



President
Mob.: 9999279818, 8700719460
E-mail: shyamsingh7@gmail.com

o/c

General Secretary
Mob.: 9450395298, 9695976376
E-mail: anilddklko@gmail.com

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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

www.adteaindia.com

पोस्ट बाक्स नं० 736
Post Box No. 736
नई दिल्ली-110001
New Delhi-110001

Ref. No.: ADTEA/2018/070-078

To,

Date: 08.12.2018

- Hon'ble President of India,
President Secretariate,
Rashtrapati Bhawan,
Raisina Hills, New delhi-110001
- Hon'ble Justice Sri. Ranjan Gogoi
Hon'ble Chief Justice of India
Supreme Court of India, New Delhi-110001
- Shri. Narendra Damodar Das Modi
The Hon'ble Prime Minister Of India,
Prime Minister Office,
South Block, Raisina Hills,
New delhi-110001
- Sri. Rajnath Singh
Hon'be Home Minister of India,
North Block, Raisina Hills,
New Delhi-110001
- 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

PRESIDENT'S SECRETARIAT
Central Registry Section
New Delhi-110004

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R&I Section
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10 DEC 2018

प्रधान मंत्री कार्यालय
Prime Minister's Office
डाक सेक्शन
DAK SECTION
RECEIVED ON
Date: 10/12/18

10/12
डाक सेक्शन
प. म. कार्यालय
भारत सरकार, नई दिल्ली
Min. of Information & Broadcasting
Govt. of India, New Delhi

Subject: Review of the Hon'ble Supreme Court decision and non-compliance of Cabinet decision of Govt. of India dated 06.11.1997, by Ministry of Information & Broadcasting and DG: All India Radio Officials regarding Engineering Assistants (EA). -- Request for judicial Enquiry by retired Hon'ble Justice of High Court/Supreme Court.

Respected Sir,

We most humbly request to your kind office that the Ministry of I&B officials and DG: All India

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

10/12/18

Radio officials are willfully reviewing the decisions taken by the Hon'ble Apex Court and also the cabinet decision of GOI dated 06.11.1997 in the matter of pay scale of Engineering Assistant (EA) working in All India Radio and Doordarshan. They are also flouting the advice of the Ministry of Law GOI repeatedly. The officials are habitually dragging all the cases settled by Hon'ble Apex Court to challenge them again and again towards judiciary. This is the new method of misuse of taxpayer's hard earned money which is passing to Lawyers as fee. We are presenting here the development of the case of pay scales of Engineering Assistant working in All India Radio and Doordarshan below :-

- a. The Hon'ble CAT Madras Bench, in OA 654/89 Rajshekharan Vs. UOI, allowed the OA and directed the department

" We have carefully studied the recruitment rules and duties and responsibilities attached to the two posts, we have also studied carefully and judgement of Hon'ble Supreme court in WP(C) No. 974 of 1978 dated 26.6.88 and the ratio enunciated by them. Following the Supreme Court Judgement, we consider that in the context of the qualification prescribed as also the nature of duties and responsibilities of the Engineering Assistants the Engineering Assistants are entitled to the same pay scales/benefits as given to sound recordists". (Pages 5-10, Annexure-01)

The government filled a SLP in Hon'ble Supreme Court on 10.9.90 against the Judgement of Hon'ble CAT Chennai Bench dated 29.6.90 in OA 654/1989. The SLP was dismissed on merits on 07.01.91. Govt. again filled review petition against dismissal of SLP which was again dismissed on 16.7.91. (Page 11, Annexure-02)

Hence, Govt. revised the pay scale of Engineering Assistant since 01.01.1978 as Rs. 550-900 (in 4th CPC) and Rs. 2000-3200 (in 5th CPC) through MIB order No. 310/15/93-B(D) dated 15.05.1995, at par with Sound Recordist of Doordarshan.

(Copy of MIB order Page 12, Annexure 03)

- b. That is, 5th CPC proposed to down grade the pay scale of Sound Recordist from Rs 2000-3200 to Rs. 1600-2660 and thereby the same to Engineering Assistant. **Para 73.16**

(Pages 13-15, Annexure 04)

- c. That is, **Govt. of India had out rightly rejected the above proposal of 5th CPC** regarding Engineering Assistant and through Govt. of India resolution vide letter no.: G.I.M.F no.: 50(1)/IC/97 dated 30/09/1997, matter of scale of Engineering Assistant had been referred to the committee of Secretaries for examination through Fast Track Mechanism.

Para "2" of Resolution further states that during the pendency "normal replacement scale will apply" for Engineering Assistant.

Para "8" of Resolution states "Department specific recommendations which are not included in this Resolution shall be processed by the concerned Department/Ministry and approvals of the Govt. obtained in consultation with the ministry of Finance and/or Department of Personal and Training".

(Copy of Govt. Resolution, Pages 16-18, Annexure-05)

Dinesh Gupta
08/12/18

- d. That is, on the recommendation of Fast track Committee, DOP&T (Govt. of India) submitted a note to restore the Pay Scale of Engineering Assistant, by protecting the "pay scale" instead of "pay" as recommended by Pay Commission and **finally cabinet considered the note in its meeting dated 06.11.1997**. Copy of relevant portion of the MIB communication I. D. No.310/173/97-B (D) dated 05.01.98 is given below.

