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Central Administrative Tribunal, Principal Bench

Original Application No.3 of 1996

New Delhi, this the 11th day of October, 1999

Hon'ble Mr.R.K.Ahooja, Member (Admnv)

Hon'ble Mr.Rafiq Uddin, Member (Judl)

Association of Radio & T.V. Engineering Employees (Recognised)

1. Shri D.P.Sharma, President

Assistant Engineer,

C.P.T., Siri Fort, ~

New Delhi.

2. Shri P.N.Kohli,

C-9, Radio Colony,

Kingsway, Delhi-9

....Applicants

(By Advocate - Shri B.S.Mainee)

Versus

Union of India: Through

1. The Secretary,

Ministry of Information & Broadcasting,

Shastri Bhavan, New Delhi.

2. The Director General,

All India Radio,

Akashvani Bhavan, New Delhi

....Respondents

(By Advocate - Shri R.P.Aggarwal)

O R D E R

By Hon'ble Mr.Rafiq Uddin, Member (Judl)

The applicant, which is a registered Association of Engineering Assistants, Senior Engineering Assistants and the Assistant Engineers of Radio and Television engineering staff, Ministry of Information & Broadcasting, has filed this OA for issuing direction to the respondents to fix the salary of the applicants at Rs.550-900 giving them the benefit of weightage of earlier service as has been done in the case of Sound Recordists, in terms of para 3 of the notification dated 17.7.90 (Annexure A-6).

2. Briefly stated the facts of the case are that the respondents have revised the pay scale of

Engineering Assistants to Rs.2000-3200 with effect from 1.1.86 and Rs.550-900 with effect from 1.1.78 in accordance with the decision of the Madras Bench of this Tribunal in O.A.654/89 dated 29.6.90 and the judgement of the Supreme Court in SLP No.4306-07/92. It may be mentioned that this was the claim of the applicants' association for the pay scale of their members which has been allowed. There is now no dispute about it. The only grievance of the applicant association is that there are large number of engineering assistants who had been working as such from the date much earlier than 1.1.78 and while fixing their pay in the scale of Rs.550-900 w.e.f. 1.1.78, weightage of service already put in by them prior to 1.1.78 has not been taken into consideration for fixing the pay and giving annual increments for the said period. It is claimed that there are engineering assistants who were appointed in 1972 and those who were appointed on 1.1.78 have been given the same pay scale with the result the period of service rendered by seniors prior to 1978 has not been taken into consideration for fixing their salary. On the other hand, sound recordists of Films Division who were also given the benefit of the pay scale of Rs.550-900 in accordance with the judgement of the Hon'ble Supreme Court and in terms of letter dated 21.12.88 issued by the respondents, they have been given the benefit of weightage of service prior to 1978 for fixing their salary.

3. Therefore, on the principle of parity, the applicants association has filed this OA for granting the benefit of weightage of earlier service as has been done in the case of sound recordists.

4. The respondents in their counter have asserted that the revised pay-scale of Rs.550-900 was granted to the Engineering Assistants w.e.f. 1.1.78 in pursuance of the judgement of Madras Bench of C.A.T. which was subsequently upheld by the Hon'ble Supreme Court. The pay in the grade of Engineering Assistants was accordingly fixed in the light of the aforesaid judgements. It is also denied that the case of the engineering assistants is comparable or identical with those of sound recordists of Films Division. Therefore the benefits admissible to the sound recordists cannot be extended to the engineering assistants who cannot be treated at par with the sound recordists of films division. The applicants have already been given all the benefits in terms of aforesaid judgement of the C.A.T. and the Hon'ble Supreme Court. There is no question of extending any other relief as claimed by the applicants.

5. We have heard parties counsel.

6. Perusal of the letter dated 23.5.95 (Annexure A-1) by which the pay scales of the members of the applicants association were revised in pursuance of the judgement of the Supreme Court dated 25.11.94 upholding the C.A.T., Madras Bench decision in OA-654/89 dated 29.6.90, indicates that the benefit of

new pay scales have been granted to the engineering assistants w.e.f. 1.1.78 and 1.1.86. It is not in dispute that the Madras Bench of CAT granted the revised pay scale from the aforesaid dates. It has also been mentioned in this letter that the engineering assistants who held and are holding the grades during the respective period, are entitled to the benefit of scale of pay as a result of this revision and refixation from the aforesaid dates i.e. 1.1.78 and 1.1.86.

7. The averments made by the applicants in para 4.19 of the OA appears to be very vague because the particulars and details of the engineering assistants who were working prior to 1.1.78 have not been disclosed. Besides it has not been stated as to why such engineering assistants who are working prior to 1.1.78 are entitled for weightage of service when no such direction has been given either by the Madras Bench of the C.A.T. or by the Hon'ble Supreme Court in their respective judgements.

8. We find force in the contention of the learned counsel for respondents that the respondents have granted benefit of revised pay scale to the engineering assistants in terms of the judgement of the Madras Bench of the C.A.T. and notification letter dated 21.12.88 (Annexure A-3) which was issued in respect of Cameramen and Sound Recordists. Learned counsel for the applicants has however drawn our attention to para 3 of the letter dated 17.7.90 issued by the respondents (Annexure A-6). By the said

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letter, the pay scales of cameramen, sound recordists etc. have been revised by the respondents. It has also been mentioned in the aforesaid para 3 that the pay of the employees will be fixed in the grade at the same stage as the person in the Films Division having the same length of service in that grade. They will, however, not be entitled to get the benefit of arrears of difference of fee/pay as a result of the above revision and refixation in respect of the period before the dates mentioned against each of the categories, namely, cameramen, sound recordists and lighting assistants. According to the learned counsel for the applicants, the respondents should have also made this provision of fixation of pay on the basis of pay in the grade as the persons in the films division having the same length of service in that grade.

9. We do not find that this provision is of any help to the applicants. The applicant claims pay from 1.1.78 and 1.1.86 on the basis of length of service rendered by some of the members of the applicant prior to aforesaid dates. It is an admitted position that the benefit of revised pay scale has been granted to the members of the applicants association from 1.1.78. In other words, the members of the applicants association prior to aforesaid date were holding their post on lower pay scale. Therefore there does not appear to be any reason to give the benefit of revised pay scales to such members prior to the aforesaid dates. If there is any mistake in fixation of their pay in terms of relevant rules on the basis of revised pay scales in respect of any member of the applicants

association, he should approach this Tribunal with specific material and details for redressal of such grievance. In the absence of specific details and material, it is not possible to grant such relief.

10. In the result the O.A. fails and is accordingly dismissed. No order as to costs.

Rafiq Uddin
(Rafiq Uddin)
Member(Judl)

R.K. Ahooja
(R.K. Ahooja)
Member(Admnv)

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