

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA NO.270/2004

New Delhi this the 181 the June 2005

**HON'BLE SHRI JUSTICE M.A.KHAN, VICE-CHAIRMAN (J)
HON'BLE SHRI S.A.SINGH, MEMBER (A)**

1. Dilbag Singh, Sector-I, 194, Sadiq Nagar,
New Delhi
2. Shri Braham Dutt,
467-LIG Flats, Pocket-6-II, Sector-2 Rohini 85.
3. Shri Arvind Kumar Garg,
FF/13A Luxmi Nagar, Delhi-92
4. Shri Bindo Sarkar,
C-II/175, Yamuna Vihar Apartment, Delhi 110 053
.....Applicant
(By Advocate: Shri T C Aggarwal)

VERSUS

1. Union of India & Another
The Secretary,
Ministry of I & B Shastri Bhawan, New Delhi
2. The Chief Producer,
Films Division, 24 Peddar Road, Mumbai -26.
.....Respondents

(By Advocate: Shri R N Singh)

ORDER

BY HON'BLE SHRI S.A. SINGH, MEMBER (A)

The applicants are designated Electricians in the Films Division which, is a unit of the Ministry of Information & Broadcasting (in Short (I&B)) and are seeking a change in the nomenclature from Electrician to that of Cine Lighting Technician/Lighting Assistant and parity of pay with Lighting Assistants in

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Doordarshan (in short DD) w.e.f. 1.1.1986 and arrears from 1.1.96. They are basing their claim that though they are designated as Electrician their duties are entirely different from that of normal electrician. They are assisting the Cameramen in the Films division. Similar employees are working in Doordarshan and they are designated as Lighting Assistant. The pay scales of Lighting Assistants should therefore be given to the applicants.

2. The applicants contend that electricians in Films division have to handle more power consuming equipments under different circumstances and have also to creatively contribute to the film than the Lighting Assistant in Doordarshan. Moreover, Lighting Assistants in the Doordarshan only work up to 5 KW loading for the video cameras whereas Electricians in the Films Division work up to 20-25 KWs. Electricians in the Films Division involve greater professional skill in their work than that of Lighting Assistant in Doordarshan. For these reasons the respondents in their letter dated 16.11.1998 recommended the revision of the designation of the post of Electrician to suit their duties as also revision of pay scales from Rs. 1400 - 2300 to 4500 - 7000/- . Unfortunately, the 5th CPC did not made recommendations in respect of Electricians working in the Films Division. But according to CPC's recommendations in para 168:3 under Chapter "Allotment of Scales not covered in Report"- *where any category or post has been left out and no consideration has been made and than the recommendation of the comparative category should be made applicable in such circumstances.* Therefore, they should be given the equivalent pay scales of Lighting Assistants. This would be according to the judgement of the apex courts in the case of V.K.

Mehta & Ors. Vs. UOI & Anr. (1998(4) SLR 290 where it was held that those working in Doordarshan vis-a- vis Films Division should have the same pattern of pay structure when working under the same Ministry. Similarly, in the case of **Doordarshan Cameramen's Welfare Association Vs. Union of India (1991(3) SLR 18** it was held that the case of Lighting Assistants should be revised after comparing it with Films Division.

3. The respondents contested the claim of the applicants pleading that the applicants are not similarly placed with Lighting Assistants in Doordarshan. There is no comparison in the educational qualifications prescribed for appointment and duties and responsibilities of the Electricians in Films Division and Lighting Assistants of Doordarshan.

4. The respondents stated that the matter regarding up gradation of pay scales and re-designation of the posts of Electrician and Chief Electrician in the Films Division was placed before the High Level Committee constituted by the Government under the Chairmanship of Shri U C Aggarwal (Retd. Secretary, Department of Personnel). The said committee submitted the report to the Government on 16.11.1993 but did not make any specific change in the existing scales and designation of electrician/chief electrician.

5. Respondents forwarded the recommendations of the high level committee along with the representations of the electricians to the 5th CPC in September 1994. The matter regarding up gradation of pay scales of various posts including electricians was discussed with the Chairman and the members of the 5th CPC. A self-contained note along with the representations was also forwarded to 5th CPC

in September 1995. The 5th CPC gave its recommendations in para 73.53 to 73.55 but has not give any specific recommendations in respect of posts of electrician/chief electrician in Films division.

