



# 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)  
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Ref.: .....

Ref. No.: ADTEA/2021/05

Date.: .....

Date: 08.02.2021

To,

1. Shri AmitKhare, IAS,  
Secretary to the Govt. of India,  
Ministry of Information & Broadcasting,  
A-Wing, Shastrybhawan, New Delhi-110001
2. Shri Deepak Khandekar, IAS,  
Secretary (Personal),  
Department of Personal & Training,  
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3. Dr. (Shri) T. V. Somanathan, IAS,  
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Ministry of Finance,  
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Received  
Chh  
slr

Received on .....  
in the Office of Secretary (I&B)



**Subject: Request to grant the Hon'ble Supreme Court approved historical parity of Engineering Assistants of AIR & DD with Sound Recordists of DD; Recordists/Sound Recordists of Film Division established in Y. K. Mehta Case, Rajshekharan Case, DEEWA Case & considered by Union of India Central Cabinet in its meeting dt. 06.11.1997 and Confessed by MOIB to Ministry of Finance.**

Respected Sir,

With due respect, this association wants to bring your kind notice about the genesis and developments of the pay scale of Engineering Assistant of All India Radio & Doordarshan granted as parity established by Hon'ble Supreme Court Judgement dt. 25.01.1994 in SLP No. 4307-08/93 and 15206-07/92 with Sound Recordist of Doordarshan under Ministry of I&B.

## DEVELOPMENT OF CASE

### (A). Establishment of Pay parity of certain posts in Doordarshan & Film Division-

(1) On the basis of 3<sup>rd</sup> CPC recommendation the following pay scales were granted to certain categories of employees of Films Division of MIB, viz

Cameraman	Rs. 650-960
Recordist / Sound Recordist	Rs. 550-900; and
Assistant Cameraman	Rs. 425-700

(2) The Staff Artists of Doordarshan, comprising Cameraman Gr. II, Sound Recordist and Lighting Assistants/Lightman filled *WP No. 974/1978 titled Y. K. Mehta and others Vs. UOI and others* under Article 32 of the Constitution of India in the Supreme Court pleading parity with the above categories in the Film Division as indicated in the table below on the plea that the nature of work performed by them is similar to that performed by their counterparts in the film division.

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FILM DIVISION		DOORDARSHAN		Pay Scale sought by DD employees in the Writ Petition
Designation	Pay Scales in 3 <sup>rd</sup> CPC	Designation	Pay Scales in 3 <sup>rd</sup> CPC	
Cameraman	Rs. 650-960	Cameraman Gr. II	Rs. 500-900	Rs. 650-960
Recordist/Sound Recordist	Rs. 550-900	Sound Recordist	Rs. 425-700	Rs. 550-900
Assistant cameraman	Rs. 425-700	Lighting Assistant/Lightmen	Rs. 330-480	Rs. 425-700

**(3) 26.08.1988:-** The Hon'ble Supreme Court in its judgement dt. 26.08.1988 in the case of Sh. Y. K. Mehta Vs. UOI allowed the parity as per below table: **(Pages 6-10; Enclosure 01)**

Designation in Doordarshan	Pay Scale given by Hon'ble Supreme Court	Effective Date of Pay Scales
Cameraman Gr. II	Rs. 650-960	01.08.1979
Recordist/Sound Recordist	Rs. 550-900	01.01.1978
Lighting Assistant/Lightmen	Rs. 425-700	01.12.1983

Hence, MOIB vide its order dt. 21.12.1988 gave effect to the Hon'ble Supreme Court Judgement dt. 26.08.1988. **(Pages 11-12; Enclosure 02)**

**(B). Establishment of Pay parity of Engineering Assistant (hereinafter written as EA) with Sound Recordist of Doordarshan-**

**(4)** Thereafter, Shri. Rajshekharan, EA of AIR/DD filed OA 654/1989 before CAT Madras in 1989 by praying that the Pay Scale of EA be revised to Rs. 550-900 w.e.f. 01.01.1978 and Rs. 2000-3200 w.e.f. 01.01.1986 at par with Sound Recordist of Doordarshan on the basis of judgement of Hon'ble Supreme Court in WP(C) 1239/1979, 974/1978 & 1756/1986 in the case of Y. K. Mehta and others.

