

Central Administrative Tribunal, Principal Bench

Original Application No.974 of 2002

New Delhi, this the 15th day of April, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman  
Hon'ble Mr. S.A.T. Rizvi, Member (A)

Akashvani & Doordarshan  
Administrative Staff Association  
(Through Shri Sangam Thakur, General Secretary, ADASA  
Office of the Director  
Transcription & Programme Exchange Unit, AIR  
4th Floor, Akashvani Bhawan  
New Delhi-1

&

Shri Hira Lal  
Sr. Administrative Officer  
News Services Division  
All India Radio, New Delhi

- Applicants

(By Advocate: Shri A.K. Behra)

Versus

1. The Joint Secretary  
Ministry of Finance  
(Implementation Cell)  
North Block, New Delhi  
(Through Secretary, Ministry of Finance,  
Govt. of India)
2. The Secretary  
Ministry of I&B  
Shastri Bhawan, New Delhi
3. The Director General,  
All India Radio  
Akashvani Bhawan, New Delhi
4. The Chief Executive Officer  
Prasar Bharti  
Broadcasting Corporation of India  
Mandi House, New Delhi

- Respondents

O R D E R (ORAL)

By Hon'ble Mr. S.A.T. Rizvi, Member (A)

This OA has been filed by the Administrative Staff Association of Akashvani & Doordarshan, representing Senior Administrative Officers (in short 'Sr.AOs') <sup>2 and another 2</sup> working in Doordarshan in the pay-scale of Rs.2000-3500. It has been claimed in the present OA that in terms of the 5th Pay Commission's recommendations placed at Annexure A-2, Sr.AOs

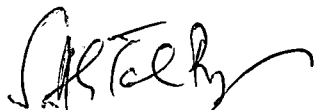
working in the Ministry of I&B are entitled to higher pay-grade of Rs.2500-4000. The contention raised is that <sup>though</sup> after the aforesaid recommendation duly accepted by the Government became available, the respondents examined the matter and made a detailed recommendation on 10.3.99 (Annexure A-8) wherein the grant of the higher-pay scale of Rs.2500-4000 to Sr.AOs was recommended, <sup>and</sup> the respondents thereafter wrote again to the Ministry of I&B vide letter dated 28.3.2000 (Annexure A-9), <sup>the aforesaid proposal has not been</sup> ~~allowed~~ <sup>allowed</sup> which is not in order.

2. The learned counsel appearing on behalf of the applicant association submits that despite the recommendations made as above, Prasar Bharti by their order dated 27.12.2001 (Annexure A-3) have conveyed <sup>the</sup> ~~the~~ decision of merger of the posts of AOs and Sr.AOs. The applicants' claim has, in the circumstances, been rejected. The learned counsel submits that the recommendation made by the respondents to the Ministry of I&B and forwarded by that Ministry to the Ministry of Finance, should have been accepted and implemented and in result, the applicants should have been granted the higher pay-grade of Rs.2500-4000.

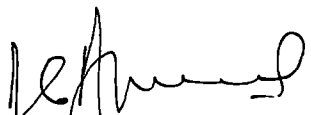
3. We have considered the submissions made by the learned counsel and find ourselves unable to agree with the contentions raised. There is no doubt that the 5th Pay Commission, in their wisdom, made a recommendation to the effect that if the functional consideration so required, the pay-grade of Rs.2000-3500 could be upgraded to Rs.2500-4000 but the aforesaid recommendation, by its

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nature.. is conditional. Respondents having examined the aforesaid recommendation and having recommended upgradation on that basis cannot, in our view, bind the Government to grant the higher pay grade. In accordance with the normal procedures of the Government, such <sup>a proposal/recommendation</sup> ~~provision~~ is required to be examined in consultation with the Ministry of Finance and it is the latter which is entitled to take final view in the matter having regard to various factors which go into decision making in such cases. If the Ministry of Finance has further considered and rejected the claim and the same has been accepted by the Ministry of I&B who have, after such acceptance, proceeded to pass orders dated 27.12.2001, there is little that can be done as the decision finally taken by the Government in these matters, cannot be questioned. In this view of the matter, we do not find any substance or merit in the present OA which is dismissed in limine.

  
( S.A.T. Rizvi )  
Member(A)

/dkm/

  
( Ashok Agarwal )  
Chairman