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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.2624/2002
M.A. NO.2247/2002
M.A. NO.2489/2002

This the 26th day of August, 2003

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

HON'BLE SHRI KULDIP SINGH, MEMBER (J)

1. R.N.Banerjee S/O H.C.Banerjee,
864 Laxmibai Nagar,
New Delhi-110023.
2. Harjit Singh S/O Narinder Singh,
B/13, DDA MIG Flats, Maya Puri,
New Delhi.
3. Mehar Chand S/O Kanthu Ram,
14/498, Sector-I, DIZ Area,
New Delhi-110001.
4. P.K.Manra S/O N.R.Manra,
I-11, Akash Bharati Appts,
Delhi-110092.
5. S.C.Verma S/O Mool Chandra Verma,
B-4/75, UDAP Nehru Nagar,
New Delhi.
6. M.P.Balan S/O Moorthattil Pundu,
J-2, Akash Bharati Apartments,
Delhi-110092.

(All working as Reporter (Monitoring),
Monitoring Unit, News Service Division,
All India Radio, New Delhi-1. ... Applicants

(By Shri Munish Kumar, Advocate)

-versus-

1. Union of India through Secretary,
Ministry of Information & Broadcasting,
Shastri Bhawan, New Delhi-110001.
 2. Prasar Bharati Board through
Chief Executive Officer,
PTI Building, Parliament Street,
New Delhi-110001.
 3. Director General, All India Radio,
Akashwani Bhawan, Parliament Street,
New Delhi-110001.
 4. Director General (News), All India Radio,
Broadcasting House, Parliament Street,
New Delhi-110001.
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5. President/Secretary,
AIR & Doordarshan Stenographers' Assn.,
News Services Division, Parliament Street,
New Delhi-110001. ... Respondents

(By Shri N.S.Mehta with Ms. Promila ~~Safaya~~, Advocates)

O R D E R (ORAL)

Hon'ble Shri V.K.Majotra, Member (A) :

MA No.2247/2002 for joining is allowed.

2. Applicants are aggrieved that respondents have not revised their pay scale from Rs.6500-10500 to Rs.7500-12000 despite the recommendations of the Fifth Central Pay Commission (CPC) and acceptance by respondents 2, 3 and 4 that the nature of duties and responsibilities of applicant is arduous and higher than their feeder posts.

3. Applicants are presently working as Reporter (Monitoring) in the office of respondent No.4, Director General (News), All India Radio. The learned counsel of applicants submitted that before recommendations of the Fifth CPC came into operation, applicants had the pre-revised pay scale of Rs.2000-3500 and the feeder post, i.e., Senior P.A. (re-designated as Private Secretary) was in grade Rs.2000-3200. The scales of Senior P.A. (Rs.2000-3200) and Reporter (Rs.2000-3500) in the subordinate offices of All India Radio and Doordarshan were merged and the rationalised pay scale for both now is Rs.6500-10500. Applicants claim that the nature of job and responsibilities of applicants as Reporter is higher than those of Senior P.A. (now called Private Secretary). The learned counsel stated that the

11

Fifth CPC created a new pre-revised scale of Rs.2500-4000 (Rs.7500-12000) as a Group 'B' scale to act as an intermediate scale between Rs.2000-3500/2375-3500/2375-3750 on the one hand and Rs.2200-4000 or Rs.3000-4500 on the other. The Fifth CPC recommended that scale of Rs.7500-12000 be given to posts where the pre-revised grade of Rs.2000-3500 and feeder grade (Rs.2000-3200) has been merged to create a single scale of Rs.6500-10500 if the functional considerations of the promotion posts in grade of Rs.2000-3500 so require. According to the learned counsel, these recommendations were duly accepted by the Central Government vide notification dated 30.9.1997. Respondent No.3 (appointing/cadre controlling authority) had also strongly recommended to respondent No.1 and respondent No.2 to grant replacement scale of Rs.7500-12000 to applicants but no decision has yet been taken by respondents on the issue. Applicants have sought grant of higher scale of Rs.7500-12000 w.e.f. 1.1.1996 with consequential benefits.

4. The learned counsel of respondents pointed out that the Fifth CPC had reduced the number of scales from 62 to 33. In the process, pay scales of Rs.2000-3500 and Rs.2000-3200 were merged into a single scale of Rs.6500-10500 (Annexure-11). Incidentally the posts of Reporter (Monitoring) and Senior P.A. carried the pay scale of Rs.2000-3500 and Rs.2000-3200 respectively and since these scale have been merged into a single pay scale of Rs.6500-10500, both grades have the same pay scale as of now. According to respondents, applicants

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- 4 -

have represented that they should be granted higher pay scale of Rs.2500-4000 as they perform higher duties and responsibilities and that the Fifth CPC has recommended their case. Respondents have denied that the Fifth CPC has recommended the pay scale demanded by applicants. The learned counsel stated that the relevant proposal was placed before the Prasar Bharati Board in its 29th meeting held on 17 and 19 August, 2000 wherein a decision (Annexure-6) was taken that before consideration of pay revision as proposed for Reporter (M) in NSD, AIR, it is imperative that the roles and functions of these posts in NSD are clearly delineated since there are almost identical activities being performed by the CMS, AIR. The Board did not want to consider proposal for pay revision for Reporter (M) in isolation. In the 41st meeting of the Board dated 2.1.2002 (Annexure-10), the Board expressed the opinion that there would be no objection to the proposal being recommended to the Anomalies Committee of the Government and that it would be better to examine if there are similarly placed cases in AIR and Doordarshan.

