



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

Ref. No.: ADTEA/2018/017

Date: 13.03.2018

To,
The Director General,
{Kind Attn.: Dr. Shailendra Kumar ADG(A)},
Akashwani Bhawan,
Parliament Street, New Delhi-110001

Subject:- Request to allow, all eligible EAs, who are the member of this association, to appear in the LDCE for AE promotion, as per the interim relief granted by Hon'ble CAT Lucknow Bench Lucknow, in Joint Application No. 332/00049/2018 in Diary No. 332/00100/2018, pronounced on 12.03.2018.

Reference:- 01: Copy of IR given by Hon'ble CAT Lucknow Bench, in Joint Application No. 332/00049/2018 pronounced on 12.03.2018. (Annexure 01)
02: Exam notification NABM – Deptt. Exam/SEA-AE/2017 dated 17.11.2017 (Annexure 02)

Respected Sir,

We want to bring your kind notice that Hon'ble CAT Lucknow Bench has given interim direction to the Department to permit the six applicants of Joint application no. 332/00049/2018, Akhilesh Kumar Srivastava & others Vs UOI, to appear in the LDCE provisionally. The direction of IR is given below.

“14. Therefore, direction is issued to the respondents that if applicants, so desire, may apply to appear in the departmental competitive examination against 75% or against 25% quota for promotion to the post of AE within a week from today. They shall be permit to appear in the examination provisionally. The result of examination will subject to final outcome of application for interim relief.”

This association also wants to state that in A. K. Srivastava case 2015(1)SCC 347, the Hon'ble Supreme Court 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

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

to discrimination and would be violation of Article 14 of the Constitution of India. This principal needs to be applied in service matters more emphatically as the service jurisdiction evolved by this court from time to time postulates that all similarly situated persons should be treated similarly."

Hence in light of above submission, this association wants to request to your good self to-

- 1) Allow all the eligible Engineering Assistants, who are the member of this association, to appear in the LDCE for AE promotion.
- 2) Reschedule the LDCE for AE promotion to a later date to allow sufficient time for preparation by giving sufficient training (such as refresher course etc.) as too many EAs have more than 23+ years service experience (as EA).

Anticipating a favourable decision, and thanking you.

With warm regards.

Sincerely Yours,

SVS
13/3/18

(Shyam Vir Singh)

President

Ph. 9999279818, 9013368129

E-mail: shyamsingh7@gmail.com

Encl.: (02) as stated above

Total (09) pages with representation.

Copy To (Through E-mail) :-

1. Sh. N.K.Sinha IAS, Secretary to GOI, Ministry of I&B, Shastri Bhawan, New Delhi-110001
2. Sh. S. S. Vempati, CEO Prasar Bharti, Coparnicus Marg, New Delhi-110001
3. Sh. I.I. George, ADG (E)(Training), NABM(T), Kingsway Camp, Delhi-110009
4. ADG (E)(AVM), {Kind Attn.: A. K. Singh}, Jamnagar House, Shahjahan Road, New Delhi-11

SVS
13/3/18

(Shyam Vir Singh)

Annexure (1)
**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW**

(3)

Joint Application No. 332/00049/2018
In Diary No. 332/00100/2018

Reserved on : 26.02.2018 [On IR]
Pronounced on : 12.03.2018

Hon'ble Mr. Justice V.C. Gupta, Member (J),

Akhilesh Kumar Srivastava & othersApplicants

By Advocate: Sri Praveen Kumar.

Versus

1. Union of India, through the Secretary, Ministry of Information & Broadcasting, Govt of India, A Wing Shastri Bhawan, New Delhi.
2. The Chief Executive Officer (CEO), Prasar Bharti, Prasar Bharti secretariat, Copernicus Marg, New Delhi-110001.
3. The Director General, All India Radio, Akashvani Bhawan, Sansad Marg, New Delhi.
4. The Director General, Doordarshan, Doordarshan Bhawan, Copernicus Marg, New Delhi.
5. Additional Director General (E) (Training), National Academy of Broadcast and Multimedia (Technical), Kingway Camp, Delhi.
6. The Dy. Director General (E), Doordarshan Kendra, Ashok Marg, Hazratganj, Lucknow.

....Respondents

By Advocate: Sri Alok Trivedi.

ORDER

[Under Rule 19(b) of CAT (Procedure) Rules, 1987]

Delivered by Hon'ble Mr. Justice V. C. Gupta, M-J

Heard the learned counsel for the applicant and the learned counsel for the respondents at the admission stage and also heard on the question of grant of interim relief as claimed by the applicants.

2. The facts giving rise to this original application are that the respondents issued a notification dated 17.11.2017 to hold departmental examination for promotion to the post of AE

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(4)

against 75% quota through departmental competitive examination and also for 25% on the basis of seniority-cum-suitability. The aforesaid notification was challenged by applicants who are working as Engineering Assistant (EA) in All India Radio and Doordarshan and all are eligible to the promotion in the next higher post.

3. It has been contended by learned counsel for the applicants that prior to 1.1.2006, the applicants were working in the Pay Scale of Rs. 6500-10500 during 5th CPC. The post of Senior Engineering Assistant (SEA) is the promotional post to EA in the pay scale of 7450-11500 and for this post the feeder cadre is EA having 3 years qualifying service for the promotion to the post on the basis of seniority-cum-fitness.

4. It has been contended that after implementation of 6th CPC all the post which were carrying pay scale of Rs. 6500-10500 were upgraded in PB-2 with Grade Pay of Rs. 4600. Though, the replacement scale of Rs. 6500-10500 was PB-2 with GP-4200. This was done in pursuance of an O.M. issued by DOPT dated 13.11.2009 and as such in pursuance of the aforesaid OM all the EA were placed in PB-2 with Grade Pay of Rs. 4600/- w.e.f. 1st January, 2006. Pay Band and Grade Pay which has been given to EA was equivalent to Pay Band and Grade Pay of SEA who were in 5th CPC are in pay scale of Rs. 7450-11500 and the corresponding pay scale in the 6th CPC is now PB-2 with GP of Rs. 4600. It was further contended that in terms of OM dated 13.11.2009 if the post in pay scale of Rs. 7452-11500 is already existing in the cadre during 5th CPC the post in the pay scale of Rs. 6500-10500 shall merge in the post having pay scale of 7450-11500. It was argued that the result of it would be that the post of EA stands merge in the post of SEA w.e.f. 1.1.2006. However, in terms of the O.M. dated 13.11.2009 no effort has been made to merge both the post and to frame the recruitment rules. Both the post EA and SEA are still existing in PB-2 with GP 4600.

5. It was contended that when no action was taken by the respondents, some EA filed O.A. No. 2940 of 2010-Praveen Kumar and others Vs. Union of India & others before Principal Bench of this Tribunal. The Principal Bench vide its judgment dated 30.11.2010 issued direction to the respondents to finalize the merger of two post and prepare the Recruitment Rules (RRs) within three months from the date of communication of this order.

