

01/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-27/04 ordersheet pg-1 to INDEX

disposal date-19/03/06

R.A-2/03 ordersheet pg-1 to 3

dismissal date-30/07/03

petition copy- pg-1 to 20

O.A/T.A No...12/2002.....

R.A/C.P No...59/03.....

E.P/M.A No...27/04.....

1. Orders Sheet. O.A-12/2002.....Pg...1.....to...4.....Date 03/12/04
CP-59/03 order pg-1 to 4 allowed
2. Judgment/Order dtd. 20/12/2002.....Pg...1.....to...8.....allowed
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....12/2002.....Pg...1.....to...20.....
5. E.P/M.P...27/04.....Pg...1.....to...12.....
6. R.A/C.P...59/03.....Pg...1.....to...19.....
7. W.S. submitted by the respondents.....Pg...1.....to...32.....
8. Rejoinder. In Reply.....Pg...1.....to...3.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit. R.A-2/03.....Pg-1 to-2.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

W.S. filed in CP-59/03 pg-1 to 4

M.P-51/03 ordersheet pg-1 to-2

allowed date-17/06/03

petition copy pg-1 to 3

SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal :: Guwahati Bench
Guwahati

ORDER SHEET

APPLICATION NO. 12/2002

Applicant(s) Sri Arup K. Roy

Respondent(s) UOI & OIS

Advocate for Applicant(s) Mr. J.L. Sarkar, Mrs S. Doka &

Advocate for Respondent(s) Mr A. Chakrabarty

Case.

Notes of the Registry	Date	Order of the Tribunal
<p>This is application in form C.F. for Rs. 50/- deposited vide IP No. 79.55.1710 Dated <u>17.01.2002</u></p> <p><u>Dy. Registrar</u></p> <p><u>Copies filed</u></p> <p><u>17/01/02</u></p> <p><u>Notice prepared and sent to DTS for monitoring response about No 1 & 4 by Regd. AID.</u></p> <p><u>29/11</u></p> <p><u>D.No. 358 & 361</u></p> <p><u>Dtd 8/2/02</u></p> <p><u>No written statement has been filed</u></p> <p><u>21.2.02</u></p>	<p>23.1.02</p> <p>1m</p> <p>22..2.02</p> <p>1m</p>	<p>Heard Mr.J.L.Sarkar learned counsel for the applicant and Mr.A.Deb Roy, Sr.C.G.S.C. accepts notice on behalf of all the Respondents. After hearing the learned counsel for the parties the application is admitted. Issue notice on the respondents. Call for records. Returnable by four weeks. List on 22.2.02 for filing of written statement and further orders.</p> <p><u>Member</u></p> <p>List on 27.3.02 to enable the Respondents to file written statement.</p> <p><u>Member</u></p>

O.A. 12 of 2002

No. Written Statement
has been filed.

27.3.02

Four weeks time is allowed to
the Respondents to file written state-
ment. List on 26.4.2002 for order.

27.3.02
26.8.02

Vice-Chairman

mb

26.4.02

No. Written Statement
has been filed.

List on 24.5.02 to enable
the respondents to file written
statement.

26.4.02
23.5.02

Vice-Chairman

lm

24.5.02

No. Wks has been
filed.

Further four weeks time is allowed
to the Respondents to file written state-
ment. List on 28.6.2002 for orders.

24.5.02
27.6.02

Vice-Chairman

mb

28.6.02

Put up before Division Bench.
Further three weeks time is allowed
to the Respondents to file written
statement, as a last chance.

List on 30.7.02 for orders.

31.7.02

Wks. Submitted
by the Respondents.

Vice-Chairman

lm

30.7.02

Mr. A. Deb Roy, learned Sr. C.G.S.C.
for the Respondents has stated that he is
formally filing the written statement by
tomorrow (31st July). Mr. Deb Roy, in fact,
furnished a copy of the written statement
to Mr. J.L. Sarkar, learned counsel for the
Applicant. The case may now be listed for
hearing on 27.8.2002. The applicant may file
rejoinder, if any, within two weeks from
today.

List the matter on 27.8.2002 for
hearing.

K. Usham

mb

Member

Vice-Chairman

O.A. 12/2002

Notes of the Registry

Date

Order of the Tribunal


27.8.02

Prayer has been made by Mr. A. Chakrabarty, learned counsel appearing on behalf of Mr. J.L. Sarkar, learned counsel for the applicant for adjournment of the case. Prayer is allowed. List on 19.9.2002 for hearing.

W/s has been filed.

30
18.9.02

K. L. Sharma
Member


Vice-Chairman

mb

18.9.2002

Response in reply to the W/s has been submitted by the applicant.



19.9.

Division Bench did not sit today. The case is adjourned to 10/10/2002.

M/s
A.K. Jey
19.9.

10.10.

Heard in part.
Left again on 26/11/2002.

M/s
A.K. Jey

26.11.

Division Bench did not sit today. The case is adjourned to 11/12/2002.

M/s
A.K. Jey
26.11.

11.12/2002

Heard Mr. J. L. Sarkar, learned counsel for the appellant & Mr. A. Debroy, S.C. for the respondents.

Hearing Concluded.
Judgment reserved.

M/s
A.K. Jey
11/12

Notes of the Registry

Date

Order of the Tribunal

20.12.02

Judgment delivered in open Court, kept in separate sheets. The application is a party allowed. No order as to costs.

Member

Vice-Chairman

mb

31.12.2002

Copy of the Judgment has been sent to the office for recording the same to the applicant as well as the L/Adm for the parties.

B

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

✓ O.A./R.A.No.....12.....of 2002.

DATE OF DECISION 20th Dec. 2002.

Sri Anup Kr. Roy

APPLICANT(S)

Sri J.L.Sarkar

ADVOCATE FOR THE APPLICANT(S)

-VERSUS-

Union of India & Ors.

RESPONDENT(S)

Sri A.Deb Roy, Sr.C.G.S.C

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE MR JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN

THE HON'BLE MR K.K.SHARMA, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches :

Judgment delivered by Hon'ble Vice-Chairman

h

X

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 12 of 2002.

Date of Order : This the 20th Dec 2002

The Hon'ble Mr Justice D.N.Chowdhury, Vice-Chairman

The Hon'ble Mr K.K.Sharma, Administrative Member.

Sri Anup Kr. Roy,
Son of Late Hrishikesh Saha,
Resident of Bilpar, Silchar,
Cachar, Assam-788001.

....Applicant

By Advocate Sri J.L.Sarkar.

- Versus -

1. Union of India,
through the Secretary to the
Govt. of India, Ministry of Information
& Broadcasting, Shastri Bhawan,
New Delhi-110001.
2. The Director General,
All India Radio,
Directorate General, Parliament Street,
Shastri Bhawan, New Delhi-1.
3. Chief Executive Officer,
Prasar Bharati, Akashwani Bhawan,
Parliament Street, New Delhi-1.
4. Station Director, All India Radio,
Kailashahar, North Tripura-799279.