6. The duties and responsibilities of the Electrician in Films Division and Lighting Assistant in Doordarshan are not comparable. The existing Recruitment Rules for posts of Electrician in Films division, qualifications prescribed for the post are:

Essential:

- i) Must possess Wireman's certificate or equivalent qualification from State Government.
- ii) Must possess 2 years' experience in a Film Studio or in an Industrial undertaking.

Desirable:

Matriculation of a recognized University / Board of Education or pass in an equivalent examination.

7. Prior to the notification of the Recruitment Rules on 25.9.2001, matriculation or equivalent was only a desirable qualification for the post of Electrician whereas the qualification prescribed for the post of Lighting Assistant of DD was higher.

8. The respondents urged that the duties and responsibilities/qualifications of the post of electrician in Films Division were entirely different than those of Lighting Assistant in Prasar Bharti and Doordarshan. The judgements relied upon by the applicants is not relevant in the instant case. Moreover, the status of the organizations is also now different. The Films Division is a subordinate office in

-5-

the Ministry of I&B but All India Radio and Doordarshan have been vested in Prasar Bharati (Broadcasting Corporation of India).

9. We have heard the counsel for both the parties and gone through the documents placed on record. The short question before the Tribunal is whether the applicants in duties and qualification are equivalent to Lighting Assistants in Doordarshan so that on the principle of equal pay for equal work they are entitled to the relief prayed for. A perusal of the Recruitments Rules placed at R-3 by the respondents specifies that matriculation from a recognized University/Board or its equivalent is desirable qualification and not essential qualification whereas the qualification prescribed for Lighting Assistant shown at page 14 of the OA specifies matriculation or equivalent and two years experience of lighting in Stage, films or Television. The duties are also different.

10. A perusal of the recommendations of the Cadre Review Committee Annexure (A-11) reveals that no specific recommendations have been made for electricians of the Films Department.

11. The recommendations of the Cadre Review Committee and representations of the Electricians were forwarded to the 5th CPC but the 5th has not considered it necessary to make separate recommendations in this category.

12. The recruitment of electricians is 75% by direct recruitment and 25% by promotion, which not so in the case of Lighting Assistants. Respondents No. 2 did make a recommendation for up gradation of the post of Electrician/Chief Electrician to respondent No. 1. Respondent No. 1, did not accept it on the ground that in absence of any specific recommendations of the 5th CPC for up gradation

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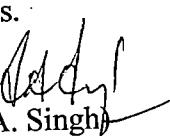
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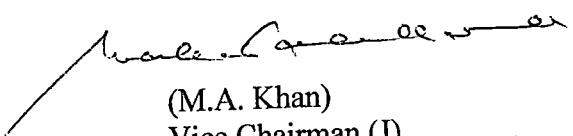
of pay scales for the post of electrician/chief electrician in the Films Division the decision in the Ministry's DO letter dated 01.11.99 and 18.2.2000 holds.

13. The case of **Y K Mehta Vs. UOI (Supra)** will not come to the assistance of the applicants because it deals with the case of contract employees performing same duties as performed by their counterparts in the Films Division and as such were considered to be entitled to the same scales as their counterparts in the Films Division. Similarly, in the case of **Doordarshan Cameramen Welfare Association Vs UOI (supra)** the Lighting Assistants/Light man claimed pay scales entitled to Assistant Cameramen in the Films Division. It was held that the Lighting Assistants/Light man of Doordarshan are comparable with Assistant Cameraman in Films Division and therefore Lighting Assistants/Light man, who were petitioners in WP © 1756 of 1986, shall be given pay scales of Assistant Cameramen in Films Division i.e. Rs.425-700/- It needs to be noted that they were not considered equivalent to Electricians.

14. Determining of pay scales is best left to expert body like Central Pay Commission. The representations of the electricians in Films division were referred to both the cadre review committee and the 5th CPC and both did not make any specific recommendations regarding up gradation of pay scales.

15. We therefore find no merit in the OA and it is accordingly dismissed. No. costs.


(S.A. Singh)
Member (A)


(M.A. Khan)
Vice Chairman (J)

Patwal/