of the same Ministry, the Hon'ble Supreme Court in Y.K.Mehta's case, accepted their plea and held that they should also be given the scale as was granted to the Sound Recordists in the Films Division as both were performing similar duties. Accordingly, the Govt. allowed the scale of Rs. 550-900 to the Sound Recordists of Doordarshan w.e.f. 1.1.1978 by order dated 21.12.1988. Rajasekharan's plea for being treated similarly as Sound Recordists was accepted by the Madras Bench of the Tribunal on 29.6.1990, wherein it has been held that the nature of duties and responsibilities of the EAs being the same as those of the Sound Recordists. Hence the benefit of the order passed by the Ministry of Information and Broadcasting vide letter dated 21.12.1988 should be extended to the EAs as well. Special Leave Petition filed by the respondents before the Hon'ble Supreme Court against the judgement of the Madras Bench dated 29.6.1990 was dismissed on merits by order dated 7.1.1991. Review Application filed before the Supreme Court was dismissed by the Court on 16.7.1991 thereby the matter attaining its finality. Interestingly thereafter, a review petition was filed by the respondents before the Madras Bench of the Tribunal which was allowed on 10.6.1992, rescinding their earlier decision dated 29.6.1990. This was challenged by Rajasekharan and five others in SLP(Civil) No.15206-7/92

சென்னை, தமிழ்நாடு
மாண்புமிகு தகவல் தொழில்நுட்ப
மதுரை அலுவலகம்
சென்னை நிர்வாக அலுவலகம்
தலைநகர், தலைநகர்
சென்னை, தமிழ்நாடு



and SLP(Civil) No.4307-8/93, which were granted by the Hon'ble Supreme Court by a common judgement on 25.11.1994, holding that the Tribunal could not have acted in judgement on the Supreme Courts order and that with the dismissal of the earlier SLP. Tribunal's order dated 29.6.90 had reached finality. Following the above, Ministry of Information and Broadcasting, vide their letter dated 15.5.1995, conveyed the revision of the pay scale of the Engineering Assistants to Rs.550-900 with effect from 1.1.1978 and Rs.2000-3200 with effect from 1.1.1986. It was also directed that the officials who held and were holding the post of EAs during the respective period would be entitled to the benefit of arrears of pay as a result of the said decision and re-fixation with effect from the dates as mentioned. Consequently orders granting the revised scale of Rs.2000-3200/- to the EAs including the applicants were issued. They were also given the arrears of pay worked out accordingly. Thus though in terms of the Third Pay Commission recommendations, the pay scale of the EA stood at Rs.425-700/- (for which the replacement scale after the Fourth Pay Commission came to Rs.1400-2600/-) on account of their being equated with Sound Recordists of Films Division and Doordarshan drawing the pay in the scale of Rs.550-900/- they were also granted the said scale of Rs.550-900/- and the replacement scale of Rs.2000-3200/- w.e.f. 1.1.1986.

www.1994
Ministry, Judicial Branch
Central Administrative Tribunal
New Delhi



4. In the meantime, the 5th Central Pay Commission's report was given in January, 1997, in which the scale of pay of Rs.1600-2660/- was indicated for Sound Recordists of Film Division and Doordarshan as well as for EAs on the ground of maintaining the existing parity between these two categories. Perusal of the recommendations would make it clear that the Pay Commission had given the pay scale keeping in mind the qualifications of graduate in Science with three years' experience in Sound Recording and that similar jobs had been recommended the grade of Rs.1600-2600/-. The same was recommended for EAs on the ground of parity. There was no rational explanation for this and the Commission had ignored the history of the revision of pay for EAs and the decision of the Apex Court. Further, this also meant a reduction in the case of EAs from the pay scale of Rs.2000-3200/- to Rs.1600-2660/- which was not acceptable. Following the adoption of the Fifth Pay Commission recommendation a Committee was set up to deal with exceptional cases arising in the context which included the case of the EAs. It was also evident from the annexures to the Central Civil Services (Revised pay) Rules, 1997, specifically indicating that the issue regarding the pay-scales of EAs has been referred to Committee of Secretaries and that separate orders thereon will issue. Still DG, Doordarshan directed by his OM dated 9.10.1997,

