



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

(1)

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(Registered and Recognised by Govt. of India)
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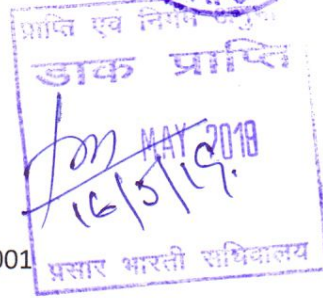
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Ref. No.: ADTEA/2019/039

Date: 16.05.2019

To,

1. Col. (Retd.) Rajyavardhan Singh Rathore, AVSM,
Hon'ble Minister of State for Information & Broadcasting (I/C),
Ministry of Information & Broadcasting,
Shastri Bhawan, New Delhi-110001
2. Sri. AMIT KHARE (IAS),
Secretary to the Govt. of India,
Ministry of Information & Broadcasting,
Shastri Bhawan, New Delhi-110001
3. Sri. Shashi Shekhar Vempati,
Chief Executive Officer, Prasar Bharti,
Prasar Bharti House, Copernicus Marg, New Delhi-110001



Subject: Request to solve the issue of replacement Scale, as Rs. 5000-8000 of Tech./Sr. Tech., as on 01.01.1996 in light of various court judgements.

Respected Sir,

Respectfully, we most humbly request to your kind office that kindly take the cognizance of following points regarding the above subjected issue. We would like to say that the real cause of the demand is due to the willful disobedience of the Hon'ble Apex Court order dated 1994 and ignorance of the Union of India Cabinet decision dated 06.11.1997 by MOIB /DG: AIR.

1. That is, there are analogous posts in programme and Engineering wing in Doordarshan like Lighting Assistant/Lightmen and Technicians in AIR and Doordarshan. Till the year 1983, there had been pay parity in the pay scale of Tech. and Sr. Tech. with that of Lighting Assistant Gr. II and Gr. I respectively. In the 3rd CPC, Technicians and Lighting Assistants were placed in the pay scale of Rs. 330-480.
2. That is, Govt. of India, with Hon'ble President pleasure, had revised the pay scale of Lighting Assistant/Lightmen, since 01.12.1983, to Rs. 425-700 (in 3rd CPC) and Rs. 1400-2300 (in 4th CPC), through MIB order No. 2(7)/89-S.I(Vol. II)/YV(A) dated 17.07.1990, at par with Assistant Cameramen in the Film Division. **(Annexure 01)**
3. That is, the Technicians who were doing superior job and shouldering more responsibility than Lighting Assistants, made representations to the competent authority for parity with Lighting Assistants. The competent authority and respective employees Associations had represented to 5th CPC for consideration the demand.

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Shashi Shekhar Vempati
16/5/19

4. That is, 5th CPC did not address the demand of Tech. Grade II & I, because, in 5th CPC view, **“the restructuring of the cadre is already under process in the MOIB”**. (Annexure 02)
5. That is, Govt. of India had formed the Fast Track committee of Secretaries, through Govt. of India resolution, vide letter no.: G.I.M.F no.: 50(1)/IC/97 dated 30/09/1997, for examination of the matter of scale of Engineering Assistant. On the request of the then Minister of I&B through D.O. letter No.: 310/43/97-BCD dated July 22, 1997, Pay parity matter of Tech. Grade II & I and Lighting Assistants Grade II and Grade I was examined by Fast track Committee.
6. That is, Fast Track committee observed that **“the job content of the Technicians is also more arduous, multifarious and requires high technical/specialised skills than the Lighting Assistants and as such the parity of Technicians Grade II & I ought to be maintained with Lighting Assistants Gr. II and Gr. I respectively, i.e. to grant of pay scale of Rs. 4500-7000 to Technician Gr. II and Rs. 5000-8000 to Technician Gr. I”**. (Annexure 03)
With above observation, the Fast Track Committee has left the matter on Prasar Bharati Board to decide, because, Prasar Bharati (Broadcasting Corporation of India) had notified on 15.09.1997 and had become operative.
7. That is, Prasar Bharati, granted the parity of Lighting Assistant Gr. II & Gr. I to Technicians Gr. II & Gr. I, **respectively, i.e. granted the pay scale of Rs. 4500-7000 to Technician Gr. II and Rs. 5000-8000 to Technician Gr. I**, from 01.01.1996 onward, through the MOIB orders dated 05.12.97 and 25.02.1999, but as **“up-gradation given for working in Prasar Bharati”**. While the demand was from 1983.
8. That is, being aggrieved, this association filed the OA 390/2006, in Hon’ble CAT Madras, for the Parity with Lighting Assistant with retrospective effect from 01.07.1983, but Hon’ble CAT Madras bench **dismissed the OA on 10/07/2008**.
9. That is, this association, then, filed the Writ Petition No. 27155 of 2009 in Hon’ble High Court Madras. Hon’ble High Court Madras had passed an order, on dated 24.11.2010, **by set aside the Hon’ble CAT Madras order dated 10/07/2008, in OA 390/2006 and directed the department to extend the parity with effect from 01.07.1983, notionally.**
10. That is, Department filled an SLP (Civil) No. 33048/2011 in Hon’ble Supreme Court against the judgement of Hon’ble High Court Madras in WP(C) No. 27155/2009, which was dismissed on merit, on dated 10.01.2013, with the conclusion that **“by ordering revision of pay scales of Technicians at par with the Lighting Assistants, the High Court has acted in consonance with the spirit of Articles 14 and 16 of the Constitution”**. (Annexure 04)
11. That is, DG AIR through order No.: 8/8/2006-SIV(A)/Part-1/107 dated 11.03.2014, implement the order of Hon’ble Supreme Court dated 10.01.2013 in SLP(C) No.: 33048/2011 in accordance with the approval of Ministry of Finance and Ministry of I&B. (Annexure 05)
12. That is, Union of India through its order dated 19.04.2012, in compliance of Judgement of Hon’ble High Court delhi in WP(C) No. 6544/2007, granted the pay scale of Rs. 5000-8000 from 01.01.1996 with the approval of Ministry of Finance and MOIB.
13. That is, in the OA 1861/2014 filled by Ashok Yadav and others Vs. UOI, Hon’ble Principle Bench CAT Delhi concluded that **“it is clear that matter has been settled at the level of the Hon’ble Supreme Court that Technician and Sr. Technician be treated at par with Lighting Assistants as far as their pay scales are concerned”**. Hence, Hon’ble Principle Bench CAT Delhi allowed the OA 1861/2014,