..Respondents

By Sri A.Deb Roy, Sr.C.G.S.C.

O R D E R

CHOWDHURY J.(V.C)

The following are reliefs sought for by the applicant in this Original Application.

- i) The applicant be granted pay in the scale of Rs.550-900/- w.e.f. 1.1.1978 and Rs.2000-3200/- w.e.f. 1.1.86 as Transmission Executive and after fixation of pay arrears be paid for differences on pay and allowances.

contd..2

ii) The applicant be granted pay in the scale of Rs.7500-12000/- w.e.f. 1.1.1996 as Programme Executive and after fixation of pay arrears be paid for differences in pay and allowances.

iii) The portion of the circular dated 25.2.1999 (Annexure-E) in para 2(i) viz."The upgraded scales will be allowed not as Govt. employees per se but as Govt. Employees currently in service of Prasar Bharati (Broadcasting Corporation of India)", be set aside and quashed.

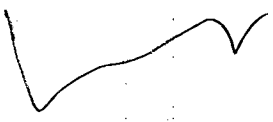
iv) The condition of option under the circular dated 25-2-99 has no application in the case of the applicant and the benefits w.e.f. 1.1.96 under the circular can not be denied to the applicant.

v) As a result of re-fixation of pay as in prayer (i) and (ii) above the pension and other retiring benefits be refixed and differences paid with arrears.

2. The applicant was working as Transmission Executive in the scale of Rs.425-700/-. He was later on promoted as Programme Executive (Group-B) with effect from 28.3.91 in the scale of pay of Rs.2000-3500/- (revised to Rs.6500-10500/-). The salary of the Transmission Executive, a feeder post to that of Programme Executive was Rs.425-750/-. The Engineering Assistants was also getting the same pay. The fourth Pay Commission treated both Transmission Executive and Engineering Assistants at par and recommended the pay for Transmission Executive and Engineering Assistants for Rs.1400-2600/-. The said

recommendation implemented with effect from 1.1.86. The Madras Bench of Central Administrative Tribunal in O.A.654/89 by its order dated 29.6.90 among others directed that pay scale of the Engineering Assistants was to be revised to Rs.550-900/- with effect from 1.1.78 and to Rs.2000-3200/- with effect from 1.1.86. Being aggrieved the Union of India preferred an SLP before the Supreme Court and by its judgment and order dated 25.11.94 the Supreme Court dismissed the SLP with a direction that in the event of the Fifth Pay Commission finding that the posts of Transmission Executive held by the applicants are equivalent to the post of Engineering Assistant the Central Government might consider for giving the benefit of revision of pay scale to those petitioners with retrospective effect as claimed by them. It was also pleaded that Fifth Pay Commission found that the Transmission Executive and Engineering Assistants were equivalent and recommended the same pay scale of pay namely, Rs. 5000-8000/- and similarly the promotional scale of Assistant Engineers and Programme Executives respectively was recommended the scale of Rs.6500-10500/-. It was also pleaded in the application that the request of the applicant for voluntary retirement was accepted by the competent authority with effect from 31.7.1997. At the time of his retirement he was working as Programme Executive at Kailashahar AIR and his basic pay was Rs.7300/- (scale of Rs.6500-10500/-). The applicant submitted representation

before the respondent No.2 for refixation of his pay as well as pension benefit in view of the revision of pay. The representation of the applicant was forwarded by the Station Director to the respondent No.2. In the application the applicant also referred and assailed the validity of communication No.310/173/97-B(D) dated 25.2.99 issued by the Government of India relating to upgradation of pay scales of certain employees working in Prasar Bharati. The communication indicated that the grant of revised pay scale of the categories of employees of All India Radio and Doordarshan of Prasar Bharati (Broadcasting Corporation of India) as indicated in Annexure-I of the communication. the grant of revised pay scale was however made subject to the following conditions :



"(i) The upgraded scales will be allowed not as Govt. employees per se but as Government employees currently in service of Prasar Bharati (Broadcasting Corporation of India). As and when the employees, presently working in All India Radio and Doordarshan are asked to exercise their option, those employees who do not opt for Prasar Bharati will revert as Government servants and will not longer be entitled to above scales. They will also have to refund all benefits availed of by them as a result of the grant of higher scales of pay. They will be liable to recovery of all such benefits. An undertaking, in the proforma given at Annexure-II to this effect has to be submitted by each and every employee concerned before availing the benefit of upgraded scales of pay. This is in accordance with their agreement with the Government to avail these upgraded scales on this condition only.

(ii) Upgraded pay scales would be effective from 1.1.1996 but payment of salary to employees as per upgraded scales of pay will be made with effect from 1st March, 1999.

(iii) The employees concerned will be entitled to arrears with effect from 1st January, 1996 and these arrears will be paid in instalments. The first instalment of arrears pertaining to the period from November, 1997 till February, 1999 will be paid by April, 1999. The second instalment pertaining to reminder of the arrears (i.e. arrears from 1.1.1996 to October, 1997) will be paid by April, 2000. The payment of arrears shall be made after adjustment of the amount already paid to the categories of Technicians, Senior Technicians, Engineering Assistants and Senior Engineering Assistants on the basis of this Ministry's Office Memorandum No.310/173/97-B(D) dated 5.12.1997.

(iv) In addition the pay of those employees of All India Radio and Doordarshan who had been working as Transmission Executive as on 1.1.1978 or afterwards would be notionally fixed in the pay scale of Rs.550-900/- with effect from 1.1.1978 and in the pay scale of Rs.2000-3200/- with effect from 1.1.1986 before fixing their pay in the upgraded pay scale as on 1.1.1996. But as per their agreement with the Government, this will not entitle them to any payment of arrears for the period prior to 1.1.1996 and will be limited to fixation of their current pay as on 1.1.1996."

Failing to get redressal of his grievances the present O.A. was preferred assailing some of the conditions prescribed in the impugned memo dated 25.2.99 as arbitrary and discriminatory.

3. The respondents contested the claim and submitted its written statement. In the written statement the respondents pleaded that as a result of discussion with

contd..6

various Associations representing the staff the Ministry issued the impugned memo dated 25.2.99 upgrading the scale of pay of certain categories of staff of AIR and Doordarshan (Broadcasting Corporation of India) and not of the Ministry of Information and Broadcasting, Government of India. These scales had been made applicable to the employees of Prasar Bharati and not to the employees of Government of India, subject to the condition that the former exercised options for service in Prasar Bharati. In the written statement the respondents also stated that the competent authority decided to pay to all the Transmission Executives who had been working in the erstwhile All India Radio and Doordarshan as on 1.1.78 or afterwards would be placed notionally in the scale of pay of Rs.550-900/- with effect from 1.1.78 and in the scale of pay of Rs.2000-3200/- with effect from 1.1.86 without payment of any arrears prior to 1.1.96. The respondents also pleaded that the issue raised in this application was subject matter of O.A.2579/99 and the Central Administrative Tribunal, Principal Bench, New Delhi by its order dated 21/23.3.01 dismissed the O.A. According to respondents the application is therefore liable to be dismissed.