[Handwritten signature]
Secretary, Judicial Deptt.
Central Administrative Tribunal
New Delhi



that the case of revision of pay scale of EAs may be held back. With the ^{sole} purpose of denying them the correct replacement scale. Following this Broadcasting Corporation of India, on 8.12.1997 circulated a copy of the Information and Broadcasting Ministry's letter dated 5.12.1997, communicating the ^{terms of the} agreement between the Govt. and the Sanyukt Sangharsh Samiti of ARTEE and TEA indicating the pattern of fixation for EAs. The applicants protested against the same, but their pay was fixed in accordance with the same in the grade of Rs.5000-8000/- following the option, ^{which} under protest they had filed, reserving their right to get the proper replacement scale of Rs.6500-10500 (for 2000-3200/-) w.e.f. 1.1.1996 in view of the decision of the Hon'ble Supreme Court on 25.11.1994. Hence this application.

5. Reliefs sought by the applicants include (i) quashing the recommendations of the 5th Pay Commission and Govt. decision thereon which had the effect of reducing the applicants pre-revised pay scale from Rs.2000-3200/- to Rs.1600-2660/- and granting them the replacement scale of Rs.5000-8000/- instead of Rs.6500-10,500/-

(ii) declaring them ^{to be} correctly eligible for the pay scale of Rs.2000-3200/- w.e.f. 1.1.1986 or from the date of their appointment as EAs and giving them the replacement scale of Rs.6500-10,500/- w.e.f. 1.1.1996.

(iii) restraining the respondents from reducing their scale of pay.

~~XXXXXXXXXXXXXXXXXXXX~~

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXX
National Administrative Tribunal



(iv) considering them for promotion to the post of Sr.EAs from the dates they have become due for the same etc.

6. The respondents have in their written pleas submitted on 6.7.1999 indicated that they had taken necessary action in terms of the recommendation of the 5th Central Pay Commission and the decision of the Govt. taken in this regard and duly communicated to all concerned. There was nothing improper or mala fide on their part and the applicants, have been treated fairly and reasonably. They have no ground or reason for any grievance, plead the respondents.

7. We have heard both the counsel for the applicants and the respondents forcefully reiterating the plea of the applicants raised in their written pleadings, Sh.C.D.Gupta, the learned counsel for the applicants, argues that the applicants have been dealt with in a discriminatory manner taking away from the benefit of the scale of Rs.2000-3200/- which they had sought and achieved at the hands of the Supreme Court. This would have to be restored, irrespective of the observations of the 5th Pay Commission and the decisions of the Govt. following their adoption in the interest of justice.

8. Shri R.P. Aggarwal, the learned counsel for the respondents contest the pleas of the applicants and states

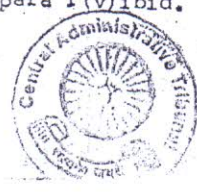
श्री. ए. पी. अग्रवाल
Advocate, Judicial Branch
District Administrative Tribunal
District Court, Meerut



that with the steps taken the Govt. vide Information and Broadcasting Ministry OM No.310/173/97-B(D) dated 5.12.1997 relating to the ad hoc, increase in salaries of some grades of Subordinate Engineering Service of AIR/Doordarshan and their letter of same number dated 25.2.1999 relating to the upgradation of pay scales of certain categories of employees working in Prasar Bharati, nothing remained to be done from the respondents side. To a specific query from the the Counsel Shri Aggarwal also indicated that the upgraded scales are available to the individuals who opt for the Prasar Bharati and those who do not opt would not only be denied the revised scale but would also be liable to refund all the benefits of higher scale. In view of the above, it is for the applicants to abide by the decision instead of continuing to agitate against it. Shri Aggarwal also points out that the scale of Rs.2000-3200 was granted to the EAs, who get the benefit of the Courts decision only as a personal pay and that it would be wrong to terms the scale of Rs.6500-10,500. /- as a replacement scale, as claimed.

