

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 432 of 2011

Friday, this the 23rd day of December, 2011

CORAM:

**Hon'ble Mr. Justice P.R. Raman, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member**

V. Muraleedharan, aged 55 years,
S/o. K.K. Velappan,
Music Composer (Group-III),
Prasar Bharati Broadcasting Corporation of India,
All India Radio, Thiruvananthapuram,
Residing at : "Ambadi", Thoppumukku,
Vattiyoorkavu P.O., Thiruvananthapuram
695 013.

Applicant

(By Advocate – Mr. T.C. Govindaswamy)

V e r s u s

1. The Director General, All India Radio,
Prasar Bharati Broadcasting Corporation of India,
Akashwani Bhavan, Parliament Street, New Delhi-110 001.
2. The Station Director, Prasar Bharati Broadcasting
Corporation of India, All India Radio, Post Box No. 403,
Bhakthivilas, Thiruvananthapuram
-695 014.

Respondents

(By Advocate – Mr. George Joseph, ACGSC)

This application having been heard on 5.12.2011, the Tribunal on the
23-12-11 delivered the following:

ORDER

By Hon'ble Mr. K. George Joseph, Administrative Member -

The representation of the applicant who is working as Music Composer
(Group-III) in PB-2 Rs. 9300-34800 with Grade Pay of Rs. 4600/- for
promotion to the post of Music Composer (Group-II) in PB-3 Rs. 15600-39100



with Grade Pay of Rs. 6600/- was rejected by the impugned order dated 07.03.2011 (Annexure A-5). The relevant part of the said order is extracted as under:

“..... As per Recruitment Rule, a Music Composer in Group-III, who crosses the floor of the fee scale prescribed for Music Composer Group-II i.e. Rs. 10000-15200/- (revised to PB-3 Rs. 15600-39100/-+GP6600/- w.e.f. 1.1.2006), becomes eligible for promotion to Music Composer Group-II. Accordingly, as per Recruitment Rule, the floor of the fee scale for promotion to Music Composer Group-II should be Rs. 18600+GP Rs. 6600/- = Rs. 25,200/-.

And whereas it is observed that the floor of the fee scale of Shri Muraleedharan on the dates of his representations were as under:-

- i. Representation dated 10.11.2009 (Annex-2)
Rs. 17140/-+GP 4600/-=Rs. 21740
- ii. Representation dated 21.06.2010 (Annex-3)
Rs. 17140/-+GP 4600/-=Rs. 21740
- iii. Representation dated 07.10.2010 (Annex-4)
Rs. 17800/-+GP 4600/-=Rs. 22400

Now therefore, in view of above facts Shri V. Muraleedharan is not eligible for promotion to the post of Music Composer Group-II on the dates of his representations dated 10.11.2009, 21.06.2010 & 07.10.2010 as he did not cross floor of the fee scale required for promotion to the post of Music Composer Group-II. Shri V. Muraleedharan will be considered for promotion to the post of Music Composer Group-II as and when he becomes eligible for the same in accordance with the Recruitment Rules...”

2. The applicant contended that he has been drawing a basic pay of Rs. 17800 (PB Rs. 9300-34800) plus Grade Pay of Rs. 4600/-, i.e. Rs. 22400/-, which is Rs. 200/- more than the eligibility criterion of Rs. 22200/- (PB RS. 15600+6600) as per the Recruitment Rules.

3. The respondents in their reply statement submitted that the applicant will become eligible for promotion to the post of Music Composer (Group-II) on 01.07.2014 as he will cross the floor stage of PB-3 Rs. 15600-39100



corresponding to the pre-revised scale of Rs. 10000-15200. The corresponding stage of Rs. 10000/- in the pre-revised scale of Rs. 10000-15200 is Rs. 18600/- in the Pay Band of Rs. 15600-39100, excluding Grade Pay.

4. We have heard Mr. T.C. Govindaswamy, learned counsel for the applicant and Mr. George Joseph, learned ACGSC appearing for the respondents and perused the records.

5. The Recruitment Rules for promotion to the post of Music Composer (Group-II) reads as "Music Composers in Group III who have crossed the floor of the fee scale prescribed for (Group II) Composers." It means that the Music Composer in Group-III can be promoted after his basic pay crosses the minimum basic pay of Music Composer Group-II. To quote from the impugned order dated 07.03.2011, "As per Recruitment Rule, a Music Composer in Group-III, who crosses the floor of fee scale prescribed for Music Composer Group-II, i.e. Rs. 10000-15200 (revised to PB-3 Rs. 15600-39100 + GP Rs.6600 w.e.f. 01.01.2006), becomes eligible for promotion to Music Composer Group-II. But the statement that follows "Accordingly as per Recruitment Rule, the floor of the fee scale for promotion to Music Composer Group-II should be Rs.18600 + GP Rs. 6600 = Rs. 25200/-" does not flow from the previous statement. The two statements do not go together. To that extent there is lack of application of mind. The claim of the applicant is that he has already crossed floor stage of the revised PB corresponding to Rs. 10000-15200. The minimum basic pay in the PB of Rs. 15600/- + GP Rs. 6600/- = Rs. 22200/-. The applicant is presently drawing Rs.17800/- + GP Rs. 4600/- which equals to Rs. 22400. And that is his basic pay. According to



the respondents, the minimum of the pre-revised scale of Rs. 10000-15200 is Rs. 18600/- in the revised Pay Band of Rs. 5600-39100 excluding Grade Pay. The minimum basic pay of Music Composer (Group-II) is Rs. 10000/- which corresponds to the minimum basic pay of Rs. 22200/- in the revised pay structure (Rs. 15600+6600). The present basic pay of the applicant is Rs. 22400/- (Rs.17800+4600). Therefore, he has crossed the minimum basic pay of R. 22200/-, i.e. floor of the fee scale of the Music Composer (Group-II). In the revised pay structure, basic pay is the sum of pay in Pay Band plus Grade Pay as per the Revised Pay Rules, 2008 and Office Memorandum dated 30.08.2008 at Annexure R-1. The respondents have wrongly excluded Grade Pay from the basic pay in the revised pay structure for the purpose of considering the applicant having crossed the minimum basic pay of Rs. 22200/- of the Music Composer (Group-II). The respondents have not shown any justification for not treating the Grade Pay as an integral part of the basic pay in the revised pay structure. The minimum basic pay or the floor of the fee scale of Music Composer (Grade II) is Rs. 22200/- (15600+6600). It is not the contention of the respondents that the minimum basic pay of Music Composer (Group II) is Rs. 25200/- (18600+6600). It is open to the respondents to revise the Recruitment Rules, if they so desire. In our considered view, the applicant is eligible to be promoted to the post of Music Composer (Group-II) as he has crossed the minimum basic pay of Music Composer (Group-II) in the revised pay structure as per the existing Recruitment Rules.

6. In the light of the above discussion, the O.A. succeeds. The respondents are directed to consider and if found fit, grant the applicant the benefit of promotion as Music Composer (Group-II) in PB-3 with Grade Pay of



Rs. 6600/- within a period of 2 months from the date of receipt of a copy of this order.

7. No order as to costs.

(Dated, the 23rd December, 2011)


(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER


(JUSTICE P.R. RAMAN)
JUDICIAL MEMBER

cvr.