4. In the rejoinder the applicant stated that against the judgment and order of the Principal Bench passed in O.A.2579/99 the aggrieved parties preferred a Writ Petition before the Delhi High Court impugning the order of the

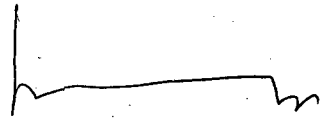
Tribunal of the Principal Bench dated 21/23.3.2001 and the said Writ Petition was numbered as C.W.P.829/2002.

5. We have heard Mr J.L.Sarkar, learned counsel for the applicant and Mr A.Deb Roy, learned Sr.C.G.S.C for the respondents at length. We have also perused the judgment and order passed by the principal Bench of the Tribunal in which those applicants sought for quashing the order dated 25.2.99 refusing to provide the benefit of the revised pay scale of Rs.7500-12000/- and also that of Rs.2075-3750/- for the period from February 1992 to 31.1.1995 and also assailed the conditions mentioned in notification confining the benefit of the revised pay only to those who were in service as arbitrary, unjust and improper. The Tribunal in other words upheld the legitimacy of the communication dated 25.2.99. The judgment of the Principal Bench being a judgment of a co-ordinate Bench is clearly binding on this Tribunal and in that view of the matter we are not inclined to intervene in the matter as in the event the judgment of the Tribunal is set aside or modified by the higher Courts, the case of the applicant would also be regulated by the judgment of superior Court. We however, found that the applicant who was in service till 1997 he ^{was} ~~is~~ entitled for the benefit mentioned in clause (iv) of para 2 of the communication dated 25.2.99. The respondents are accordingly directed to act in terms of clause (iv) of para 2 and fix the pay of the applicant notionally for the

period mentioned in clause (iii) of para 2. The respondents also however, is not required to pay the arrears for the period. This direction is issued only for refixation of the pay notionally and pay his pension in terms of the clause.

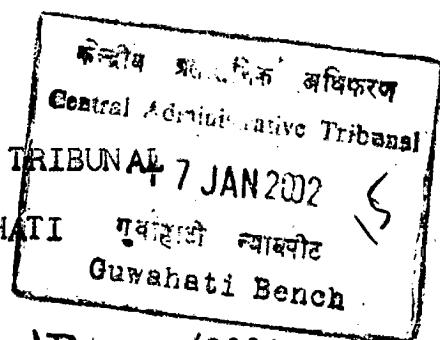
Subject to the observation made above the application is partly allowed. There shall, however, be no order as to costs.


(K.K.SHARMA)
ADMINISTRATIVE MEMBER


(D.N.CHOWDHURY)
VICE CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI: BENCH: GUWAHATI



Title of the case : O. A. No.: 12 /2002

Sri Anup Kr. Roy : Applicant

-- Versus --

Union of India & ors. : Respondents

I N D E X

Sl. No.	Annexure	Particulars of Documents	Page No.
1.	-	Application	1-10
2.	-	Verification	11
3.	'A'	Circular dated 15-5-95	12.
4.	B	Order of the Hon'ble Supreme Court dated 14.3.26	13
5.	'C'	Representation dt. 8-5-2000	14
6.	'D'	Letter dated. 31-5-2000	15
7.	'E'	Circular dated 25-2-99	16-20

Filed by

Anupam Chakraborty
Advocate

In The Central Administrative Tribunal

Guwahati Bench :: Guwahati.

O.A. No. 12/2002

BETWEEN

Sri Anup Kr. Roy,

Son of Late Mrishikesh Saha

Resident of Bilpar, Silchar

Cachar, Assam-788001

Applicant

AND

1. Union of India through the
Secretary, Ministry of
Information & Broadcasting,
Shastri Bhawan, New Delhi- 110001
2. The Director General,
All India Radio, Directorate
General, Parliament Street,
Shastri Bhawan, New Delhi- 110001
3. Chief Executive Officer,
Prasar Bharati, Akashwani Bhawan,
Parliament Street, New Delhi-1.
4. Station Director, All India Radio,
Kailashahar, North Tripura-799279

Respondents

16
Anup Kr. Roy.
Filed by Mr. applicant
through D. Chakrabarty
Dhokepati
17/1/02

Details of the Application :

1. Particulars of the order against which
the application is made :

The application is being directed against highly arbitrary illegal and willful in action on the part of the respondents in not expediting the rightful and legal claim of the applicant for revising the pension order of the applicant who has voluntarily retired on 31st July, 1997 and issued PPO No. 284389800103 in the old scale of pay denying the applicant the benefit of the upgraded pay scale granted to all the other similarly placed Programme Executives, and for revision of pension benefits, and arrears thereof.

2. Jurisdiction :

The applicant declares that the subject matter of the application is within the jurisdiction of the Hon'ble tribunal.

3. Limitation :

The applicant declares that the application is within the period of limitation under section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the case :

4.1 That the applicant is a citizen of India and as such is entitled to the rights and privileges guaranteed by the constitution of India.

4.2 That the scale of pay of the Transmission Executive and Engineering Assistant was always same viz, Rs. 425 - 750/- . The applicant was Transmission Executive

My
Ans

and as such got salary in the said scale of Rs. 425 - 750/-
The 4th pay Commission also treated both Transmission
Executive and Engineering Assistant at par and recommended
same scale of pay for both viz Rs. 1400 - 2600/-. This was
implemented w.e.f. 1-1-1986.

4.3 That the applicant was promoted as Programme
Executive (Group 'B') w.e.f. 28-3-1991 in the scale of
Rs. 2000 - 3500/- . In the engineering side the corresponding
promotion post is Assistant Engineer in the same scale.

4.4 That the Madras Bench of the Central Adminis-
trative Tribunal in O.A. No. 654/89 by an Order dated
29-6-1990 directed that the pay scales of Engineering
Assistant shall be revised to Rs. 550 - 900/- w.e.f. 1-1-1978
and to Rs. 2000 - 3200/- w.e.f. 1-1-1986. The SLP filed
against the said order of the Hon'ble Tribunal was dismissed
by the Hon'ble Supreme Court by an Order dated 25-11-1994.
Thereafter the pay scale of the Engineering Assistant was
revised by the Govt. of India by circular dated 15-5-1995.

Copy of the circular dated 15-5-95
is enclosed as Annexure - A.

