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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

ORIGINAL APPLICATION NO: 292 OF 1989.

Date of decision : 3rd December, 1990.

Aurobinda Dutta Ray

Applicant

Versus

union of India and others

Respondents

For the applicant

: M/s S.Misra-1, S.N.Misra,
S.K.Nayak-2, R.C.
Prahraj, Advocates.

For the respondents

: Mr. T.Dalai, Additional
Standing Counsel
(Central)

C O R A M:

THE HON'BLE MR. B.R.PATEL, VICE CHAIRMAN

A N D

THE HON'BLE MR. N.SENGUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the reporters or not ? No
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

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JUDGMENT**B.R. PATEL, VICE-CHAIRMAN**

The facts, briefly stated are that the

applicant joined the Door Darshan, Cuttack on 1.8.1977 on renewable contract basis and continued as such till 16.1.1987 when he was declared a regular Grade-II producer with effect from 6.3.1982 vide Office Order at Annexure-1. In the Ministry of Information and Board Casting, Government of India, there are two wings namely the Film Division and the Door Darshan. In both the divisions there are producers producing films of various kinds. In this application the applicant has prayed for the same pay scale as is being given to the producers in the Film Division. He has further prayed that this benefit should be given to him from the inception of his service as Grade-II producer. In the Door Darshan a producer of Grade-II has been given a pay scale of Rs. 2000-3500/- whereas a producer in Film Division gets a pay scale of Rs. 3000-5000/-. There is no grade amongst the producers in the Film Division.

2. The Respondents have maintained in their counter that Pay scales have been given to the producers of the Door Darshan and the Film Division on the recommendation of the IVth Central Pay Commission. The recommendations of the Pay Commission have been accepted by the Central Government and the revised Pay scales have come into effect from 1.1.1986. They have also extracted

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the relevant portion from the recommendations of the Central Pay Commission in paragraph-4 of their counter. As the Pay scales have been fixed for the Doordarshan and the Film Division on careful consideration of various facts involved there is no case for their revision.

3. We have heard Mr. S.Misra-1, the learned Counsel for the applicant and Mr. Tahali Dalai learned Additional Standing Counsel (Central) for the Respondents and perused the relevant documents. Relying on the Pay Commission recommendations extracted in paragraph-4, Mr. Misra has submitted that no reasons have been given by the Pay Commission as to why there should be different pay scales for the producers of Doordarshan and those in the Film Division. Mr. Misra-1 maintains that the duties of the producers of Doordarshan are more onerous than those of the producers of the Film Division and there is a very strong case for giving them a higher scale of pay than what has been given to the producers of the Film Division. According to Mr. Misra it is an irony that instead of giving a higher pay scale to the applicant ^{and} in his ilk they are condemned to a much lower pay scale. Mr. Misra has also brought to our notice the judgment of the Honorable Supreme Court in the case of Y.K.Mehetta and others Vs. Union of India and another^s reported in AIR 1988 SC 1970. Mr. Dalai has brought to our notice paragraph-4 of the counter where it has been mentioned that a Committee has since been constituted by the Government of India under the Chairmanship of Director

General, Door Darshan to consider in depth the question of revising pay scales of the Staff Artists of the Door Darshan whose duties are comparable to those in Film Division except the categories of Cameraman, Grade-II, Sound recordists and lighting Assistants. In view of this, Mr. Dalai has submitted that the Central Government should be allowed further time to finalise the same. In this connection he has relied on the decision of the Honourable Supreme Court in the case of State of U.P. Vs. J.P. Chaurasia reported in AIR 1989 SC 19 where their Lordships in para 17 of the reported judgment observed:

"It must be determined by expert bodies like Pay Commission. They would be the best judge to evaluate the nature of duties and responsibilities of posts. If there is any such determination by a Commission or Committee, the Court should normally accept it. The Court should not try to tinker with such equivalent unless it is shown that it was made with extraneous consideration".

In the light of the observations of the Hon'ble Supreme Court, Mr. Dalai has averred that since a Committee has already been appointed to go into the question, it would be proper for the Tribunal to await the decision of the Committee. We have gone through the judgment of the Supreme Court reported in AIR 1988 SC 1970 particularly paragraph-11

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to which our attention was pointedly drawn by Mr. Misra. The Supreme Court have observed:

" We have no hesitation in holding that the petitioners perform the same duties as those performed by their counterparts in the Film Division".

We have however, noted that the writ petitions before the Hon'ble Supreme Court relate to the three categories of Staff Artists in the Door Darshan namely Cameraman, Grade-II, Sound Recordists and Lighting Assistants/Light man. In the present case we have asked to consider the prayer of the producers Grade-II for equalisation of pay scale with the pay scale of the producers of the Film Division. We are, therefore, of the opinion that the judgment of the Supreme Court in the case of Y.K. Mehetta & others Vs. Union of India and another refers only to those three categories of Staff and may not be applicable to the facts of the present case. We are further of the view that as a Committee has since been constituted to go into the question of parity in pay scale of the Staff Artists, it would be proper to await the recommendation of the Committee and the decision of the Government of India



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thereon. We hope that it will be possible for the Government of India to finalise this matter within a period of six months from the date of receipt of a copy of the judgment. We have also noted that the Committee has been constituted in May, 1989 and that the Supreme Court rendered their judgment on 16.9.1988.

4. The application is accordingly disposed of.

No costs.

Member 3.2.20

Bushnell 3.12.90
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VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack/K.Mohanty.