**(5) 29.06.1990:-** The OA 654/1989 filed by Shri. Rajshekharan, EA, was allowed by Hon'ble CAT Madras vide its order dt. 29.06.1990 and upheld by Apex Court vide its judgement dt.25.01.1994 in SLP No. 4307-08/93 and 15206-07/92. **(Pages 13-18; Enclosure 03)**

**(6.). 15.05.1995:-** Consequently, the Ministry of Information & Broadcasting had implemented the revision of the pay scale of EA to Rs. 550-900 w.e.f. 01.01.1978 (in IIIrd CPC), Rs. 2000-3200 w.e.f. 01.01.1986 (in IVth CPC), as Parity with the Sound Recordist of Doordarshan, by MOIB order No.: 310/15/93-B(D). **(Pages 19-20; Enclosure 04)**

Thus, the historical parity granted by Hon'ble Supreme Court in identical Pay Scales, since 1978, of some posts of Film Division, Doordarshan and AIR & DD is tabulated as under :-

Film Division	Doordarshan	AIR & DD
Recordist/Sound Recordist (Rs. 2000-3200/- in 4 <sup>th</sup> CPC)	Sound Recordist (Rs. 2000-3200/- in 4 <sup>th</sup> CPC)	Engineering Assistant (Rs. 2000-3200/- in 4 <sup>th</sup> CPC)

**(C). Recommendation of 5<sup>th</sup> CPC in respect of Sound Recordists (of DD) and EAs (of AIR&DD)**

**(7). 1997:-** Surprisingly, the 5<sup>th</sup> CPC (Para 73.15 & 73.16) recommended the lower replacement pay scale (Rs. 5000-8000) to both Sound Recordist (of DD) and Engineering Assistant of (AIR&DD) i.e. equivalent to Rs. 1600-2660 instead of Rs. 2000-3200. **(Pages 21-23; Enclosure 05)**

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It is surprising that in the name of removal of anomaly in higher and lower cadres from EA, 5<sup>th</sup> CPC had disobeyed Hon'ble Supreme Court and flouted its own policy (Findings of Fast Track Committee).

It is also pertinent to mention here that 5<sup>th</sup> CPC had recommended the normal replacement scale (i.e. Rs. 6500-10500) to Recordist/Sound Recordist of Film Division, which was extended after the approval of Govt. Thus the historical parity granted by Hon'ble Supreme Court to Recordist/Sound Recordist of Film Division, Sound Recordist of Doordarshan and EA of AIR & DD had got disturbed. (Pages 24-25; Enclosure 06)

(8). **30/09/1997** :- Govt. of India out rightly rejected the recommendation of 5<sup>th</sup> CPC regarding EA vide Ministry Of Finance Resolution No. 50(1)/IC/97. The matter of scale of EA was referred to the committee of Secy. for examination through Fast Track Mechanism. (Pages 26-27; Enclosure 07)

**Ministry of Finance Resolution states that separate Orders will be issued in respect of EA, pending which normal replacement scales will apply.**

(9). **July - October 1997**:- On the direction of Union of India, Fast Track Committee examined the case of EA and observed about serious laps in recording the educational qualification of EA, nature of duties of EA in Min. of I&B w.r.t. other engineering cadres in other Ministries/Departments by 5<sup>th</sup> CPC.

**The Fast Track committee had also observed that 5<sup>th</sup> CPC had also flouted its own policy w.r.t. EA. and reported that "The pay scale of Rs. 2000-3200 granted to them through the judgement of the Hon'ble Supreme Court should not have been downgraded" and hence, "should be protected to avoid discontentment / further litigation".**

However Fast Track Committee had left the matter of Pay Scale of EA on PrasarBharati Board's consideration, since, Prasar Bharati (Broadcasting Corporation of India) Act has become operative with the notification dt 15.09.1997. (Pages 28-31; Enclosure 08)

(10). **05.11.1997** :- On the recommendation of Fast Track Committee, DOP&T submitted a note, with Implementation Schedule, to the Union Cabinet, with the observation that decision of Pay Scale of EA cannot be left on Prasar Bharati, because the Pay Scales were to be made operative w.e.f. 01.01.1996. Hence, DOPT had recommended to restore the Pay Scale of Engineering Assistant, by protecting the "pay scale" instead of "pay" as described in Para 5 of Cabinet Note with the approval of MOS(PP) for further consideration of Union Cabinet. (Pages 32-36; Enclosure 09)

