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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA NO. 1637/99

New Delhi, this the 17th day of October, 2000

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE CHAIRMAN (J)
HON'BLE MR. GOVINDAN S. TAMPI, MEMBER (A)

In the matter of:

1. Carpenter Workers Union,
Office, Chief Engineer (North Zone),
Akashvani & Doordarshan, Jamnagar House,
Shahjahan Road,
New Delhi-1.
2. Sh. Ved Prakash,
S/o Sh. Prabhu Dayal,
R/o House No. 9, Gautam Nagar,
New Delhi-110049,
working as Carpenter, under
Respondent No.3.
3. Sh. Daya Nand,
S/o Sh. Munshi Ram,
R/o Village - Post Office: Mungan,
Distt. Rohtak (Haryana), working as
Carpenter under respondents.
(By Advocate: Sh. T.C. Aggarwal)

VS.

Union of India through

1. The Secretary,
Ministry of Information & Broadcasting,
Shastri Bhavan,
New Delhi-110001.
2. The Director General,
All India Radio,
Akashvani Bhavan,
Parliament Street,
New Delhi.
3. The Chief Engineer (North Zone),
Akashvani & Doordarshan,
Jamnagar House,
Shahjahan Road,
New Delhi-110001.
(By Advocate: Sh. S.M. Arif)

ORDER (ORAL)

Justice V. Rajagopala Reddy,

Heard the counsel for the applicant and the
respondents.

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2. The short question that arises in this case is whether the applicants who are the Carpenters in A.I.R. are entitled for same scales of pay of Carpenters in Doordarshan. The Carpenters in AIR, i.e., applicants are having the pay scales of Rs.3050-4590 whereas the Carpenters in Doordarshan are having the scales of Rs.4000-6000. Learned counsel for applicant draws our attention to the judgment of the Calcutta Bench of the Tribunal in P.Bhakta & Others vs. Union of India and another OA No.114/91 decided on 6.8.99 where the same issue has been considered and the OA was allowed directing the respondents as under:-

"In view of the above, the OA is allowed. The respondent authorities are directed to accord the same scale of pay as enjoyed by the Carpenters in the Doordarshan to the petitioners working as Carpenters under the All India Radio since 1.1.86 taking into consideration the recommendations as accepted by the Govt. of India as per 4th Pay Commission report applicable to the Carpenters working in Doordarshan and issue an appropriate order within three months from the date of communication of this order."

3. Learned counsel for applicant Sh. T.C.Aggarwal urges that the judgment of the Tribunal has not been set aside and is still operative. Counsel for respondents submits that the above judgment of the Tribunal is under challenge before the High Court of Calcutta which is still pending hence it cannot be said that the judgment of the Calcutta Bench has become final. He also contends that the responsibilities and the duties of Carpenters in Doordarshan are more onerous than that of the Carpenter in AIR and their method of recruitment is also different.

4. We have given careful consideration to the above contentions. It is not in dispute that the judgment of the Tribunal of the Calcutta Bench in P.Bhakta's case has not been set aside so far. It is still operative. So long as it is operative it has got persuasive value on us and we find no reason not to follow the same.

5. It is also the case of the applicant that the Senior Carpenters are also seeking the pay parity with that of the Senior Carpenter working with Doordarshan. Learned counsel submits that the department itself has recommended for the said pay parity in their recommendations dated 3.12.99 and 9.12.99. It appears that this recommendation is entirely departmental relation and has been neither communicated to the applicant nor has been accepted by the concerned competent authority.

6. It is however seen from the recommendations of the 5th Pay Commissioner that the parity of scales were suggested but no order has been passed by the Government accepting these recommendations. Hence it is for respondents to consider the recommendations, made by the Department in this regard and also the recommendations of the 5th Pay Commission for the payment of higher scale of the Senior Carpenters in the A.I.R.

7. In the circumstances the OA is partly allowed. Respondents shall accord the same scales of pay as enjoyed by the Carpenters in Doordarshan to the Carpenters working in AIR w.e.f. 1.1.86 and shall issue appropriate orders within 3 months from the date of communication of this order. It is made clear that such fixation shall be on notional basis and the actual benefit should be given to the Carpenters in AIR

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w.e.f. 1.1.96. As regards the Senior Carpenters the respondents, however, are directed to consider the recommendation made in this regard by the Department as well as by the 5th Central Pay Commission and pass appropriate orders within 3 months from the date of receipt of a copy of this order. OA is disposed of. No costs. MA also stands disposed of.

(GOVINDAN S. TAMPI)
Member (A)
'sd'

(V. RAJAGOPALA REDDY)
Vice Chairman (J)