

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

DA 1481/98

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New Delhi, this the 16th day of October, 2000

Hon'ble Mr. Justice V.Rajagopala Reddy, VC (J)
Hon'ble Sh. Govindan S. Tampi, Member (A)

1. Mrs. Kamla Kudalkar
D/o Shri L.P.Sathe
2. Mrs. Meena Gautam
W/o Late Shri Shanker Gautam
3. Mrs. Ranu Chakraborty
W/o Shri Ramesh Chakraborty
4. Mrs. Shakuntala Sethi
W/o Shri Jeevan Sethi
5. Mrs. Veena Sadana
W/o Shri Gulshan Sadana
6. Mrs. Chiwmorey Ghosh
W/o Late Shri Raj Kumar Ghosh
7. Ms Meera Singh
D/o Vijay Bahadur Singh Karki
8. Mr. Sitangahu Choudhary
S/o Late Shri M.R.Choudhry
9. Mr. Sikender Lal
S/o Late Shri Diwan Chand Saigal
10. Illiyas Khan
S/o Late Shri Abdulgani
11. Pran Sharma
S/o Shri K.Sharma
12. D.D.Sharma
S/o Late Shri Sevak Ram
13. D.K.Phanjonbam
S/o Late Shri Goura Chandra
14. P. Chintamani Singh
S/o Late Shri J.C.Singh

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15. Mr. Sachin Mukherjee
S/o Late Shri M.N. Mukherjee
16. Mrs. Geetika Chatterjee
W/o Shri P. Chatterjee
17. Mrs. Indrani Rathore
W/o Shri Daulat Singh Rathore
18. Daulat Singh Rathor
S/o Mohan Singh Rathor
19. Arti Roy Choudhury
W/o Shri D.K. Roy Choudhury
20. Tombino Devi
D/o Late Shri Mohima Singh
21. R.K. Premkata Devi
D/o Shri P.K. Priogopal
22. Nungshi Tombi Devi
D/o Late Shri Iboton Sing
23. Uma Ghosh
D/o Shri P. Ghosh
24. Sarla Negi
W/o Shri D.S. Negi
25. Vimal Jyoti
D/o Late Shri Atma Ram

ALL C/o Song & Drama Division, M/o I&B
Suchna Bhawan, CGO Complex, New Delhi-110003
(By Advocate : Sh. Jog Singh)

... Applicants

1. U.O.I. Through Secretary
Ministry of Information & Broadcasting
New Delhi
2. Director
Song & Drama Division
Ministry of Information & Broadcasting
Suchna Bhawan, C.G.O. Complex
New Delhi - 110 003
3. Deptt. of Personnel & Training
New Delhi
4. Ministry of Finance
New Delhi

(By Advocate : Sh. V.S.R. Krishna)

... Respondents

By Hon'ble Sh. Govindan S. Tampi, Member (Admn)

Heard the counsel for applicants and the respondents.


2. The only point which calls for determination in this application is ^{the} request of the applicants who are artists of the Song & Drama Division of the Information & Broadcasting Ministry for parity of pay with their counter parts in the AIR and Doordarshan. It is detailed in the OA that the functions and the responsibilities of the applicants are similar to those of their counter parts in Doordarshan and AIR and, therefore, the applicants being placed in a lower pay scale in comparison with those the counter parts in the Doordarshan and AIR was unjustified has to be rectified. It is also pointed out that their representation before the Fifth Central Pay Commission had not been properly considered. If nothing else, Assured Career Programme, contemplated by the Fifth Pay Commission should be granted to them, argues Sh. Jog Singh, *the learned Counsel.*

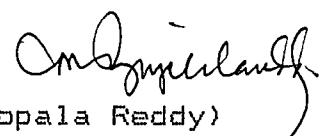
3. Sh. Krishna, learned counsel for the respondents points out that the issue has been considered by the 5th Pay Commission who have specifically recommended that the functions of the Artists in Song & Drama Division are different from those of the corresponding staff in the AIR and Doordarshan and, therefore, no case of parity in pay was justified. Pay Commission having given their findings, after examining the issue, nothing remained to be done in the case of the applicants, urges Sh. Krishna.

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4. We have given careful consideration to the matter. It is not the job of the Tribunal to examine the concept of the equally pay for equal work and pass orders and this has been very clearly laid down by the Hon'ble Supreme Court in P.V.Hariharan's case. In fact it is in the domain of the professional and expert bodies constituted for the purpose like the Pay Commission. The 5th Pay Commission, which considered the representation of the applicants had indicated in para 73.86 of the recommendations that "the functional context of the Staff Artists in the Song & Drama Division and Doordarshan being different, we do not find any justification for parity between the two." The Pay Commission's having made its due recommendation nothing remains to be done on the aspect of parity. The applicants plea is that regard has to fail. However, the applicants would also be covered by the Assured Career Progression Scheme evolved by the 5th Pay Commission on completion of the requisite period.

5. In the above view of the matter, this DA is disposed of with the directions to the respondents for the grant of ACP to the applicants in accordance with the rules on the subject. No costs.


(Govindan S. Tampi)
Member (Admn)


(V. Rajagopala Reddy)
Vice-Chairman (J)

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