

S. M. ARIF

Advocate

On Panel: - MINISTRY OF RAILWAYS, B.S.N.L.,
A.I.R., & U.P.S.C.

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Ref:

Dated: 11.01.2018

OPINION

To

The Director General
All India Radio
Aakashwani Bhawan
Parliament Street, New Delhi
(Kind Attn: Shri N.P. Joshi, Director (Admn.-II))

**REG: O.A. NO. 2479/2015 FILED BY ASSOCIATION OF RADIO & TELEVISION
ENGINEERING EMPLOYEES & ORS. VS UOI & ORS.**

I have gone through the Order dated 01.12.2017 in the abovenoted O.A.

By the said Order, the Hon'ble Tribunal passed the following Order:-

"2. It is also submitted that the respondents questioned the said order by filing the Writ Petition (Civil) No.2034/2017, whereunder the Hon'ble High Court of Delhi by its interim order dated 11.04.2017 passed the following order :-

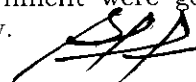
"Issue notice to the respondents, returnable on 10th August, 2017. Learned counsel for the petitioner submits that the respondent became an employee of Prasar Bharti on 1st November, 1997 and had retired also from the same institution. With reference to MACP scheme, it is submitted that the respondent was initially appointed as Engineering Assistant in the pay-scale of Rs.5000-8000, has earned more than three financial upgradations. As per the MACP Scheme, the next higher grade pay is payable. There will be stay of the operation of the impugned order till the next date of hearing. Relist on 10th August, 2017."

3. In view of the above referred submissions, the instant OA is also disposed of in terms of the judgment of this Tribunal in OA No.1118/2015 dated 31.03.2016. However, the same is subject to the orders passed in Writ Petition No.2034/2017.

4. The pending MA also stands disposed of."

It is submitted that vide its Order dated 31.03.2016 in OA No. 1118/2015 filed by Smt. Syamali Biswas, which is now under challenge before the Hon'ble High Court, the Hon'ble Tribunal has accepted that the higher Pay Scale of Rs.6500-10500/- and Rs.7450-11500/- was an upgraded Pay Scales, applicable to the certain category of employees working in Prasar Bharati.

However, the persons/employees working on the Post of Engineering Assistants and Sr. Engineering Assistants in the Government were getting the Pay Scale of Rs.5000-8000/- & Rs.5500-9000/- respectively.



Hence, it is accepted by the Hon'ble Tribunal that both these Scales, which were given to the Engineering Assistants & Sr. Engineering Assistants in the Pay Scale of Rs.6500-10500/- and 7450/-11500/- were/are upgraded Pay Scales, applicable only to the Employees of Prasar Bharti.

In my considered view, the Ministry of I & B can issue a Clarification in regard to the Pay Scales which are/were applicable to the employees of Sub-ordinate Engineering Cadre in terms of the Clarification received by them from the Ministry of Finance.

Since, the Hon'ble Tribunal directed that the OA No. 2479/2015 is disposed off in terms of the judgment of the Hon'ble Tribunal in OA No. 1118/2015, however, the same shall be subject to the outcome of the Writ Petition No. 2034/2017 in the matter of DG, All India Radio Vs. Smt. Syamali Biswas.

You may act accordingly. It is pertinent to mention here that Association of Radio & Television Engineering Employees had moved an application for impleadment as respondents in the matter of D.G, All India Radio etc. Vs Syamali Biswas.

Submitted accordingly.



**(S.M. ARIF)
ADVOCATE**