

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

- 1) O.A. NO. 253/2000
2) O.A. NO. 2526/1999

New Delhi this the 22nd day of September, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

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

1. O.A. NO. 253/2000

Nikhil Ranjan S/O B. Ranjan,
Sound Recordist, Doordarshan,
Central Production Centre,
Khel Gaon, New Delhi.
R/O 2/2 III Floor, Old Rajinder Nagar,
New Delhi-110060.

... Applicant

(By Shri S.Y. Khan, Advocate)

-versus-

1. Union of India through
Secretary, Ministry of Information
& Broadcasting, Shastri Bhawan,
New Delhi.
2. Chief Executive Officer,
Prasar Bharati, Mandi House,
Copernicus Marg,
New Delhi.
3. Director, Doordarshan,
Central Production Centre,
Khel Gaon,
New Delhi.

... Respondents

(By Shri Mohar Singh, Advocate)

2. O.A. NO. 2526/1999

Surinder Nath Koul S/O S.L. Koul,
J-139, Sarojini Nagar,
New Delhi.

... Applicant

(By Shri B.S. Oberoi, Advocate)

-versus-

1. Union of India through
Secretary, Ministry of Information
& Broadcasting, Shastri Bhawan,
New Delhi.
2. Chief Executive Officer,
Prasar Bharati, Mandi House,
Copernicus Marg, New Delhi.
3. Director, Doordarshan Kendra,
Parliament Street,
New Delhi.

... Respondents

(By Shri Mohar Singh, Advocate)

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O R D E R (ORAL)

Shri V.K.Majotra, AM :

Applicant in OA No.253/2000 has challenged order No.CPC-26(4)/97-Admn.7279 dated 23.12.1999, while applicant in OA No.2526/99 has challenged order No. 25(1)/97-DDKD/AI/12615 dated 17.11.1999, passed by respondents whereby applicants have been placed in the lower scale (Rs.5000-8000) from the existing scale (Rs.6500-10500). Whereas applicant in OA No.253/2000 has been working as Sound Recordist since 3.7.1974, applicant in OA No.2526/99 has been working as such since 7.11.1977.

2. In accordance with the recommendations of the Third Central Pay Commission, the Sound Recordists of Doordarshan were given the pay scale of Rs.550-900 which was the same as accorded to the Sound Recordists of Films Division of the Ministry of Information & Broadcasting in pursuance of the Apex Court's judgment in the case of Y.K.Mehta & Ors. v. Union of India, AIR 1988 SC 1970.

3. The Fourth Central Pay Commission recommended the pay scale of Rs.1600-2660 both for the Sound Recordists and Engineering Assistants of All India Radio and Doordarshan. the Government granted a higher pay scale of Rs.2000-3200 (revised to Rs.6500-10500) to the Sound Recordists of the Films Division. Subsequently, respondents upgraded the pay scale of Engineering Assistants of Doordarshan to Rs.6500-10500 under orders dated 25.2.1999 with retrospective effect. However, the Sound Recordists were downgraded to the scale of Rs.5000-8000 without issuing any show cause notice.



4. The learned counsel for applicants drew our attention to order dated 15.3.2000 passed by the Hyderabad Bench of the Tribunal in OA No.1616/98 : P.M.Veerbhadrarajah & Anr. v. Union of India & Ors., in which the following directions were given :

"8. Under the facts and circumstances of the case there is no need to consider the other contentions as Supreme Court ruling is final and binding. Hence the following direction is given :

(1) If the Recordist/Sound Recordist of Film Division are given the scale of pay of Rs.6500-10500 then the applicants are also entitled for the same scale of pay. If the Recordist/Sound Recordist of Films Division has been given different scale of pay then the applicants' scale of pay should also correspond with the same.

(2) If the duties of the Engineering Assistants of Doordarshan who have earlier worked as Sound Recordist in Doordarshan are one and the same which is reported as the verdict of the Madras Bench of this Tribunal which was reported to have been accepted by the Doordarshan then the respondents should give the same scales of pay as given in para-(1) above even though the post is redesignated as Engineering Assistants."

The learned counsel for respondents referred to para 55 of Chapter 73 of the Fifth Pay Commission's recommendations which reads as follows :

"73.5 The detailed changes have been explained below :-

(1) The Recording section in Films Division comprises the post of Chief Recordist (12 posts) in the scale of Rs.2375-3500, Sound Recordists (15 posts) in the scale of Rs.2000-3200 and Assistant Recordists (17 posts) in the scale of Rs.1400-2300.

The essential qualifications for direct recruitment to the post of Sound Recordists, is degree in Science with 3 years experience in sound recording. We have generally recommended the scale of Rs.1600-2660 for the post carrying such qualifications. We,

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therefore, recommend the scale of Rs.1600-2660 for sound recordist. No other change is necessary, as the Recordists cadre has been declared a dying cadre. The same scale of Rs.1600-2660 will also be made applicable to sound recordists of Doordarshan."

The learned counsel for respondents contended that the essential qualification for direct recruitment to the post of Sound Recordists is degree in Science with three years experience in sound recordings. The Pay Commission recommended the scale of Rs.1600-2660 for the post carrying such qualifications. According to him, the Sound Recordists in the Films Division who possessed higher qualifications have been accorded the pay scale of Rs.2000-3200 (revised to Rs.6500-10500). The Doordarshan has accepted the recommendations of the Fifth Pay Commission and since applicants do not possess the aforestated qualifications, they have been placed in the lower scale of Rs.1600-2660 (revised to Rs.5000-8000).

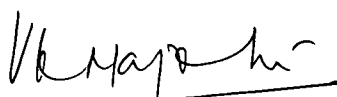
5. The learned counsel for respondents has submitted an affidavit on behalf of respondents dated 19.9.2000 contending that the matter is being considered by respondent No.1, i.e., Ministry of Information and Broadcasting in consultation with the Ministry of Finance and that the Government have not yet accepted the recommendations of the Fifth Pay Commission relating to the pay scales of Sound Recordists of Doordarshan as well as Films Division. He submitted that the Government would take a little more time in finalising their decision in the matter.

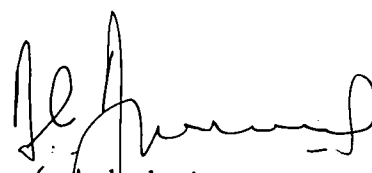
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6. In view of the fact that the Government have yet not accepted the recommendations of the Fifth Pay Commission in regard to the Sound Recordists of Doordarshan and Films Division, in our view, it would be fair and proper to give a little more time to the Government to finalise their decision in the matter. Accordingly, respondents are directed to take a final decision in regard to the pay scales of Sound Recordists of Doordarshan within a period of three months from the receipt of a copy of this order.

7. Vide orders dated 8.2.2000 in OA No.253/2000 and dated 26.11.1999 in OA No.2526/99, respondents had been directed to maintain status quo, namely, they were restrained from implementing the impugned orders dated 23.12.1999 and 17.11.1999 respectively. It was made clear that in case applicants did not succeed in the present OAs, they would be liable to re-imburse the difference of the salary which they would receive in pursuance of the interim orders. We direct these interim orders to continue till the final decision in the matter by respondents and for a further period of one month after the service of the orders to be passed in that regard on applicants.

8. Present OAs are disposed of in the above terms. There shall be no order as to costs.


(V. K. Majotra)
Member (A)


(Ashok Agarwal)
Chairman

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