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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

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To,

Honorable M.Venkaiah Naidu
Minister of Information & Broadcasting
Shastri Bhawan
New Delhi-110001.

Dated 3-5-17
24

Sub: - Issuance of Corrigendum Letter for MIB Order dated 25/02/1999 in light of MIB Order dated 05/12/1997.

Hon'ble Sir,

Most Humbly, I would like to lay down following points to draw your kinds attention above mentioned subject.-

- 1 On the recommendation of Committee of Secretaries and Cabinet Approval of Govt. of India, Ministry of I & B has been authorized to remove anomalies raised due to recommendation of 5th Pay Commission. On that M.I.B. has issued an order dated 05/12/1997, letter no.-310/173/97-B (D), to give adhoc increase in salaries of some grades i.e. **E.A., S.E.A., Tech. and Sr.Tech.** In which for E.A. Cadre It is stated in Para II that while fixing the pay, the pay of incumbent E.A. who were drawing of pay scale 2000-3200 will be protected as recommended by 5th pay commission.

Here the view point of this association is that while granting this adhoc increase motto of Ministry is very clear to extend the scale of Engineering Assistant and Technician to maintain parity with Sound Recordist and Lighting Assistant respectively before 5th pay commission as per guidance from Committee of secretaries working on fast track mechanism to sort out anomalies arised due to 5th CPC recommendation.

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More over this letter was issued with concurrence of Ministry of Finance, Deptt. of Expenditure vide Dy. No. 11159/JS (Pers)/97 dated 02/12/1997.

- 2 On 25/02/1999 vide M.I.B. letter no.310/173/97-B (D), 11 categories were upgraded. Where E.A., S.E.A., Tech, Sr. Tech was also included.
Here it is to be noted that E.A., S.E.A, Tech & Sr Tech were granted pay scale in continuation with 5th pay Commission, as mentioned in M.I.B. letter Dated 5/12/1997, Only 10% benefit was held for giving acceptance to work in Prasar Bharati when it will become functional. But in order dated 25/02/1999 word up gradation has been introduced, which is not applicable to E.A. & S.E.A, Tech & Sr Tech.
- 3 Ministry of I & B given pay parity to Engineering Assttiant at par with sound recordist in pay scale of 2000-3200 on the decision of Hon'ble Supreme court order Dated 25/11/1994 vide Ministry of I & B letter No.-310/15/93-B(D)/ Dated 15/05/95.

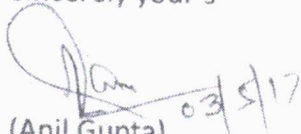
On the Hon'ble Supreme court decision the pay scale of Senior Engg. Asstt. Was granted 2000-3275 vide Ministry of I & B letter No.-310/50/99-B (D)/BA (E) Dated 10/06/2002.

- 4 As per Govt. of India resolution vide letter no. G.I. M.F. no.- 50 (1)/ IC/97, Dated 30/09/1997 on Para -2 It is stated that **"The pay scale of Engineering Assistant in the Ministry of I & B has been referred to the committee of Secretaries to examine through fast track mechanism. The matter is under consideration of committee and separate orders will be issued in respect of these categories, pending which normal scale will apply.**
- 5 In Our Association's view point, replacement scale instead of upgraded pay scale was endorsed by clarification of M.I.B. to Prasar Bhatia vide M.I.B. Dy. No.-F-122/6-BA(E) Dated 22/12/2006 on audit objection related to upgraded pay scale. Where it is stated in para 3 that **"that upgrading in pay scale was in continuation of recommendation made by 5th pay commission. These recommendation were made only after consultation with DOP&T & Ministry of Finance.**
- 6 In OA1867/1998 DEEWA Vs UOI , Principal bench Delhi directed to respondent to fix the pay of applicant –incumbent EA- in scale of Rs2000-3200/- w.e.f 1-1-196 or from the date of joining and grant them the corresponding scale of Rs 6500-10500/- w.e.f 1-1-1996 with all consequential benefits. And this judgment attained finality from Apex court in civil appeal no 2855/2007 dated 22.07.2015.
- 7 Also Tech-LA case for Pay Parity attained finality and Department has extended benefit to all incumbent in 4500-7000 scale. Due to revision of pay of Lighting Assistant scale in 5000-8000 scale again anomaly arise which is also settled by judiciary. Presently Pay Parity with LA in scale of 5000-8000 has been extended to many Tech/Sr tech and File for extending this benefit to all is approved by MIB. File is under Consideration in DG: AIR for issuance of order as per approval of MIB.

- 8 The department has issued offer of appointment to E.A. in pay scale Rs 2000-3200 i.e. 6500-10500 to all candidates of direct recruitment (DR-93 Batch) in East Zone after due clearance from all concerned authorities and many of them joined this Department by quitting their job only due to offered scale i.e. Rs 2000-3200 and corresponding scale Rs 6500-10500 which is now being termed as upgraded pay scale and they are being denied consequential benefits on name of up gradation.
- 9 In Association opinion if disparity described in above points will not be resolved earliest, then this lead to many court cases. The Supreme Court in A. K. Srivastava case 2015(1) SCC 347 has held that "when a particular set of employee is given relief by court, all other identical person need to be treated alike by extending those benefits. Not doing so would amount to discrimination and would be violation of Article 14 of the Constitution of India. **This principle needs to be applied in service matters more emphatically as the service jurisdiction evolved by this court from time to time postulate that all similarly situated persons should be treated similarly.**"
- So it is requested to your good office to issue corrigendum letter regarding scale of four cadre i.e. EA,SEA,TECH & Sr Tech as their scales offer vide M.I.B. letter no.310/173/97-B(D) dated 25.02.99 order were normal replacement scales not upgraded scales This is also endorsed by DOLA vide letter no FTS 15140/2015/B dated 04.01.2016. Earlier same order has also been issued to incumbent Sound Recordist vide Ministry of I& B letter no. 508/4/98-TV(A).dated 04/04/2001. So parity should be maintained.

With due regards

Sincerely your's


(Anil Gupta) 03/5/17

(VICE PRESIDENT)
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