(11). **06.11.1997** :- The Union Cabinet had considered the note in its meeting dt. 06.11.1997 and directed to Ministry of I&B to take the appropriate action in consultation with Ministry of Finance and Ministry of Personnel, Public Grievances and Pensions as per the implementation schedule attached with the Union Cabinet decision. (Pages 37-38; Enclosure 10)

**The above development clearly indicates that Govt. of India had considered the "protection of the Pay Scale" of EA as Rs. 2000-3200 against the 5<sup>th</sup> CPC recommendation of protection of "Pay".**

(12). **05.12.1997**:- On 05.12.1997, an ad-hoc increase in salaries of some grades of Subordinate Engineering Employees was granted, as an interim measure, on the basis of agreement between the Govt. and SSS till the final disposal of the issue by Prasar Bharati Board. (Page 39-40; Enclosure 11)

(13). **25.02.1999**:- On 25.02.1999, MOIB OM No.: 310/173/97-B(D) had granted the upgraded scales than those recommended by 5<sup>th</sup> CPC to 11 categories of employees, including EA, subject to the conditions that

(i) the "upgraded scales" will be allowed not as Govt. Employees per se but as Govt. employees currently in service of Prasar Bharati (Broadcasting Corporation of India).

(ii) as and when the employees are asked to exercise the option, those who do not opt for PrasarBharati will revert as Govt. Servants and no longer be entitled to above scales.

(Pages 41-44; Enclosure 12)

(D) Restoration of Parity of Sound Recordist of Doordarshan with Recordist / Sound Recordist of Film Division

(14). 16.04.2001 :-Vide office order No. 13/2001-SI(A) from file No. 37/2/99-SI(A), DG:DD had protected the "Pay Scale" of existing incumbents Sound Recordists and thereby granted them the revised pay scale of Rs.6500-10500 on personal basis w.e.f. 01.01.1996 in consultation with MOIB and Ministry of Finance Department of Expenditure secretly, thus had restored the parity with Recordist/Sound Recordist of Film Division.

(Page 45; Enclosure 13)

(E) DEEWA OA 1867/1998

(15) :- 04.01.2001 :- Hon'ble Principal Bench CAT Delhi allowed OA 1867/1998 with the direction to fix the pay of the applicant-incumbent EAs – in the scale of Rs. 2000-3200/- w.e.f. 1.1.1986 or from the date of their joining and then corresponding scale of Rs. 6500-10500/- w.e.f. 1.1.1996 with all the consequential benefits, but personal to them, with the following observation-

(Pages 46-60; Enclosure 14)

"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. 6500-10500/- but with effect from 01.11.1997 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 PrasarBharati. This is not a correct proposition as Prasar Bharati 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 01.01.1996, following the adoption of the recommendations of the 5<sup>th</sup> CPC. Likewise, providing for the up-gradation of scales, subject to the employees opting for Prasar Bharati and directing those who do not opt would forfeit the right of the upgraded scale and would be liable to refund the benefits of grant of higher scales of pay are also not correct and not justifiable in Law".

Civil Writ 4215/2001 filled against the Hon'ble CAT New Delhi judgement was dismissed on merit in High Court Delhi.

(Page 61; Enclosure 15)

SLP(C) 2855/2007 filled against Hon'ble HC Delhi judgement was dismissed on merit in Hon'ble Supreme Court. With the dismissal of SLP the case of replacement scale of Engineering Assistant had attained finality.

(Pages 62-63; Enclosure 16)

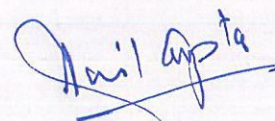
Para 11 of Tribunal observation in DEEWA OA 1867/1998 proved that MOIB orders dt. 05.12.1997 and 25.02.1999 were "not justifiable in Law" for Engineering Assistants.

(16). ADTEA feels that when any particular order/set of orders is "NOT JUSTIFIABLE IN LAW" for a particular set of employees, how it can be "JUSTIFIABLE IN LAW" to the remaining employees when all the employees are recruited under the same Recruitment Rules (RRs) and having same duties and responsibilities in the same office of All India Radio and Doordarshan. This is the deep discrimination and violation of Article 14 & 16 of Constitution of India.

