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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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Ref. No.: ADTEA/2018/029

Date: 14.05.2018

To,
Director General Akashwani,
{Kind Attn.: Shri (Dr.) Shailendra Kumar ADG(A)},
Akashwani Directorate, Akashwani Bhawan,
Sansad Marg, New Delhi-110001

[Through e-mail]

Subject: Request to represent the 25.02.1999 up-gradation issue of Tech./Sr.Tech., again, to MOIB in light of Hon'ble Apex Court judgement.

Reference: MIB communication F. No.: 503/5/2014-BA(E) dated 31.01.2018.

Respected Sir,

We are grateful to you that you have listened us patiently, on 7th & 8th May 2018, regarding the 25.02.1999 up-gradation issue of Tech./Sr. Tech. and keenly raised the quarries regarding the parity of Tech./Sr. Tech. and Lighting Assistant, in light of the MOIB order as referenced above.

In this order, MOIB has directed to adjust the up-gradation, given by the 25.02.1999 executive order to Tech./Sr. Tech., against one ACP/MACP, by ignoring the following facts.

As per the observation of the Hon'ble High Court Madras in WP(C) No. 27155 of 2009:--

- 1) Technicians and Sr. Technicians were at par with Lighting Assistant Grade II and I respectively up to 30th June 1983.
- 2) In third pay commission, the Technicians and LA were placed in the scale of Rs. 330-480 and the Assistant Cameramen, working in the Film Division, were placed in the pay scale of Rs. 425-700.
- 3) In the IV Pay Commission, the Tech. and Lighting Assistants were placed in the pay scale of Rs.1200-1800 and the Assistant Cameramen in the Film Division were placed in the pay scale of 1400-2300. The pay scale of Lighting Assistants in the IV Pay Commission was revised from 1200-1800 to Rs 1400-2300 and they were placed on par with the Assistant Cameramen.

ADTEA ZONAL HEADQUARTERS :-

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Guwahati-781001

SOUTH ZONE
P.B. No. 2995
Chennai-600005

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P.B. No. 11048
Mumbai-400020

- 4) The Technicians, who were doing superior job and shouldering more responsibility, demanded pay scale at par with Lighting Assistant. The said demand was accepted by MOIB as per OM dated 05.12.1997 and thereafter by OM dated 25.02.1999, upgraded pay scales were granted to Technicians and Sr. Technicians in the pay scale of Rs. 4500-7000 and 5000-8000 respectively at par with Lighting Assistant Grade I and Grade II.

Hence before July 1983 and after 01.01.1996 both Tech./Sr. Techs were at par with LAs.

- 5) Even though the pay scales of Technicians and Sr. Technicians were brought at par with LA Grade II and I, MOIB (the respondents) failed to give notional fixation with retrospective effect from 01.07.1983 being the date when the scale of Lighting Assistant revised.

Hence, in light of above observations Hon'ble HC Madras passed the order in WP(C) No. 27155 of 2009 on dated 24.11.2010, keeping set aside the Hon'ble CAT Madras order dated 10.07.2008 in OA No. 390/2006 (In which Hon'ble CAT Madras rejected the demand of Technicians/Sr. Technicians to grant parity with LA from 01.07.1983) to grant the notional fixation of Pay Scale w.e.f. 01.07.1983, conferred on the post of TRES; as evident from para No. 2(iv) of the order dated 25.02.1999 to the Tech./Sr. Techs. Later on, on dated 10.01.2013, Hon'ble Supreme Court of India dismissed the SLP (civil) No. 33048/2011 filled by UOI & ORS Vs. ADTEA & ANR by ordering-

" Rather, it must be held that that by ordering revision of pay scales of the Technicians at par with the LA, the High Court has acted in consonance with the spirit of Articles 14 and 16 of the Constitution".

▶▶▶ In addition to above, we want to add the following order from file No.: 8 / 20 / 2015 - SIV(A)/, dated 12.05.2017, and dated 18.12.2017, issued by DG AIR. In these orders DG AIR has clearly mentioned that Rs 5000-8000 scale is given to Technicians in compliance of the Judgements given by various courts of Law and approval has been taken from MOIB, Ministry of Law and Ministry of Finance. (Order dated 12.05.2017 as Annexure 1)
(Order dated 18.12.2017 as Annexure 2)

" It is clear now by the above submission that the scale granted to Tech/Sr. Tech, through MOIB order dated 25.02.1999, are not the higher scale (i.e. Upgraded scale), as are being projected again and again in all communication of MOIB and DG AIR. It was the parity with LA which was disturbed in June 1983 and again restored by Hon'ble Supreme Court. It is the clear view of this association that once the Rs. 5000-8000 scale granted to both Tech/Sr. Tech through various orders dated 12.05.2017 & 18.12.2017, scale granted through MOIB order dated 25.02.1999 have become irrelevant now, as the long pending

MOIB
14/05/2018

(3)

anomaly (since 1983) has been removed by Hon'ble HC Madras upheld by Hon'ble Apex Court.

Hence, In light of the submission made above, it is a request to you to kindly move a fresh proposal to MOIB in the light of the above observation of Hon'ble Madras High Court upheld by Hon'ble Supreme court, to extend the historical parity of Tech./Sr. Tech. to Lighting Assistant. Also, Kindly declare that the scale granted to Tech./Sr. Tech. as Rs. 5000-8000 by DG AIR order dated 12.05.2017 & 18.12.2017 are the replacement scale and the scale granted by 25.02.1999 to Tech./Sr. Tech. have become irrelevant now.

