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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R .

C.A. No. 664/92

Date of decision: 29.7.93

VED VYAS

: Applicant.

VERSUS

UNION OF INDIA & ORS : Respondents.

Mr. M. Mridul ) : Counsel for the applicant  
Mr. P.S. Asopa )

None present on behalf of the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

Hon'ble Mr. P.P. Srivastava, Administrative Member

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

The applicant, Ved Vyas, was selected for the post of News Reader-cum-Translator and is working on the said post since 29.7.71. The applicant was subsequently confirmed on the post of News Reader-cum-Translator in the year 1973 and was offered ~~1000/-~~ contract for this post vide order dated 19.12.73 (Annexure A-2). Ministry of Information and Broadcasting issued a booklet entitled "Rationalisation of fee scales of Staff Artists of A.I.R." in the year 1972 to rationalise the fee structure of the staff of AIR. These orders were communicated to the Director General, AIR, New Delhi vide Ministry of I & B's letter no. 12/4/72-B(A) dated 7.2.1972. The fee structure of the junior scale of News Reader was revised from Rs. 235-15-370-20-530 to Rs. 350-25-500-30-800. Annexure A-3 provides that all the present incumbents in these categories are expected to benefit as a result of the revision of fee scales, as a substantially large majority of the present incumbents are at present drawing fee in the scale of Rs. 235-530 or Rs. 280-530 and will be eligible for being considered for the revised Junior Scale.

2. As far as the junior scale is concerned, there is no provision for the screening for this upgradation and only the question of screening is in relation to the senior scale.

3. After the issuance of this Booklet, Annexure A-3, the order dated 14.3.72 was issued and in that order it has been mentioned that the officer issuing the order has been directed to refer to this Ministry's letter dated 7.2.72 on the subject noted above and to say that the existing Staff Artists may be brought on to the revised scales prescribed therein in accordance with the procedure

indicated below:

4. In para 4 of the said circular, there is a reference that all Staff Artists screened and found eligible for being brought on to the revised scales with the instructions indicated below will be asked to exercise an unconditional option in the form prescribed in Annexure A. It has also been provided that the Staff Artists can opt to continue in their existing scales or to come over to the revised scales either from 1.4.71 or from a prospective date. It has also been provided that if a Staff Artist does not exercise option by that date, he or she should be deemed to have elected the revised scales of fee w.e.f. 1.4.71. (Option once exercised shall be final). In para 13 of the said circular, it has been mentioned that the remaining Staff Artists in these categories will be screened for absorption in the revised junior scale. The method of screening will be as prescribed in para 8 above. In para 8, the method has been prescribed for the senior as well as junior artists. Staff Artists in the categories of Production Assistants, Recordists and Newsreel Assistants in the existing junior scale and Assistant Producers will be screened for assessing their eligibility for the respective revised scales.

5. Mr. Mridul, appearing on behalf of the applicant, has argued that the revised pay scale has to be given to every junior scale artist if he fulfills the conditions of eligibility. He submits that the question of suitability, seniority-cum-merit or selection does not fall within the purview of the Screening Committee as provided in para 8. The Screening Committee has limited jurisdiction to consider whether the case of the applicant falls within the purview of eligibility or not and if a person is eligible he will have to be given the revised pay scale. His further contention is that the revised pay scale is a revision of the pay or the rationalisation of the pay and it is extended to all without any consideration as the old pay scale does not survive. The case of the applicant is that he had already given the option. It will not be out of place to mention that the respondents have issued a letter dated 5.1.76, Annexure A-9. In the said letter, it has been mentioned that Shri Ved Vyas was not declared fit at the time of initial screening in July, 73. His case was reviewed after one year in July, 74 and was given the revised scale of News Reader-cum-Translator from subsequent date and not from 1.4.71 in conformity with the modified order. This order does not talk of eligibility or there is no reference in this order that the applicant, Ved Vyas, was not eligible

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*[Handwritten signature]*

for the revised pay scale.

6. There is a further order, Annexure A-11, dated 18.8.78. In this order, completely new stand has been taken by the respondents and it has been stated that due to administrative difficulties, he could not be given the revised pay from 1.4.71. Thus, it is a departure from the earlier order Annexure A-9 which was issued on 5.1.76 which does not talk of administrative difficulties. Again, vide order dated 28.8.81 (Annexure A-12), the applicant was informed that he was not found fit to be placed in the rationalised scale and subsequently, vide orders dated 4.12.87 (Annexure A-14) and 25.11.87 (Annexure A-15), the applicant was informed in 1987 that his case has been examined but it has not been found possible to accede to his request.

7. The applicant being aggrieved with the Orders (Annexure A-9, A-11, A-14 and A-15 and others) passed, submitted this O.A. before this Tribunal and prayed that by an appropriate order or direction, the respondents may be directed to grant the revised pay scale of Rs. 350-800 to the applicant from 29.7.71 to 31.12.72 and further fixed the applicant's salary in the scale of Rs. 650-1200 w.e.f. 1.1.73 with all consequential benefits. This has been done in the light of subsequent revised fee scale w.e.f 1.1.73 vide order dated 18.6.76 (Annexure A-4).

8. Mr. Mridul has argued that by not giving the revised grades to the junior scale artists is against the provisions of Articles 14, 16 read with Article 39-D of the Constitution of India. He has cited some cases and we consider it not necessary to refer the same as the principles enunciated in these cases are well-settled that "equal pay for equal work". There should not be discrimination amongst the equally situated persons. From the perusal of the orders dated 7.2.72, it is clear that the junior scale Artists are entitled for the revised pay if they are eligible for the same. Thus, screening provided in Annexure A-3 dated 14.3.72, particularly in para 8 provides that the junior Artists will be screened for assessing their eligibility for the respective revised scales. Thus, the screening is only for the purpose of eligibility and not for judging the merits of the person. After the revision of pay scales, the old pay scale does not survive and the persons who have opted for the new are entitled to get the revised pay.

9. For the reasons mentioned above, we are of the view that the applicant is entitled for the relief claimed, i.e. he is entitled for the revised pay scale of Rs. 350-800 from 29.7.71 to 31.12.72. Subsequent revision which has taken place vide Annexure A-4 is also a revision of the pay and the applicant is entitled for the same from 1.1.73 with all consequential benefits. We hereby set aside the orders/communications dated 9.1.74 (Annexure A-6), 5.1.76, 18.8.78, 21/28.8.81, 25.11.87 and 4.12.87 and direct that the applicant be paid the revised pay scale of Rs. 350-800 from 29.7.71 to 31.12.72 and thereafter the revised pay of Rs. 650-1200 w.e.f. 1-1-73.
10. The O.A. is accepted and is disposed of accordingly, with no order as to costs.



( P.P. SRIVASTAVA )  
Administrative Member



( D.L. MEHTA )  
Vice-Chairman