4.5 That as already stated the post of Transmission
Executive and Engineering Assistant are equivalent and have
been recommended identical pay scales by the successive pay
commissions and the Govt. also granted the same pay scale
to both the categories of employees. The benefit of the
judgement of the Hon'ble Tribunal was not extended to the
Transmission Executives. Subsequently Sri Bishnu Prasad Sinha

and another transmission executives filed an O.A. No. 307/95 in the Central Administrative Tribunal, Patna Bench praying parity of pay scales with that of Engineering Assistants. The Hon'ble Tribunal (Patna Bench) however in the facts and circumstances of the case, in the relevant time recommendation of the 5th pay commission was pending, dismissed the application. An SLP No. 4563/96 was filed against the said order ~~ex~~ before the Hon'ble Supreme Court which was disposed of with the following order :

"We do not find any infirmaty in the direction given by the Central Administrative Tribunal in the impugned judgement. It is however directed that in the event of the 5th pay commission finding that the posts of Transmission Executive held by the petitioners are equivalent to the post of Engineering Assistant, the central Govt. may consider giving the benefit of revision of pay scales to the petitioners with retrospective effect as claimed by them.

The Special Leave petition is disposed of accordingly."

Copy of the order dated 14-3-1996 of the Hon'ble Supreme Court is enclosed as Annexure - B.

4.6 That the 5th pay Commission considered the Transmission Executives and the Engineering Assistants as equivalent and recommended the same scale of pay viz.

P/5.....

5th pay
Cc

15
Anup K. Singh

Rs. 5000 - 8000/- . For the next promotion scale i.e. Programme Executive and Assistant Engineer respectively the scale of Rs. 6500 - 10500/- was recommended.

4.7

That the applicant for domestic problems relating to illness of his wife and children requested for voluntary retirement and the same was accepted w.e.f. 31-7-1997. At the time of his retirement he was working as Programme Executive at Kailasahar (AIR) and his basic pay was Rs. 7,300/- (scale Rs. 6500 - 10500/-). In this connection it is stated that the formation of 'Prasar Bharati' was in proposal stage and the applicant had exercised option for working in the 'Prasar Bharati'. But he ~~ret~~ retired w.e.f. 31-7-1997 and the 5th pay commission ^{were} recommendations ~~was~~ accepted and implemented w.e.f. 1-1-1996.

4.8

That the Union of India did not decide the upgradation of the scales of the applicant and other similarly situated Transmission Executives as per the order of the Hon'ble Supreme Court in SLP No. 4663/96 dated 14-3-1996. After the recommendation of the 5th pay commission also both the Transmission Executives and Engineering Assistants are equivalent and ^{were} given same scale of pay. The Union of India as such had been considering revision of pay of the Transmission Executives which shall be equivalent to the scales of pay of Engineering Assistant with retrospective effect which shall be Rs. 550 - 900/- w.e.f. 1-1-1978 and Rs. 2000 - 3200/- w.e.f. 1-1-1986. As already stated ~~this~~ upgraded scales were granted to Engineering

21
my m. Anand

Assistants by circular dated 15-5-1995 (Annexure - A). As per the Orders of the Hon'ble Supreme Court the applicant deserves to be granted the above scale with retrospective effect from 1-1-1978 and 1-1-1986 and also entitled to equivalent higher scale as Programme Executive. As a result of the revision of pay as Transmission Executive w.e.f. 1.1.78 and subsequent fixation of pay in the different pay commission scales and promotional scale as Programme Executive, his basic pay on the date of retirement would be higher. As a result his pension and other retirement benefits shall also increase. The applicant submitted a representation dated 8-5-2000 to the Respondent No. 2 praying for refixation in upgraded pay scales and pension benefits.

The copy of the representation dated 8-5-2000 is enclosed as Annexure - 'C'.

4.9 That the representation forwarded by the station Director, AIR, Kailasahar by a letter dated 31-5-2000 to the respondent No. 2 with the request that the matter may kindly be taken up for consideration of refixation.

Copy of the letter dated 31-5-2000 is enclosed as Annexure - 'D'.

4.10 That the applicant begs to state that his case is for higher pay scales w.e.f. 1-1-78 onwards. In the back ground explained above in the matter of pay scales of Transmission Executive, he deserves higher pay scales in Transmission Executive and Programme Executive as per the order of the Hon'ble Supreme Court and consequent revision of pension. In this connection it is stated that the pay scale of Programme Executive has also been revised upward from Rs. 6500 - 10,500/- to Rs. 7500 - 12,000/-

by the Govt. of India by circular dated 25-2-1999, simultaneously with revision of Assistant Engineer's scale from Rs. 6500 - 10500/- to Rs. 7500 - 12000/- . This revision was with effect from 1-1-1996. The circular dated 25-2-99 with its Annexure-I showing pay scales unambiguously demonstrate that the Engineering Assistants and the Transmission Executives are equivalent and hold equal scales and similar is the position with Assistant Engineers and Programme Executives. The said circular most surprisingly stipulates that the upgraded scales will be allowed not as Govt. employees per se but as Govt. employees currently in service of 'Prasar Bharati'. This is arbitrary, unreasonable and whimsical. The applicant can not be denied the pay scale of Rs. 7500 - 12000/- as Programme Executive w.e.f. 1-1-1996 due to the said restrictive clause. Moreover, the said clause being unreasonable is liable to be set aside and quashed. It is also stated that the applicant had already retired before 25-2-1999 and as such there is no scope as regards the options mentioned in the circular. However, he had already exercised option for Prasar Bharati while in service.

Copy of the circular dated 25-2-99
with enclosure marked Annexure - I
is enclosed as Annexure - E.

5. Grounds for reliefs with legal provisions :

5.1 For that the post of Transmission Executive and Programme Executive are equivalent and carried equal scales in successive pay commission recommendation.

5.2 For that after the 5th pay commission's recommendations also both the scales of Transmission Executive

and Programme Executive being equal, the applicant is entitled to the reliefs.

5.3 For that the pay scales of Programme Executive and Assistant Engineers are equal, and also granted equally.

5.4 For that the clause restricting higher scale to the existing employees only in circular dt. 25-2-1999 is arbitrary.

5.5 For that the option clause in the circular dt. 25-2-1999 is redundant as regards the applicant because of his retirement before the said circular.

5.6 For that the applicant can not be denied benefit w.e.f. 1-1-1996 on the grounds of option mentioned in circular dt. 25-2-99 which granted benefits of parity of pay scales with retrospective effect from 1.1.96.

5.7 For that the applicant had already opted for 'Prasar Bharati' and he had no scope to opt under the circular dt. 25-2-99 and the clause of option as regard the applicant is otiose. The denial of benefits is violative of Articles 14 and 16 of the constitution of India.

6. Details of remedies exhausted :

The applicant has represented without any result. There is no other remedy under any rule and this Hon'ble Tribunal is the only forum for redressal of the grievance.

P/9.....

23

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7. Matters not previously filed or pending before any other court.

The applicant declares that he has not filed any other case in any tribunal, court or any other forum on the subject matter.

8. Reliefs sought for :

Under the facts and circumstances of the case the applicant prays for the following reliefs :

- 8.1 [The applicant be granted pay in the scale of Rs. 550 - 900/- w.e.f. 1-1-1978 and Rs. 2000 - 3200/- w.e.f. 1.1.86 as Transmission Executive and after fixation of pay arrears be paid for differences on pay and allowances.]