9. Replying on behalf of the respondents, Shri Gupta states that the only position acceptable to them, on account of the ^{legitimacy} genuineness of their plea is the grant of benefit as mentioned in para 1(iii) of Information and Broadcasting Ministry's OM dated 5.12.1997 with full payment in the correctly revised scale w.e.f. 1.1.1996 and not from 1.11.1997 and not subject to any adjustment as indicated in para 1(v)ibid.

[Handwritten signature]
Director, Prasar Bharati
Prasar Bhawan
New Delhi



10. We have given careful consideration to the rival contentions and perused the records placed before us. It is a matter brought on record that Engineering Assistants of Doordarshan had obtained the pay scale of Rs.2000-3200/- following the decisions of the Hon'ble Supreme Court in Rajasekaran case finally settled on 25.11.1994¹⁹⁹⁴. Naturally therefore, they would be entitled for the grant of pay in lieu thereof in the replacement scale, adopted by the Fifth Central Pay Commission w.e.f. 1.1.1996. This cannot be deviated from, as it has obtained the finality of law, with the Apex Court setting its seal of approval thereof. There is no way ^{it} can be reduced by any subsequent event or recommendation and that exactly ^{is} the plea of the applicant. This plea has considerable force and merits acceptance ^{in fully} principle. After some procrastination Govt. also appears to have veered around this view as would appear from the O.M. No.310/173/97-B(D) dated 5.12.1997 and the letter also of the same number dated 25.2.1999. Relevant portions of the OM dated 5.12.1997, dealing with ad hoc increase in salaries of some grades of Subordinate Engineering Service of AIR/ Doordarshan on the basis of agreement between the Govt. and the Sanyukt Sangharsh Samiti reads as Below:-

"(iii) The pay of Engineering Assistant will be fixed in the scale corresponding to the scale of Rs.1600-2660 i.e. Rs.5000-8000 with effect from 1.1.1996, in accordance with the procedure laid down in para 7 of the Central Civil Services (Revised Pay) Rules, 1997 notified

Secretary,
Ministry of Information & Public Relations,
Government of India,
New Delhi



by the Ministry of Finance on 30th September, 1997. While so fixing the pay, the pay of incumbent EAs, who were drawing pay scale of Rs.2000-3200 will be protected as recommended by the Vth Pay Commission. Arrears of pay from 1.1.1996 to 31.10.1997 calculated on the above basis will be paid. Pay will also be notionally calculated in the scale corresponding to the scale of Rs.2000-3200 i.e. Rs.6500-10,500. In the case of existing incumbents only with reference to 1.11.1997. A sum equal to 90 per cent of the difference between the emoluments so calculated will be paid as an ad-hoc amount in addition with effect from 1.11.1997. However, new recruits to the post of Engineering Assistant will be appointed in the pay scale of Rs.5000-8000 i.e. the pay scale recommended by the Vth Central Pay Commission.

(iv) The pay of Senior Engineering Assistant will be fixed in the scale corresponding to the scale of Rs. 1640-2900 i.e. Rs.5500-9000 with effect from 1.1.1996 in accordance with the procedure laid down in para 7 of the Central Civil Services (Revised Pay) Rules, 1997 notified by the Ministry of Finance on 30th September, 1997. While so fixing the pay, pay of incumbents Sr. EAs who were drawing pay-scale of Rs.2000-3200 as personal to them, will also be protected. Arrears of pay from 1.1.1996 to 31.10.1997 calculated on the above basis will be paid. The pay will also be notionally calculated in the scale corresponding to the scale of Rs.2000-3200 i.e. Rs.6500-10,500 /-in the case of existing incumbents only with reference to 1.11.1997. A sum equal to 90% of the difference between the emoluments so calculated will be paid as an ad-hoc amount in addition with effect from 1.11.1997.

