



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

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

आकाशवाणी एवं दूरदर्शन तकनीकी कर्मचारी संघ A.I.R. & D.D. Technical Employees Association

(भारत सरकार द्वारा पंजीकृत एवम् मान्यता प्राप्त)
(Registered and Recognised by Govt. of India)

No. 2298/63

www.adteaindia.org

पोस्ट बाक्स नं० 736
Post Box No. 736
नई दिल्ली-110001
New Delhi-110001

Case proceeding of SLP filled in Hon'ble Supreme Court by Dept.

(Shri. F. Shaharyar) in Tech. vs. LA contempt case of Hon'ble

Chennai High Court on 17.01.2018

Dear Comrades,

As you are aware that against the interim impugned order dated 24.04.2017 of Hon'ble Chennai HC in historic Tech. Vs. LA pay parity (Hon'ble HC Chennai order of Nov. 2010), Dept. moved an SLP (C) No. 17169/2017, in Hon'ble Supreme Court in June 2017. At that time Central Office decided to file Caveat against the move of Dept. in Hon'ble SC. Hence Central office had filled a caveat against the SLP(C) 17169/2017.

Today, (i.e. 17.01.2018), SLP came up for hearing for final argument in Hon'ble Supreme Court at around 11.40 Hrs. in court 5 before Hon'ble Justice Shri. Kurian Joseph and Hon'ble Justice Amitava Roy.

The main issue in today's argument was that what may be the scale of Sr. Tech. in 1983.

In this learned Female counsel from Govt. side stated that we have complied the Hon'ble Chennai HC judgement in letter & spirit, on the applicants, by granting the parity in the scale of Rs. 425-700 to both Tech./Sr. Tech., as there is no grading in LA post. The internal communication dated 06.06.2011 was not the part of original pleading. The communication dated 06.06.2011 was turned down by MIB. It is a simple piece of paper.

Our learned Sr. Counsel objected on this and argued that prior to 1983 and after 1996, there is no dispute. The only dispute of Sr. Tech scale is in between 1.7.1983 to 31.12.1995. Sr. Tech. is a promotional post and the scale is well defined upto 30th June 1983 and as on 01.01.1996. As the judgement stated that the scale of Tech/Sr. Tech. should be fixed as per para 2(iv) of the 25.02.1999 order, as it was given to Transmission Executive. Therefore, the calculation done in internal communication dated 06.06. 2011 is correctly reflecting that the pay scale of Sr. Tech. which should be Rs. 550- and in this way dept. is intentionally hiding the facts.

By reading the 25.02.1999 order para 2(iv), Hon'ble Judges asked that why are you giving the arrears from 2014. Learned counsel of the dept. stated that we are giving arrears

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



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

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

आकाशवाणी एवं दूरदर्शन तकनीकी कर्मचारी संघ A.I.R. & D.D. Technical Employees Association

(भारत सरकार द्वारा पंजीकृत एवम् मान्यता प्राप्त)
(Registered and Recognised by Govt. of India)

No. 2298/63

www.adteaindia.org

पोस्ट बाक्स नं० 736
Post Box No. 736
नई दिल्ली-110001
New Delhi-110001

from 2010. Then again Hon'ble judges surprised that why not from 1996, as mentioned for the case of Transmission Executives, though presently, this was not the part of the question.

After that Hon'ble Judges asked about the relation between LA & Trex, and about promotional hierarchy from LA to Trex., as 25.02.1999 order was not saying anything about this relation, though the judgement was based upon this 25.02.1999 order.

I immediately stated to court through our Sr. Lawyer that "there is no inter-relation between LA and Trex, but both post belongs to Programme Cadre. Trex is senior post than LA. There is also no relation between Trex. and Sr. Tech too. The example of Trex. has been taken by Hon'ble HC Chennai only to show the path that how the parity had been given to Trex. from 01.01.1978, similar parity should be given to Tech./Sr. Tech from 01.07.1983, to remove anomaly".

Then our Learned Sr. Counsel argued that 25.02.1999 order was in continuation to the 05.12.1997 order, which clearly states the parity of LA Grade 1 & 2 to Sr. Tech. & Tech. and Learned Counsel of the Dept. has hide this fact from the court. Now, both the Hon'ble Judges has got convinced with the parity of Tech./Sr. Tech to LA. and questioned to Govt. Counsel that how do you say that LA has no grade 1 and grade 2 posts? Mo I&B order dated 05.12.1997 is clearing stating the grading of LA post. At this juncture Learned female counsel of the Dept. had no answer.


Therefore, the Hon'ble Supreme court had immediately disposed off the SLP(C) No. 17169/2017 at the admission stage by directing to implement the Hon'ble HC Chennai order dated 24.04.2017 in true letter and spirit, within one month, till then contempt will continue in Hon'ble HC.

Thus, the argument finalised at around 12.20 Hrs.

The whole credit goes to our South Zone team, specially Vijayakumaran ji, and our senior leader Shri. Bhatia Ji, who gave complete briefing to Sr. Advocate Shri. Vinit Garg, with me, on 15 & 16 January 2018, regarding the final arguments.

Sr. M. K. Dixitji, Sri. Vinod Kumar Soni ji, and Shri. Somrajan ji from DDK Mandi House were present in the Hon'ble Apex Court with me during the arguments.

Date: 17.01.2018


17.01.2018
UMA KANT JOSHI

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

Jt. Secy. ADTEA Central Office.