5. The learned counsel of respondents admitted that Anomalies Committee of the Government did not exist any longer. As per Annexure-4 dated 15.2.2000, Director General (News), News Services Division, All India Radio had placed before the Director General, All India Radio his comments on the issue of anomalous situation arising out of implementation of Fifth CPC Report vis-a-vis Reporter (M) in the Monitoring Unit of NSD, AIR, as follows :

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"The posts of Reporter (M) were created with a higher pay scale than that of any stenographic post in view of their higher duties and responsibilities. In order to rectify the anomalous situation arising out of rationalisation of the two pay scales (Rs.2000-3200 and Rs.2000-3500) due to Vth Pay Commission's recommendations, this Division has already recommended to the Directorate that the Reporters be given higher pay scale of Rs.2500-4000 (pre-revised) in consonance with the guidelines of the Vth Pay Commission, it being the promotion post from Sr.P.A."

6. A committee of officers in the News Services Division, AIR in its meeting dated 27.9.2001 on the issue of upgradation of pay scale of Reporter (Monitoring) in NSD, AIR had recommended as follows :

"IV. The question of revision of the pay scale of the post of Reporter (Monitoring) in NSD has come up, because as per the 5th Pay Commission recommendations, the feeder scale, i.e., Rs.2000-3200 of Senior P.A. and the pay scale of Reporter, i.e., Rs.2000-3500 have been replaced by one revised pay scale of Rs.6500-10500. the Ministry of Finance and the Department of Personnel and Training have now come out with guidelines (copy enclosed) to remove the anomaly stated above. The Ministry of Finance Office Memorandum stipulates that resumption of higher responsibility for the promotion post be first established and then the cadre restructured on a priority basis. In the case of Reporters, there is no doubt that they have to discharge a higher level of responsibility as they have to instantaneously transcribe the reports of broadcasts of foreign radio stations and television net-works and prepare copy, which could be used in AIR's news bulletins with minimal changes. The cadre therefore, needs to be restructured to keep the feeder and promotion grades separate."

7. In view of the comments of the News Services Division as also the recommendations of the committee of officers of News Services Division, as stated above, admittedly, the posts of Reporter (M) have higher duties

113

and responsibilities than stenographic posts. Again, admittedly, there is an anomaly which is required to be removed keeping in view the guidelines of the Ministry of Finance and the Department of Personnel and Training. The relevant portion of the Fifth CPC as accepted by the Government and extracted in Annexure A-1 is as follows :

"In offices having posts in both the pay scales of Rs.2000-3500 and Rs.2000-3200, the former being promotion grade for the latter, the pay scale of higher post shall be revised to Rs.2500-4000, if the functional considerations so dictate. Otherwise, both the grades can be merged in the pay scale of Rs.2000-3500."

8. The learned counsel of respondents could not deny that the post of Reporter (M) has higher duties and responsibilities than stenographic posts, as admitted by respondents in various documents in the OA. He fairly submitted that if directed Government would have no objection to consider the demand of scale of Rs.2500-4000 for the post of Reporter (M) which has been promotion post to the feeder cadre post of Senior P.A. (re-designated as Private Secretary) by evaluating the functional considerations related to the post of Reporter (M).

9. Having regard to the discussion made above and in the interest of justice, this OA is partly allowed with the following directions :

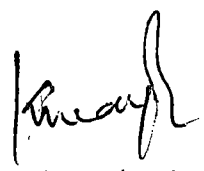
Respondents 1, 2 and 3 shall consider the demand of applicants for grant of replacement/higher scale of Rs.2500-4000 w.e.f. 1.1.1996 for the post of

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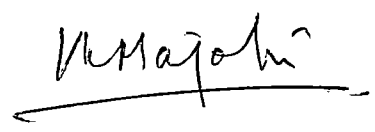
Reporter (Monitoring), News Services Division, All India Radio keeping in view the functional considerations and nature of duties and responsibilities of the post of Reporter (Monitoring) vis-a-vis those of the feeder cadre, i.e., Senior P.A. (since re-designated as Private Secretary).

The decision as above be taken by respondents within a period of three months from the date of communication of these orders. No costs.

11. MA No.2489/2002 also stands disposed of.



(Kuldip Singh)
Member (J)



(V. K. Majotra)
Member (A)

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