Thanking you sir.

Annexure: (02) as stated above.

Total (6) pages including application.

Sincerely Yours

Uma Kant Joshi
14/05/2018

(Uma Kant Joshi)

Jt. Secy. ADTEA

for President ADTEA

Ph: 9871053111

Copy To: (Through E-mail)

1. Shri. N. K. Shinha, Secretary (I&B), Ministry of I&B, Shastri Bhawan, New Delhi-110001
2. Shri. S. S. Vempati, Chief Executive Officer, Prasar Bharti, Coparnicus Marg, New Delhi-01



Annexure (1)

(4)

PRASAR BHARATI
(INDIA'S PUBLIC SERVICE BROADCASTER)
DIRECTORATE GENERAL: ALL INDIA RADIO

No.8/20/2015-S-IV(A)

New Delhi, dated 12.05.2017

ORDER

Consequent on acceptance of Judgments and Orders of respective Courts of Law in the following OAs and details mentioned against each, it has been decided on the advice of D/o Legal Affairs and with the concurrence of D/o Expenditure, Ministry of Finance to implement the judgments in letter and spirit by granting pay scale of Rs.5000-8000/- to the applicant Technicians on notional basis from 01.01.1996 to 31.03.2015 and on actual basis w.e.f. 01.04.2015:

Sl. No.	Case Title	Name of the Bench	Date of Judgment
1.	OA No.1858/2015 filed by G.M. Tyagi & Ors.	CAT, (PB), New Delhi	24.05.2016
2.	OA No.4101/2015 filed by Sh. Mukesh Kumar Dixit & Ors Vs UOI	CAT, (PB), New Delhi	04.09.2016
3.	MA No.2096/2015 in OA No.4424/2014 filed by ARTEE & Ors.	CAT, (PB), New Delhi	15.12.2014
4.	OA No.1553/2016 filed by ADTEA.	CAT, (PB), New Delhi	04.05.2016
5.	OA No.690/2015 filed by Ashok Dorwal & Ors	CAT, Jabalpur	13.08.2015

2. As per approval of Ministry of I&B, it has also been decided to extend the pay scale of 5000-8000/- to all other similarly placed eligible Technicians who have not gone to any court or have recently filed any court cases.

3. The field offices concerned will draw Pay & Allowances in revised scale from 01.04.2015 on actual basis and from 01.01.1996 to 31.03.2015 on notional basis.

Contd....2

4. The officials concerned will be entitled to arrears of differences in pay to which they are now entitled and what has been actually paid to them w.e.f. 01.04.2015.

5. This issues with the approval of Ministry of I&B, Ministry of Law & Justice and Ministry of Finance.


(D.P. Shukla) 17/5/2017

Dy. Director Admn. (E)

Copy to,

- 1) All the applicants of through their Zonal Heads/Head of Offices of AIR/DDn.
- 2) All Zonal Heads of AIR & DDn with the direction to revise the pay of the concerned Technicians.
- 3) All AIR Stations/DDn Kendras.
- 4) The Under Secretary, BA(E), A-Wing, Shastri Bhawan, New Delhi for kind information.
- 5) The Director (Admn.), PB Sectt, PTI Building, New Delhi.
- 6) PS to DG:AIR, PS to E-in-Chief, PS to ADG(A), PA to Dir(A-II).
- 7) Dy. Director(Admn.), S-IV(A) Section, DG:Doordarshan Bhawan, Mandi House, Copernicus Marg, New Delhi.
- 8) B&A Section, DG:AIR- for making necessary budget provisions.
- 9) Pay and Accounts Office, DG:AIR and DG:DDn, New Delhi.



Annexure (2)

(6)

PRASAR BHARATI
(INDIA'S PUBLIC SERVICE BROADCASTER)
DIRECTORATE GENERAL: ALL INDIA RADIO

No.8/20/2015-S-IV(A) | 778

New Delhi, dated

18.12.2017

ORDER

In partial modification of this Directorate's order dated 12.05.2017 as per approval received from Ministry of I&B, Competent Authority has approved to extend the pay scale of Rs.5000-8000/- to all Technicians who joined service on or before 05.10.2007. The pay scale of Rs.5000-8000/- granted would be on notional basis from 01.01.1996 to 31.03.2015 and on actual basis w.e.f. 01.04.2015.

2. Other terms & condition mentioned in the Order dated 12.05.2017 referred to above remain same.

(D.P. Shukla)

Dy. Director Admn. (E)

Copy to,

- 1) All Zonal Heads of AIR & DDn with the direction to revise the pay of the concerned Technicians.
- 2) All AIR Stations/DDn Kendras.
- 3) The Under Secretary, BA(E), A-Wing, Shastri Bhawan, New Delhi for kind information.
- 4) The Director (Admn.), PB Sectt, PTI Building, New Delhi.
- 5) PS to DG:AIR, PS to E-in-Chief, PS to ADG(A), PA to Dir(A-II).
- 6) Dy. Director(Admn.), S-IV(A) Section, DG:Doordarshan Bhawan, Mandi House, Copernicus Marg, New Delhi.
- 7) B&A Section, DG:AIR- for making necessary budget provisions.
- 8) Pay and Accounts Office, DG:AIR and DG:DDn, New Delhi.