- 8.2 The applicant be granted pay in the scale of Rs. 7500 - 12000/- w.e.f. 1.1.1996 as Programme Executive and after fixation of pay arrears be paid for differences in pay and allowances. ✓

- 8.3 The portion of the circular dated 25-2-1999 (Annexure - E) in para 2(i) viz. "The upgraded scales will be allowed not as Govt. employees per se but as Govt. Employees currently in service of Prasar Bharati (Broadcasting Corporation of India)", be set aside and quashed.

- 8.4 The condition of option under the circular dated 25-2-99 has no application in the case of the applicant and the benefits w.e.f. 1.1.96 under the circular can not be denied to the applicant.

8.5 As a result of re-fixation of pay as in prayer
8.1 and 8.2 above the pension and other retiring benefits
be refixed and differences paid with arrears.

8.6 Interest on the arrear amounts be paid @ 12% p.a.

8.7 Any other relief/reliefs the Hon'ble Tribunal
may be pleased to grant.

The above reliefs are prayed for on the grounds
stated in para 5 above

9. Interim relief prayed for :

None

10. This application has been filed through Advocate.

11. Particulars of Postal Order :

i)	L.P.O. No.	:	76 5517/0
ii)	Date of issue	:	17/01/02
iii)	Issued from	:	Gawahati
iv)	Payable at	:	Gawahati

12. Particulars of Enclosures :

As stated in the index.

Verification.....

Vefification

I, Anup Kr. Roy, Son of Late Hrishikesh Roy, resident of Bilpar, Silchar - 11, aged about 50 years do hereby verify that the statements made in para 1,4,6 and 7 are true my personal knowledge and those made in para 2, 3 and 5 are true to my legal advice and the rests are my humble submission. I have not suppressed any material facts.

And I, sign this verification on this th..6th.
day of *January* 2002.

Guwahati.

Anup Kr Roy
SIGNATURE

Amalgam - B

Amalgam - A-5

(34)
(1)

No. 310/15/93-B(D)
Government of India
Ministry of Information and Broadcasting

New Delhi, the 15th May, 1994

To
Director General,
All India Radio,
NEW DELHI.

Director General,
Doordarshan,
NEW DELHI.

SUBJECT: Revision of pay scale in respect of
Engineering Assistant of AIR and
Doordarshan in pursuance of Supreme Court
orders dated 25.11.1994.

Sir,

I am directed to say that in pursuance of the
Hon'ble Judgement of the Supreme Court in Civil Appeal Nos. _____
dated 25.11.94 upholding the CAT, Madras judgement
passed on O.A. No. 654/89 dated 29.6.90, the President
is pleased to revise the pay scale for the post of
Engineering Assistant as follows:

<u>Name of the post</u>	<u>Revised Scale of pay (in Rs)</u>	<u>Effective from</u>
Engineering Assistant	550-900	1.1.1978
- do -	2000-3200	1.1.1986

2. The officers who held and are holding above mentioned
grades during the respective period are entitled to the
benefit of arrears of pay as a result of this revision
and refixation with effect from the dates as mentioned in
the para (1) above.

3. This issues with the concurrence of Integrated
Finance Branch of the Ministry vide their U.O. No. 791/95-Fin.
dated 15.5.1995.

Yours faithfully,

S. M. S.

UNDER SECRETARY TO THE GOVT. OF INDIA
(SHYAMALIMA BANERJEE)
Tel: 38 79 30

Annexure 13 - A-6
16
ANNEXURE-B
33
28
XVII
(4)

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition (s) for Special Leave to Appeal (Civil & Cr.) No. (s)
(From the Judgement and order dated 21.11.1998

4863/96

Central Administrative
(of the High Court of)

Tribunal, Patna Bench, in OA No.307/96

Vishnu Prasad Sinha & Anr.

69106.

Petitioner(s)

Versus

Union of India & Ors.

Respondent(s)

Date: 14.3.1996

This / These Petition (s) was/were called on for hearing today.

CORAM :

Hon'ble Mr. Justice

Hon'ble Mr. Justice

Hon'ble Mr. Justice

Br. G. Agrawal

C. T. Manavati

Certified to be true copy

Assistant Registrar (Jud.)

19/3/96.....199

Supreme Court of India

For the petitioner (s) :

Mr. P. S. Poti, Sr. Adv.,
Mr. Sanjay Kumar Ghosh, Adv.,
Mr. Debendra Prasad Mukherjee, Adv.

For the Respondent(s)

counsel
UPON hearing ~~was~~ the Court made the following
ORDER

We do not find any infirmity in the directions given by the Central Administrative Tribunal in the impugned judgment. It is, however, directed that in the event of the Vth Pay Commission finding that the posts of Transmission Executive held by the petitioners are equivalent to the post of Engineering Assistant, the Central Government may consider giving the benefit of revision of pay-scales to the petitioners with retrospective effect as claimed by them.

The special leave petition is disposed of accordingly.

(V. K. SHARMA)
Court Master

(PREM PRASAD)
Assistant

29

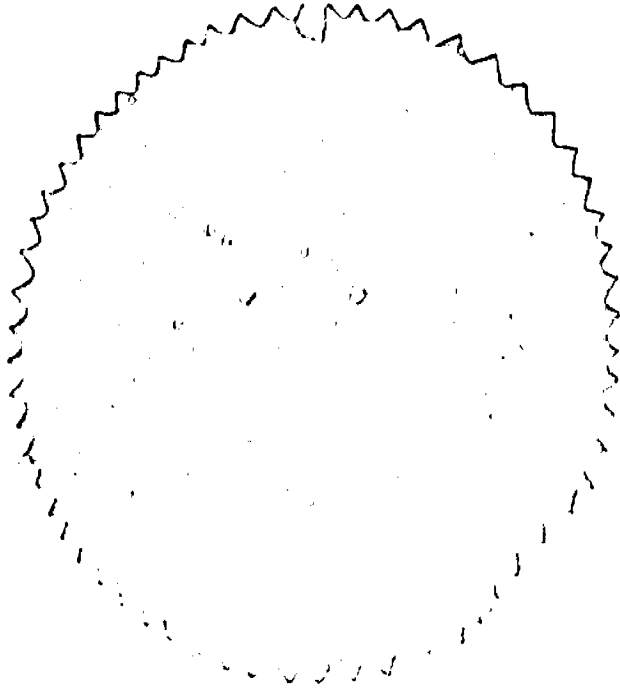


EXHIBIT 103

GRAN. NO.	15674010
No of Pages	1
Classification	
Author	
Editor	
Reviewer	
Editorial	
Editorial	

Date of receipt 16-8-76
Date of receipt of original 16-8-76
Date of receipt of copy 16-8-76
Date when copy was made 16-8-76
Date of delivery of the copy 16-8-76
Name of person 16-8-76
Name of person 16-8-76

ALRO H. MYRBY ENC

Annexure - A - 2

ANNEXURE - C
(9)
39

To
The Station Director
AIR, Kailashahar
PO : Kailashahar
Dist. North Tripura
PIN 799 279

Sub : Re-fixation (upgradation) of Payscale and thereby relaxation of my pension benefits

Sir,

With reference to above, I like to state that I took my voluntary retirement as a Programme Executive from AIR, Kailashahar on 31st July, 1997 and accordingly my pension (PPO No 284389800103) and other benefits as per Vth Pay Commission were settled from your end in the year 1998.