MOIB LATEST CONFESSION ON PARITY OF EA (AIR&DD) AND SOUND RECORDIST (DD)

(E) MOIB to Ministry of Finance

(17). MOIB has confessed that, the historical parity between cadres of Recordists (Film Division), Sound Recordists (Doordarshan) and EAs (of AIR & DD) was established by Hon'ble Supreme Court right from Y. K. Mehta and others case in 1988, Rajshekharan case dt. 25.01.94 and DEEWA case in CA No. 2855/2007 decided on 22.07.2015. This parity was disturbed in respect of Sound Recordists (DDn) and EAs (AIR&DD) viz-a-viz Recordist (Film Division) by recommendations of 5<sup>th</sup> CPC by reducing the pay scale from Rs. 2000-3200 to



**Rs. 1600-2660 of Sound Recordists and EAs.** (It is necessary to state here that Govt. of India had out rightly rejected the down gradation recommendation of 5<sup>th</sup> CPC regarding EA vide Ministry Of Finance Resolution No. 50(1)/IC/97 (Pages 24-25; Enclosure 06) and the matter of scale of EA was referred to the committee of Secretaries for examination through Fast Track Mechanism. **Ministry of Finance Resolution also states that separate Orders will be issued in respect of EA, pending which normal replacement scales will apply.** (Pages 64-85; Enclosure 17)

(18). MOIB has further confessed that the parity has again been established by DDn in respect of Sound Recordists only by placing them (i.e. Sound Recordist) in the scale of Rs. 6500-10500 as personal to them, vide their (MOIB) order dated 16.04.2001 with the approval of Ministry of Finance, Department of Expenditure. This approval was preceded in compliance to the Hon'ble CAT Hyderabad order dt.15.03.2000.

(19). In the same, MOIB has further confessed that by granting the protection of pay scale to existing incumbents sound recordists from 01.01.1996 by DD DG order dt. 16.04.2001(stated at point no. 14), the historical parity between Sound Recordists of DDn and EAs of AIR & DDn has again been disturbed which needs to be rectified.

(20) MOIB intimation from File No.: :- On a query of DOPT, MOIB has informed to DOPT that the decision on the Cabinet Note dated 05.11.1997 has been taken by the MOIB vide OM dated 25.02.1999. (Pages 86; Enclosure 18)

It is most unfortunate that 25.02.1999 OM of MOIB has changed the direction of Cabinet Note dt. 05.11.1997 from "Protection of Pay Scale" to the "Up-gradation of Pay Scales" of incumbents EAs and we (incumbent EAs) are the victim of up-gradation curse till date.

(21). ADTEA believes that by protecting the Pay Scale of Incumbent Sound Recordist as on 1.1.1996 but unconcerned to Protect the Pay Scale of incumbent EAs as on 01.01.1996 even on the Union Cabinet consideration dt. 06.11.1997 and granting them (EA) Rs. 6500-10500/- as an Upgraded Scale is not only the serious violation of Principle of Natural Justice but also the Contempt of Hon'ble Supreme Court order dated 25.11.1994 in Rajshekharan case, dt. 22.07.2015 in DEEWA case and disobedience to Union Cabinet decision dt.06.11.1997.

#### PRAYER

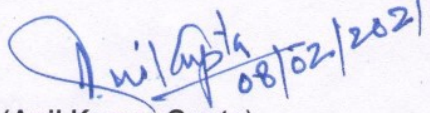
Hence keeping in view of above Cabinet Note (Para "10"), Union Cabinet direction (Para "11"), DG DD order (Para "14"), and DEEWA CAT observation (Para "15" of Judgement) in OA 1867/1998 & its direction to extend Rs. 6500-10500/- (V CPC) as replacement scale of Rs. 2000-3200/- (IV CPC) to applicant EAs from 01.01.1996, it is humbly requested to kindly grant the Hon'ble Supreme Court approved historical parity of Sound Recordist to incumbent Engineering Assistants from 01.01.1996 by issuing the "Pay Scale Protection" i.e. Rs. 2000-3200 (in 4<sup>th</sup> CPC) order and its replacement scale Rs. 6500-10500 (in 5<sup>th</sup> CPC). The "pay scale protection" will cost zero additional financial burdens all EAs are in Rs. 6500-10500 Scale. This matter is generated due to concealment of facts, due to which Employees Associations / Individuals are in different courts and huge money and time of employees as well as exchequer are going wasted.

With best regards.

Sincerely Yours

Annexure:- (18) as stated above.

Total (86) pages including application.

  
(Anil Kumar Gupta)  
President  
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