(v) The question relating to either payment of balance 10% or adjustment of ad-hoc payment shall be settled depending upon the decisions of the Prasar Bharati."

Similarly, letter No.310/173/97-B(D) dated 25.2.1999

[Handwritten signature and illegible text]




of the Ministry referring to upgradation of Pay Scales of certain categories of employees working in Prasar Bharati has the following to say

" The employees belonging to certain cadres in All India Radio and Doordarshan (particularly, subordinate engineering and programme cadres), had been agitating for grant of higher scales of pay than those recommended by the Vth Central Pay Commission and accepted vide Government of India Resolution of 30th September, 1997. The matter has been carefully considered by the Government and it has been decided to further upgrade the scales of pay of the categories of employees of All India Radio and Doordarshan of Prasar Bharati (Broadcasting Corporation of India) as indicated against each category in Annexure-I.

The grant of revised pay scales as mentioned in Para 1 will be subject to the following conditions:

- (i) The upgraded scales will be allowed not as Govt. employees per se but as Government employees currently in service of Prasar Bharati (Broadcasting Corporation of India). As and when the employees, presently working in All India Radio and Doordarshan are asked to exercise their option, those employees who do not opt for Prasar Bharati will revert as Government servants and will no longer be entitled to above scales. They will also have to refund all benefits availed of by them as a result of the grant of higher scales of pay. They will be liable to recovery of all such benefits. An undertaking, in the Proforma given at Annexure-II to this effect has to be submitted by each and every employee concerned before availing the benefit of upgraded scales of pay. This is in accordance with their agreement with the Government to avail these upgraded scales on this condition only.


Secretary, Prasar Bharati
Broadcasting Corporation of India
New Delhi



- (ii) Upgraded pay scales would be effective from 1.1.1996 but payment of salary to employees as per upgraded scales of pay will be made with effect from 1st March, 1999.
- (iii) The employees concerned will be entitled to arrears with effect from 1st January, 1996 and these arrears will be paid in instalments. The first instalment of arrears pertaining to the period from November, 1997 till February, 1999 will be paid by April, 1999. The second instalment pertaining to remainder of the arrears (i.e. arrears from 1.1.1996 to October, 97) will be paid by April, 2000. The payment of arrears shall be made after adjustment of the amount already paid to the categories of Technicians, Senior Technicians, Engineering Assistants and Senior Engineering Assistants on the basis of this Ministry's Office Memorandum No. 310/173/97-B(D) dated 5.12.1997."

11. Govt. has recognised the fact that while EAs could be fixed in the erstwhile grade of 1600-2600/- and granted the replacement scale of Rs.5000-8000/- the pay of the incumbent EAs, who were drawing the pay of Rs.2000-3200/- had to be protected by grant of corresponding scale of Rs.6500-10,500/- but with effect from 1.11.1997 and that a sum equal to 90% of the difference will be given as ad-hoc and adjustment thereof would be subject to the decision of Prasar Bharati. This is not a correct proposition as Prasar Bharati which had come into force w.e.f. September, 1997, cannot be left to decide upon the scale of pay which has come into effect from 1.1.1996, following the adoption of the recommendations of the

Secretary, Ministry of
Law, Judicial Deptt.
Central Administrative Tribunal



Fifth Pay Commission. Likewise, providing for the upgradation of scales, subject to the employees opting for Prasar Bharati and directing that those who do not opt would forfeit the right of the upgraded scale and would be liable to refund the benefits of the grant of higher scales of pay are also not correct and not justifiable in law. The proper course would be for granting the incumbents the benefit of pay in the scale of Rs.2000-3200/-w.e.f. 1.1.1986 or their dates of their joining and the "corresponding scale" of Rs.6500-10,500/- w.e.f. 1.1.1996 with consequential benefits, but as personal to them. Balance of 10% of the difference held back can also be paid to them. There cannot be any dispute with the decision of the Govt. that the new recruits to the post of EAS will be appointed in the pay scale of Rs.5000-8000/- as recommended by the Vth Central Pay Commission.