Subsequently vide their order no. 310/173/97-B(1D) dt. 25.2.99, Ministry of Information and Broadcasting, Govt. of India have upgraded (as per Vth Pay Commission Report) scales of Programme Executive and Transmission Executive (working as on 1.1.78 or afterwards) w.e.f.1996.

Sir, as you know I joined AIR as Transmission Executive on 21.4.1977 and worked in the same capacity upto 27.3.1991 and as Programme Executive from 28.3.1991 to 31.7.1997 (upto my voluntary retirement).

Sir, though I was compelled to take voluntary retirement for certain reasons beyond my control in 1997, during my service tenure in AIR I have opted for further Prasar Bharati Service. Therefore, I request your goodself to re-fix my pay as well as pension benefits on the light of above mentioned order and for act of which I shall remain grateful.

Yours faithfully,
(Signature) 8.5.2000

(A K Roy)
Retd. Programme Executive
Bilpar, Lochan Bairagi Road
PG : Silchar
Dist. Cachar, Assam
PIN 788 001

Copy to :

1. Director General, AIR, Parliament Street, New Delhi 110 001
2. Dy. Director General, AIR (NER), Chandmari Road, Guwahati - 3

No. KLR.10(2)/2000-S/ 218

Dated the, 31st May, 2000

To
The Director General,
Scor Section,
All India Radio,
Alamshvani Bhavan,
Parliament Street,
NEW DELHI - 110001.

Sub:- Re-fixation of Pay in respect of Shri A.K.Roy-
Retd. Programme Executive (voluntary retired on
31st July, 1997) PFO No. 284389800103) in the
upgradation of Pay Scales as on 1.1.78 in the
pay scale of Rs. 550-900 and from 1.1.86 in the
pay scale of Rs. 2000-3200 and from 1.1.96 in the
pay scale of Rs. 7500-12000 with fixation of
pension benefits etc. requested for by him.

Ref:- Min. of I&B Order No. 310/173/97-B(D) dated
25.02.1999 received with Dtd. O.M. No.
F.No. 9/5/99-Scor/976 dated 26.02.1999

Sir,

Shri A.K.Roy formerly Programme Executive took volun-
tary retirement from service on the after-noon of 31st July, 1997
and accordingly his pension benefits as per Vth Pay Commission
had already been settled in the year 1988 against his PFO No.
284389800103 had submitted a representation dated 8.5.2000
which is self explanatory is forwarded herewith for necessary
approval of the Director General for re-fixation of pay in the
upgradation pay scales of TRES and PEX's from 1.1.78 in the
pay scale of Rs. 550-900 and from 1.1.86 in the pay scale of
Rs. 2000-3200 and from 1.1.96 in the pay scale of Rs. 7500-12000.

According to the instruction contained in para - 2(1)
The upgraded scales will be allowed not as Govt. employees
but as Govt. employees currently in service of "Prasar Bharati
(Broadcasting Corporation of India). As and when the employees,
presently working in All India Radio and Doordarshan are asked
to exercise their option, those employees who do not opt for
Prasar Bharati will revert as Government servants and will no
longer to be entitled to above scales. They will also have to
refund all benefits availed of by them as a result of the grant
of higher scales of pay. They will be liable to recovery of all
such benefits.

As per para - 4, the benefit of the upgraded pay
scales will be available to existing incumbents only.

In this connection it is requested that the matter
may kindly be taken up with the Directorate level for consid-
eration of re-fixation of pay in the upgradation pay scales
in favour of Shri Roy, retired govt. servant as requested for by
him.

Encl : As above.

Yours faithfully,

(SRIPADA DAS)
STATION DIRECTOR

Copy for kind information to:-

1. The Dy. Director General (NE), AIR, Chandmari, Guwahati - 3.
2. Shri A. K. Roy, Retd. Programme Executive, Bilpar, Lochan
Bairagi Road, P.O. Silchar - 788001.

— 16 —

32

Annexure - E.

No. 310/173/97-B(D)

GOVERNMENT OF INDIA

MINISTRY OF INFORMATION AND BROADCASTING

SHASTRI BHAWAN 'A' WING

NEW DELHI - 110 001.

31.7.97
Relin

Dated: 25-02-1999

SUBJECT : UPGRADATION OF PAY SCALES OF CERTAIN CATEGORIES
OF EMPLOYEES WORKING IN PRASAR BHARATI

* * * *

1. The employees belonging to certain cadres in All India Radio and Doordarshan (particularly subordinate engineering and programme cadres) had been agitating for grant of higher scales of pay than those recommended by the Vth Central Pay Commission and accepted vide Government of India Resolution of 30th September, 1997. The matter has been carefully considered by the Government and it has been decided to further upgrade the scales of pay of the categories of employees of All India Radio and Doordarshan, of Prasar Bharati (Broadcasting Corporation of India) as indicated against each category in Annexure - I.

The grant of revised pay scales as mentioned in para 1 above will be subject to the following conditions:

- [(i) The upgraded scales will be allowed not as Govt. employees per se but as Government employees currently in service of Prasar Bharati (Broadcasting Corporation of India). As and when the employees, presently working in All India Radio and Doordarshan are asked to exercise their option, those employees who do not opt

Attested
Director
Admin

for Prasar Bharati will revert as Government servants and will no longer be entitled to above scales. They will also have to refund all benefits availed of by them as a result of the grant of higher scales of pay. They will be liable to recovery of all such benefits. An undertaking, in the proforma given at Annexure - II to this effect has to be submitted by each and every employee concerned before availing the benefit of upgraded scales of pay. This is in accordance with their agreement with the Government to avail these upgraded scales on this condition only.

(ii) Upgraded pay scales would be effective from 1.1.1996 but payment of salary to employees as per upgraded scales of pay will be made with effect from 1st March, 1999.

(iii) The employees concerned will be entitled to arrears with effect from 1st January, 1996 and these arrears will be paid in instalments. The first instalment of arrears pertaining to the period from November, 1997. Till February, 1999 will be paid by April, 1999. The second instalment pertaining to remainder of the arrears (i.e. arrears from 1-1-1996 to October, 1997) will be paid by April, 2000. The payment of arrears shall be made after adjustment of the amount already paid to the categories of Technicians, Senior Technicians, Engineering Assistants and Senior Engineering Assistants on the basis of this Ministry's Office Memorandum No. 310/173/97-B(D) dated 5-12-1997.