"Para 13-- On the basis of recommendation of the Fast Track Committee, the Department of Personal and Training submitted a note for consideration of the Cabinet recommending the while other categories may draw the pay scales as recommended by the Pay Commission, the existing incumbents in the Grade of Engineering Assistants may be given protection of the pay scale instead of pay as recommended by the Pay Commission. The Cabinet considered the note in its meeting on 6th November, 1997 and decided that Minister for Information and Broadcasting in consultation with the Ministry of Finance and Ministry of Personal, Public Grievances and Pension may take appropriate decision in the matter".

(Fast Track committee report received through RTI, Pages 19-22, Annexurer-06)

- e. That is, On dated 16.04.2001, vide office order No. 13/2001-SI(A) from file No. 37/2/99-SI(A), DG:DD granted the revised pay scale of Rs.6500-10500 to incumbent Sound Recordists on personal basis w.e.f 1.1.96. **(Page 23, Annexure-07)**
But, DG: AIR didn't honour the Hon'ble Apex Court order, dated 07.01.91, to grant Parity to EA with Sound Recordist of Doordarshan.
- f. That is, The Hon'ble Principal Bench CAT Delhi, in DEEWA case OA 1867/1998, allowed the OA and directed the department **"to fix the pay of incumbent EAs- in the scale of Rs. 2000-3200 w.e.f. 01.01.1986 or from the date of their joining and grant them the corresponding scale of Rs.6500-10500 w.e.f. 01.01.1996 with the consequential benefits, but personal to them."** **(Pages 24-38, Annexure-08)**
The government filled a writ CW 4215/2001 in Hon'ble Delhi High Court against the Judgement of Hon, CAT PB Delhi in OA 1867/1998. Hon'ble Delhi High Court dismissed the writ on merits on 23.04.2002. **(Page 39, Annexure-09)**
Then Government filled a Civil Appeal No. 2855/2007 in Hon'ble Supreme Court against the Judgement of Hon'ble Delhi High Court in writ CW 4215/2001. The Civil Appeal was dismissed on merits on 22.07.2015. **(Pages 40-41, Annexure-10)**
- g. The 5th CPC recommended the single pay scale of Rs. 6500-10500 (S-12) after the rationalisation of the two scales i.e. 2000-3200 & 2000-3500.

The above development, clearly states that Govt. of India had never down-graded the scale of Engineering Assistant. Hence, the issue of any "up-gradation" given to Engineering Assistant through MOIB 25.02.1999 order (Pages 42-44, Annexure-11) does not arise.

Nmit Gupta
8/12/18

This association has repeatedly represented the case of Engineering Assistant to the Hon'ble Minister of I & B, officials of Ministry of I&B and DG: AIR, but all the efforts have gone in vein. A mass number of Engineering Assistants, including the members of this association are under high mental tension and are facing deep harassment since inception of 5th CPC (i.e. 1996). In the name of "up-gradation" (mentioned in the MOIB order dated 25.02.1999), competent authority has not been granted any ACP to Engineering Assistants, even up to the 25+ years of service as Engineering Assistant and presently withdrawing one MACP against "Up-gradation".

Therefore, we pray to your kindness that

- i) In the MOIB order dated 25.02.1999, "up-gradation" word should be replaced by "revision" word for Engineering Assistant.
- ii) MOIB office order dated 31.01.2018 (Pages 45-46, Annexure-12) and consequently DG:AIR order dated 26.06.2018 (Pages 47, Annexure-13) should be withdrawn for Engineering Assistant, as there was no up-gradation given by MOIB 25.02.1999 order.
- iii) This association also demands for judicial enquiry by the retired Justice of Hon'ble Supreme Court/High Court that "why MOIB is harassing the Engineering Assistants by dishonouring the implemented Hon'ble Apex Court judgements; why deliberately dishonouring the Cabinet Decision taken on 06.11.1997 and why violating the 'Article - 14' of The Constitution of India" ?

Thanking you sir.

Annex: (13) as stated above.

Sincerely Yours

Total (47) Pages.

Uma Kant Joshi
08/12/2018
(Uma Kant Joshi)

Additional General Secretary
(M) 9871053111

Anil Kumar Gupta
08/12/18
(Anil Kumar Gupta)

General Secretary
(M) 9450395298

Shyam Vir Singh
08/12/18
(Shyam Vir Singh)

President
(M) 9999279818

Copy to for information and necessary action:-

1. Dr. C. CHANDRAMOULI (IAS), Secretary to the Govt. of India, Department of Personal, Pension & Training, North Block, Central Secretariat, New Delhi, Delhi-110001
2. Sri. AJAY NARAYAN JHA (IAS), Secretary to the Govt. of India, Department of Expenditure, Ministry of Finance, North Block, New Delhi-110001
3. Sri. AMIT KHARE (IAS), Secretary to the Govt. of India, Ministry of Information & Broadcasting, Shastri Bhawan, New Delhi-110001
4. Sri. Shashi Shekhar Vempati, Chief Executive Officer, Prasar Bharti, Prasar Bharti House, Copernicus Marg, New Delhi-110001

Uma Kant Joshi
08/12/2018
(Uma Kant Joshi)

Anil Kumar Gupta
08/12/18
(Anil Kumar Gupta)

Shyam Vir Singh
08/12/18
(Shyam Vir Singh)

