

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

(12)

O.A.NO.164/96

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 14th day of December, 1999

1. Association of Radio and
Television Engineering Employees (Recognised)
through
Shri R.Das Gupta
General Secretary.
2. Shri Kuldeep Bhan
presently working as
Engineering Assistant
Broadcasting House
All India Radio
New Delhi.
3. Shri Sudhir Gupta
Technician
Broadcasting House
All India Radio
New Delhi.
4. Shri Virender Grover
Sr. Technician
Doordarshan Kendra
New Delhi.

... Applicants

(By Shri B.S.Mainee, Advocate)

Vs.

Union of India through

1. The Secretary
Ministry of Information & Broadcasting
Shastri Bhavan
New Delhi.
2. The Director General
All India Radio
Akashwani Bhawan
New Delhi.
3. The Director General
Doordarshan
New Delhi.

... Respondents

(By Mrs. P.K.Gupta, through, Shri Anil Singhal)

ORDER (Oral)

R.K.Ahooja, Member(A)

The applicants before us are Technicians
working in the All India Radio (AIR) and Doordarshan
represented by their Association. They submit that on

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the basis of the recommendations of Third Pay Commission, they were granted pay scale of Rs.330-480. The Lighting Assistants working in the All India Radio and Doordarshan were also given the same pay scales. However, the Assistant Cameramen working in the Film Division under the same Ministry of Information and Broadcasting had been given the pay scale of Rs.425-700. Pay scales were further revised in the case of the Technicians subsequent to the recommendations of the Fourth Pay Commission to Rs.1200-1800 and the same scale was granted to the Lighting Assistants. The scale granted to the Cameramen in the Film Division was however Rs.1400-2300. The Lighting Assistants filed a Writ Petition (Civil) No.1756 of 1986 before the Supreme Court for grant of the same pay scale as given to the Cameramen on the ground of 'equal pay for equal work'. The said Writ Petition was allowed and the Lighting Assistants were also given the pay scale of Rs.1400-2300. Thereafter the Technicians, who are applicants before us, also made representations that since their pay scales were always the same as those of the Lighting Assistants, they should also be given the pay scale on parity with the revised pay scales granted to the Lighting Assistants. It is submitted by the applicants that the respondents thereafter decided to refer the matter to National Productivity Council (NPC) which gave its report in the year 1990. Since the respondents did not disclose the recommendations of the NPC, the applicants were constrained to file an OA No.1192/95 before the

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Hyderabad Bench of this Tribunal which was disposed of by an order dated 10.10.1995 in the following directions:

"The respondents are directed to treat this OA together with its annexures as a representation from the applicants and consider the various issues raised therein for the purpose of deciding the request of the applicants. Respondent No.2 should also take up the case with Respondent No.1 for an early decision on the recommendations of the Expert Body of NPC, said to be pending with Respondent No.1. The above shall be complied with by the respondents within a period of 4 months from the date of receipt of this order."

2. The grievance of the applicants is that the respondents have not taken a decision in accordance with the aforesaid directions. They have come before the tribunal again now seeking a direction to the respondents to allow them the pay scale of Rs.1400-2300 at par with the Lighting Assistants and the Cameramen of the Film Division.

3. When the matter came up for hearing, the learned counsel for the respondents brought to our notice an OM dated 5.12.1997 whereby ad-hoc increase in salaries of some grades of Subordinate Engineering Service of AIR/Doordarshan has been granted. As per the said OM, the Technicians of AIR/Doordarshan have been granted parity in pay scales with the Lighting Assistants w.e.f. 1.1.1996, i.e., the date from which the recommendations of the Fifth Pay Commission have become operative. Therefore, the controversy before us is now confined to the question of date from which the parity in pay scales between the two categories should take effect. Shri B.S.Mainee, learned counsel for the applicant vehemently argued that the applicants are entitled to the parity of pay scales with the Lighting Assistants w.e.f. 1.7.1983. The

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learned counsel also points out that after the orders dated 21.12.1988 were issued by the respondents granting parity between the Lighting Assistants and the Cameramen with retrospective effect from 1.7.1983. The applicants had made a representation to the respondents and thereafter the matter was with the National Productivity Council. Though the recommendations of the NPC are not known, the fact remains that the respondents themselves have conceded the demand of parity by issue of the orders dated 5.12.1997. Hence the parity has also to be from 1.7.1983 on the basis of the representations made by the applicants in 1988.

4. The learned counsel for the applicants also further pointed out that the Hyderabad Bench of this Tribunal had given clear directions to the respondents to consider the case of the applicants in terms of the recommendations of the NPC. The recommendations of the NPC were given in 1990 in favour of the applicants. Therefore, on the basis of the representations made by the applicants in 1988, the date of implementation had also to be in terms of the representations filed in 1988.

5. We have considered the aforesaid arguments advanced by the learned counsel. We find however that this particular OA before us was filed on 19.1.1996. Secondly, we also find that the order dated 5.12.1997, issued by the respondents, is in terms of agreement reached by the Sanyukt Sangharsh Samiti representing also the Association of Radio and Television

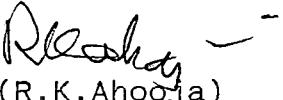
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Engineering Employees and Technical Employees Association who are applicants before us. The preamble to the order reads as follows:

"Consequent on the understanding reached between the Sanyukt Sangharsh Samiti representing Association of Radio and Television Engineering Employees and Technical Employees Association and the Government on 7.11.1997 on the twin demands of engineering employees, relating to pay scale of Engineering Assistants and Technician and Senior Technician parity with Lighting Assistant Grade-II and Grade-I respectively."

6. In view of the above, the relief sought by the applicants is to be moulded in terms of the time frame in which they have approached this Tribunal. Further we also find from the aforesaid quoted preamble of the order that the said order has been issued in agreement with the applicants. We are also of the view that the matter lies within the domain of the executive as regards the date of revision of pay scale. The applicants having approached this Tribunal in 1996, having consented to the agreement by which the orders have been made effective from 1.1.1996, we are not inclined to consider the argument that the applicants' revision of pay should be with retrospective effect from 1.7.1983.

7. In the result, we consider that no further directions are required in the matter. The OA is accordingly disposed. No costs.


(R.K.Ahoja)

Member(A)


V.Rajagopala Reddy
Vice Chairman(J)

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