(iv)

In addition the pay of those employees of All India Radio and Doordarshan who had been working as Transmission Executives as on 1-1-1978, or afterwards would be nationally fixed in the pay scale of Rs. 550-900 with effect from 1-1-1978 and in the pay scale of Rs. 2000-3200 with effect from 1.1.1986 before fixing their pay in the upgraded pay scale as on 1-1-1996. [But as per their agreement with the Government, this will not entitle them to any payment of arrears for the period prior to 1.1.1996 and will be limited to fixation of their current pay as on 1.1.1996.]

3. The pay fixation in the upgraded scales of pay shall be done as provided in CCS(RP) Rules, 1997.

4. The benefit of the upgraded pay scales will be available to existing incumbents only and those new cadres recruits who join after issuance of these orders will not be entitled to these scales, but will be governed by pay scales recommended by the Vth Pay Commission. However, all promotions of existing incumbents shall be made in upgraded scales only.

5. Further Prasar Bharati (DG:AIR and DG:DD) are also requested to identify the posts in the grades of Helper, Diesel Engine Driver, Diesel Technicians and Mast Technicians, zone wise, for placing them in the upgraded scales of pay in order of seniority as per the percentage of posts shown against each category in Annexure - I. The number of posts in higher scales of pay shall be with reference to the sanctioned strength indicated in Annexure - I against each post.

6. This issues with approval of Integrated Finance Wing vide their u.o. No. 245/99/Fin. I dated 23-2-1999.

Sd/-

(PRAVIN SRIVASTABA)

DIRECTOR (BP)

Tele : 3384547

COPY TO:

1. CEP, Prasar Bharati, Newdelhi.
2. Prasar Bharati (DG: AIR - Shri H.M. Joshi, E-in-C)
3. Prasar Bharati (DG: DD - Shri B.K. De, E-in-C).
4. Chief Controller of Accounts
Min. of I&B
5. P&AO(IRLA), Min, of I&B
AGCH Bldg., N. Delhi.
6. All P&AOs, AIR/DD.
7. Shri Bachchu Singh Meena, President, ANTEA
8. Shri K.K. Choudhury, Gen. Secy., ADTEA.
9. Shri S.P. Singh, Gen. Secy., PSA.
10. All Stations/Kendras of AIR, DD. - Through DG: AIR/DG: DD
11. Shri Yogendra Pal, Dir(E), AIR.
12. Shri V. K. Aggarwal, Dir (E), DD.
13. Spare copies (10).

They are requested to ensure that salary in the upgrade pay scale in respect of any employee is not drawn unless an undertaking in the proforma given at Annexure - II is received alongwith the pay fixation order.

Sd/-

(SUMAN CHATTERJEE)

SECTION OFFICER

TELE : 3389695

(34/3)

S.No.	Category of Posts	No. of posts	Pay scale granted as per Vth Pay Commission recommendations (Rs.)	Ungraded Scale of pay (Rs.)
-------	-------------------	--------------	--	--------------------------------

ENGINEERING CATEGORY

1.	Assistant Engineers (including AEs in CCW)	1756 (+1322)	6500-10500	7500-12000
2.	Sr. Engineering Assistant	2054	5500-9000	7450-11500
3.	Engineering Assistant	4246	5000-8000 ✓	6500-10500
4.	Senior Technician	1680	4500-7000	5000-8000
5.	Technician	2946	4000-6000	4500-7000
5.	Diesel Technician	140	4000-6000	[4000-6000 (15% of posts) 4500-7000 (20% of posts)
7.	Host Technician	70		[5000-8000 (65% of posts)
8.	Diesel Engine Driver	130	3050-4590	3050-4590 (75%) 3250-4900 (25%)
9.	Helper	1312	2650-4000	2650-4000 (75%) 3050-4590 (25%)

PROGRAMME CATEGORY

10.	Programme Executive	1961	6500-10500	7500-12000
11.	Transmission Executive	1641	5000-8000 ✓	6500-10500

1-2

25.2.55.

31 JUL 2002
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH GUWAHATI.

O.A. NO- 12 OF 2002

Shri Anup Kr. Roy.

-VS-

Union of India & Ors.

-And-

IN THE MATTER OF ::

Written statement submitted by the
Respondents.

The Respondents beg to submit Preliminary Submissions
which may be treated as a part of the written statement.

PRELIMINARY SUBMISSIONS.

The Engineering Assistants of the erstwhile, All India Radio and Doordarshan under the Ministry of information and Broadcasting, Government of India, had been agitating for revision of their scales of pay seeking parity with the scale of pay of Sound Recordists of Film Division (a different Organisation) of the Ministry of Information & Broadcasting. They had approached various forum including Courts/ Tribunals. The Madras Bench of the Central Administrative Tribunal in O.A. No.654/89 by an order dated 29.6.90 directed the Union of India that the pay of Engineering Assistants of All India Radio and Doordarshan be revised to the Scale of pay of Rs. 550-900 w.e.f.1.1.78 and of Rs.2000-3200 w.e.f. 1.1.86 . The matter went up to the

contd....P/2

Filed by

31/7/02

(A. DEB ROY)

Sr. C. G. S. C.

G. A. T., Guwahati Bench

Hon'ble Supreme Court which by its judgment dated 25.11.94 upheld the order of the Central Administrative Tribunal, Madras Bench. Accordingly the Ministry of Information and Broadcasting issued necessary sanction on 15.5.95 revising the scale of pay of the post of Engineering Assistant as under :-

(1) w.e.f. 1.1.78 Rs. 550 - 900

(2) w.e.f. 1.1.86 Rs. 2000- 3200

The Officers who either held or were holding the Post of Engineering Assistants were entitled to the benefit of arrears of pay as a result of this revision and refixation with effect from the dates mentioned above. A copy of the sanction dated 15th May 1995 has been annexed with the application as Annexure - 'A'

2. One Shri Vishnu Prasad Sinha and another, Transmission Executives, filed an O.A. No-307/95 in the Central Administrative Tribunal, Patna Bench, Patna seeking parity of the scales of pay of Transmission Executives with that of the Engineering Assistants. The O.A. was dismissed by the Hon'ble Central Administrative Tribunal against which Shri Sinha and another filed a petition for Special leave of Appeal bearing No-4663/96 in the ^{Hon'ble} ~~Holding~~ Supreme Court of India, which made the following order on 14.3.96.:-

"We do not find any infirmity in the direction given by the Central Administrative Tribunal in the impugned judgment. It is, however, directed that in the event of the Vth pay Commission finding that the posts of Transmission Executive held by the petitioners are equivalent to the post of Engineering Assistant, The Central Government may consider giving the benefit of revision of pay- scales to the petitioners with restrospective effect as claimed by them".

