

(45)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 326 of 1996

Date of Order: 15.3.96

Between:

R.SRINIVAS REDDY

M.BABU RAO

MIR JAFFER ALI KHAN

.... Applicants

and

1. Union of India rep. by its
Secretary, Ministry of Information
& Broadcasting, Shastri Bhavan,
New Delhi 110 001.

2. Director General of All India Radio,
Akashvavi Bhavan, Parliament St.,
New Delhi 110001.

.... Respondents

For the Applicant :- Mr. Sudhender Kulkarni, Advocate

For the Respondents: Mr. N.R.DEVARAJ, Sr.CGSC

CORAM:

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI : VICE-CHAIRMAN

THE HON'BLE MR. H.RAJENDRA PRASAD, MEMBER (ADMN.)

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O.A.NO.326/96

ORDERS

Dt: 15.3.96

(AS PER HON'BLE SHRI JUSTICE M.G.CHAUDHARI, VICE CHAIRMAN)

Further heard Shri Sudender Kulkarni, learned counsel for the applicants and Shri N.R.Devaraj, learned standing counsel for the respondents. Shri Sudender Kulkarni has produced additional record which is perused.

2. Three applicants herein are Programme Executives in All India Radio at Hyderabad. They claim that they are entitled to parity of pay scale with the scales of Division and Doordarshan and Engineering Assistants in All India Radio. They claim this benefit with retrospective effect. Their contention is that the nature of duties and responsibilities and the work is similar to that of their counterparts and, therefore, denial of the same pay scale amounts to denial of principle of equal pay for equal work and is discriminatory. Reliance is placed on a decision of the Madras Bench of the Administrative Tribunal in OA 654/89 dated 29.6.90 whereby same pay scales have been granted to the Engineering Assistants as that of Sound Recordists in Doordarshan.

3. The question raised relates to similarly placed Programme Executives, all over India under the respondents. The vital question that needs to be

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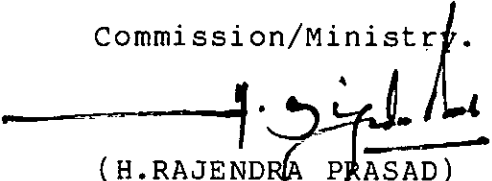
determined is whether having regard to the nature of duties and responsibilities and the prescribed qualifications, the applicants stand on par with the other category of employees under the respondents with whom parity is claimed. Since the grievance could be agitated soon after the report of the IVth Central Pay Commission firstly before the Government of India and then before the Tribunal, the applicants have waited till 1996 to approach this Tribunal. In the meanwhile, the grievance was taken up by the Programme Staff Association of All India Radio and Doordarshan with the Government of India. The learned counsel states that the applicants are members of the said Association. In the record produced today, we find a circular issued by the President of the Association dated 4.5.95. That shows that the question of disparity in the pay scale of Engineering staff was agitated before the Government of India. It records that in a recent meeting, the question was elaborately discussed and the Additional Secretary appraised the Hon'ble Minister and the other officials about the latest development and that Ministry agreed to send a fresh proposal to the Pay Commission offering identical scale for the Transmission Executives including Production Assistants and that necessary papers stating all the facts and justification for offering higher pay scale to TREX (combined cadre) had already been submitted. That precisely is the question sought to be raised in the instant application. In our opinion since the Vth Central Pay Commission has been constituted and


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as the Association as well as the Ministry had agreed to send the proposal in respect of the identical pay scales to the Pay Commission, the question clearly lies within the ambit ^{of} ~~considered~~ by the Vth Pay Commission. As such, at this stage, we do not think that it will be appropriate for us to start parallel investigation into the claim by proceeding with the OA. We have no reason to presume that the Ministry would not take up the proposal with the Vth Central Pay Commission or that Association will not vigorously pursue the same. Shri Kulkarni voiced an apprehension that the Pay Commission might not give the benefit with retrospective effect. We think there is no basis for such apprehension and it is not open to any one to comment on what the Pay Commission is likely to do. The applicants will always be ^{able} ~~open~~ to agitate their grievance if it still survives after the report of the Vth Central Pay Commission to the extent it would be permissible in the light of the decision of the Pay Commission. Thus, the matter is now with the Ministry and the Pay Commission and the applicants should ~~look forward for a decision at that level.~~

4. For the aforesaid reasons, we do not think that it would be appropriate for us to admit this OA. The OA is accordingly rejected without prejudice to the future remedies and representation before the Vth Pay Commission/Ministry.


(H. RAJENDRA PRASAD)
MEMBER (ADMN.)


(M.G. CHAUDHARI)
VICE CHAIRMAN

DATED: 15th March, 1996
Open court dictation.


Deputy Registrar (17) CC

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To

1. The Secretary, Ministry of Information and Broadcasting, Shastri Bhavan, Union of India, New Delhi-1.
2. The Director General of All India Radiom. Akashvani Bhavan, Parliament Street, New Delhi-1.
3. One copy to Mr. Sudhender Kulkarni, Advocate, CAT. Hyd.
4. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
5. One copy to Library, CAT. Hyd.
6. One spare copy.

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8/14/96

I COURT

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

M.G. Chaudhary
THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND
H. R. S. Chaudhary
THE HON'BLE MR. R. RANGARAJAN : M(A)

Dated: 15-3-1996

ORDER/JUDGMENT

M.A./R.A./C.A.No.

in

O.A.No. 326/96.

T.A.No. , (w.p.No.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

No Spare Copy