12. In view of the above, the application succeeds and is allowed. The respondents are directed to fix the pay of the applicants-incumbent EAS - in the scale of Rs.2000-3200/- w.e.f.1-1-1986 or from the date of their joining and grant them the corresponding scale of Rs.6500-10,500/-w.e.f. 1.1.1996 with all consequential benefits, but as personal pay to them. The applicants shall also be paid the balance 10% of the differential amount paid earlier as ad-hoc, within two months from the date of receipt of this order. No costs.

(Govindaraj S. Tampi)
Member(A)

(Smt. Lakshmi Swaminathan)
Vice Chairman(J)

sk



certified that this is a true and correct copy of the original document.
 (CAIRATAN) 1867/98
 and that all the matters mentioned therein have been fully and faithfully investigated.

- i) Serial No. of the copy
- ii) Name of the applicant
- iii) Date of presentation of application
- iv) No. of pages
- v) Copying fee charged/urgent or otherwise
- vi) Date of preparation of copy
- vii) Date on which copy is ready

3929
 S.K. - Baxian
 11/0/03
 Fourteen
 urgent
 Rs 20/-
 12/8/03
 12/8/03

Deputy Commissioner (Judicial)
 District Magistrate
 Central Administrative Tribunal
 District Office, New Delhi

Annexure 6



Prasar Bharti
(India's Public Service Broadcaster)
Directorate General: All India Radio
S-IV (A) Section.

Akashvani Bhawan, New Delhi.

File No.14/66/2015-S-IV(A)/ 60

Dated: 15th Jan. 2016.

Sub : Representations of Engineering Assistants for the grant of pay scale of Rs. 6500-10500.

This Directorate is in receipt of representations on the subject cited above from Engineering Assistants who joined Prasar Bharati Secretariat as Prasar Bharati employees on or after 06.10.2007.

2. In this connection, it is stated that Engineering Assistants recruited upto 05-10-2007 have been granted the Pay Scale of Rs.6500-10500 being Central Government employees, as per court orders. The Engineering Assistants recruited after 05-10-2007 are not entitled for Govt. pay scale as they are not the employees of Central Govt. but are employees of Prasar Bharati Corporation, which is an autonomous body.

3. The pay scales and other benefits extended to them are as per rules & regulations of Prasar Bharati. They are not governed by the Central Government Rules & Regulations in this regard.

4. Hence, Engineering Assistants recruited after 05-10-2007 by Prasar Bharati are not entitled for the said Govt. pay scale of Rs.6500-10500. All the Zonal Heads are, therefore, requested to dispose off such cases at their level on the above lines.

5. This issues with the approval of DG;AIR.

(Ajaya Kumar K.P)
Dy. Director Admn. (E)

- 1) O/o the ADG (E) (NZ) (Kind attention: Sh. Ram Prakash, DDE), AIR & Doordarshan, Jam Nagar House, Shahjahan Road, New Delhi-110001.
- 2) O/o the ADG(E)(WZ) (Kind attention: Smt. Neha Swamy, DDG) AIR & Doordarshan, Old CGO Complex, 101, M.K Road, Mumbai-400 020.
- 3) O/o The ADG (E) (EZ) (Kind attention: Sh. S.K. Deb, DE), AIR & Doordarshan, 4th Floor, Akashvani Bhawan, Eden Garden, Kolkata -700 001.
- 4) O/o the ADG (E) (SZ) (Kind attention: Sh. S. Muthuswamy, DE), AIR & Doordarshan, Swami Sivananda Salai, Chennai- 600 005.
- 5) O/o The ADG (E) (NEZ) (Kind attention: Sh. P.K. Bezburah, DDE), AIR & Doordarshan, Dr. P. Kakoti's Building, Near Ganeshguri Flyover, G.S. Road, Guwahati- 781 006.