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and directed the respondents to grant the benefits of Higher scale of Rs. 5000-8000 w.e.f. 01.01.1996 on notional basis to the applicants. (Annexure 06)

14. That is, in compliance to the Principle Bench CAT Delhi order in OA 1861/2014, DG AIR extended the Rs. 5000-8000 scale through its order No. 8/6/2014-SIV(A)/671 dated 8.7.2016 to the applicants of OA 1861/2014. (Annexure 07)

DG AIR by order No. 8/20/2015-SIV(A) dated 12.05.2017 has extended the Rs. 5000-8000 pay scale to other applicants of 5 OAs, i.e. OA 1858/2015, OA 4101/2015, MA 2096/2015 in OA 4424/2014, OA 1553/2016 of Principle Bench CAT Delhi and OA 690/2015 of CAT Jabalpur with the advice of DOLA, Min. of finance and MOIB. (Annexure 08)

and later on generalised for all the Technicians who joined the service on or before 05.10.2007 through Order No. 8/20/2015-S IV(A)/778 dated 18.12.2017 (Annexure 09)

15. That is, DG AIR clarified to the various Stations/Kendras through the order No. 14/44/2017-SIV(A)/494 dated 4th August 2017, at Sr. No. 3 that The pay scale of Rs 5000-8000 granted to Technicians, on Notional basis, is not upgraded. (Annexure 10)

Hon'ble Supreme Court in SLP (Civil) No. 33048/2011 (Para "j"), states that, "by ordering revision of pay scales of Technicians at par with the Lighting Assistants, the High Court has acted in consonance with the spirit of Articles 14 and 16 of the Constitution" and the conclusion of Hon'ble Principle Bench CAT Delhi in the OA 1861/2014 (Para "m"), that "it is clear that matter has been settled at the level of the Hon'ble Supreme court that Technicians and Sr. Technicians be treated at par with Lighting Assistants as far as their pay scales are concerned" proves the well-established parity of Technicians with Lighting Assistants, which was lost in 1983, with the revision of pay scale of Lighting Assistant through court orders and denial of the department to revise the pay scale of Technicians.

The pay scale granted to Technicians/Sr. Tech. through MOIB executive order dated 25.02.1999, granted as "up-gradation", for working in Prasar Bharati, with the undertaking, has now no meaning, as through Prasar Bharati amendment act 2012, "all the employees up to 05.10.2007 are now Central Govt. Employees working in Prasar Bharati on deemed deputation till retirement".

Hence, keeping in view of the conclusion of Hon'ble Supreme Court (Para "10"), Hon'ble Principle Bench CAT Delhi (Para "m") and clarification issued by DG AIR (Para "o"), it is requested that kindly issue the replacement scale order Rs. 5000-8000 (in 5th CPC), by set aside the MOIB orders dated 05.12.1997 and 25.02.1999 for Technicians and Sr. Tech. both as the well-established parity with Lighting Assistant..

Thanking you sir.

Yours Sincerely

Enclosure: (10) as stated above,
Total pages (18) including application
(32)

Anil Kumar Gupta
General Secretary,
(M) 9450395298

Copy to :- (for information and necessary action)

1. DG: AIR, {Kind Attn.: Shri.(Dr.) Shailendra Kumar ADG(A)}, Akashwani Bhawan, Sanasad Marg, New Delhi -01

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