3. In the meanwhile the Vth pay Commission submitted its report and necessary Resolution was issued on 30th September 1997. However, employees belonging to certain cadres in the All India Radio and Doordarshan (Particularly subordinate Engineering and programme cadres) were agitating for grant of higher scales of pay than those recommended by the Vth pay Commission. The Respondents held a series of discussions with the representatives of various Associations representing these categories of staff.

4. In the meanwhile, the Prasar Bharati (Broadcasting Corporation of India) Act, 1990 was brought into force with effect from 15.9.97 and a Corporation known as Prasar Bharati Broadcasting Corporation of India) was established with effect from 23.11.97. Section 12 of the said Act provides for the functions and powers of the said Corporation and lists out its objectives. These are more or less the same functions which were being discharged by the erstwhile All India Radio and Doordarshan.

5. As a result of the discussions with the various Associations referred to in para 3 above, the Ministry of Information & Broadcasting issued orders on 25.2.99 upgrading the Scale of pay of certain categories of All India Radio and Doordarshan of Prasar Bharati (Broadcasting Corporation of India) and not of the Ministry of Information & Broadcasting, Government of India. A copy of the order dated 25.2.99 is annexed as R-1. The upgraded scales of pay have been made applicable only to the employees in service of Prasar Bharati and not to the employees of the Govt. of India, subject to the condition that the former exercise options in the prescribed form ^{for} of service in the Prasar

40
Bharati Corporation. Secondly, the payment of salary of the said employees in the upgraded scales of pay is to be made with effect from the 1st March 99. They are, however, entitled to arrears with effect from 1st January 1996.

6. It was decided that pay of all Transmission Executives who had been working in the erstwhile. All India Radio & Doordarshan as on 1.1.78 or afterwards would be placed nationally in the scale of pay of ~~pay~~ of Rs. 550 - 900 with effect from 1.1.78 and in the scale of pay of Rs. 2000-3200 with effect from 1.1.86 without payment of any arrears prior to 1.1.96.

7. It may be added that the Govt. of India initially ordered the upgradation of the scale of pay of certain categories of the employees of Prasar Bharati who were in service on 25.2.99, but later on these orders were made applicable to the employees who left service of All India Radio and Doordarshan by retirement, resignation etc, during the period from 23.11.97 (date on which Prasar Bharati Corporation was established) to 25.2.99, as they were actually serving Prasar Bharati Corporation and not the Govt. of India. A copy of order dated 14.3.2001 is annexed hereto as Annexure - R - 2.

8. Since Shri A.K. Roy had voluntarily sought retirement with effect from 31.7.97, namely before the Prasar Bharati Corporation was established, and since the orders for upgradation of pay are applicable only for those who have opted to be the employees of Prasar Bharati, the case of Shri A.K. Roy is not covered by the orders dated 25.2.99 and 14.3.01, referred to above, as he had retired prior to 23.11.97 and he had never opted for service in Prasar Bharati.

9. It may also be pointed out that the issue at dispute had already been considered by the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi, in their order dtd. 21/23.3.01, in OA No- 2579/99.

The Hon'ble Principal Bench found ^{no}~~to~~ merit in the plea put forward by the applicant in the said OA No- 2579/99 which is on the same line as of the applicant in the present O.A.NO- 12/2002. A copy of the order dtd.21/23.3.01 is annexed here to as annexure R - 3

PARAWISE COMMENTS.

1. That with regard to para - 1 of O.A., the respondents beg to state that the contents of this para are denied. It is stated that the case of the applicant is not covered under Ministry of Information and Broadcasting ^{order}~~letter~~ dtd. 25-2-99 (A copy of which is available at Annexure - R-1) with the Ministry of Information & Broadcasting ~~communication~~ ^{order} dtd. 14.3.01 (A copy of which is annexed at R-2) because the applicant did not actually serve in Prasar Bharati Corporation.
2. That with regard to para- 2,3 & 4.1 of O.A., the respondents beg to offer no comments.
3. That with regard to para - 4.2 of O.A., the respondents beg to state that though the scales of pay of Transmission Executive and Engineering Assistants were the same, the Recruitment Rules for the two posts are quite different. A copy each of the Recruitment Rules for the post of Transmission Executive ^{and} Engineering Assistant is Annexed as Annexure R-4 and Annexure - R-5 respectively, from which it ^{may}~~will~~ be observed that not only the method of recruitment but the age limit, educational and other qualifications required for the two posts are quite different. Moreover the nature of the job of the two posts are also different. A copy each of the job contents of the two posts are Annexed as Annexure - 6 and R - 7 ^{respectfully}.

4. That with regard to paras - 4.3, 4.4 & 4.5 & 4.6 of O.A., the respondents beg to offer no comments.
5. That with regard to para - 4.7 of O.A. the respondents beg to state that the applicant be put to strict proof. It is denied that the applicant exercised any option for working in Prasar Bharati. In fact the Prasar Bharati (Broadcasting Corpn. of India) was not even born on 31.7.97 when the applicant retired, because the Prasar Bharati (Broadcasting Corpn. of India) Act, 1990 came into force only on 15.11.97 and the Corporation was established with effect 23.11.97. Thus there was no question of giving any option for working in Prasar Bharati prior to 23.11.97.
6. That with regard to para - 4.8 of O.A., the respondents beg to state that as submitted against 4.2 above, the posts of Transmission Executive And Engineering Assistants are not equivalent in terms of Recruitment Rules, nature of duties, qualification etc. required for recruitment, even though they carried the same scale of pay. Attention in this connection is invited to para 2(iv) of Annexure - R-1 in which the pay for those employees who were working as Transmission Executive as on 1.1.78 or afterwards was to be notionally fixed in the scale of pay of Rs. 550-900 with effect from 1.1.78 and in the scale of pay Rs. 2000-3200 with effect from 1.1.96. They were however, not entitled to any payment of arrears. As per para - 2(ii) of Annexure - R-1 the upgraded pay scale is effective from 1.1.96 but payment of Salary in the upgraded scale of pay is to be made with effect from 1.3.99 only. Since the applicant retired on 31.7.97 i.e. before the Prasar Bharati Corporation was

was established on 23.11.97 the applicant is not entitled to take any advantage of Annexure - R-1. Had he retired on or after 23.11.97, he would have been covered under the terms of the Annexure - at R-1 and entitled to the benefits thereof. Thus the order at Annexure -R-1 is not attracted for increasing the terminal benefits of the applicant.

7. That with regard to para - 4.9 of O.A, the respondents beg to offer no comments as the same is matter of record.

8. That with regard to para - 4.10 of O.A, the respondents beg to state that the Higher pay scale has been granted to certain categories of employees including Programme Executive as employees of Prasar Bharati and not employees of the Govt. of India. The applicant was never an employee of Prasar Bharati while ^{he was} in service. This aspect of the matter was already been considered and decided by the Central Administrative Tribunal Principal Bench, New Delhi in O.A? 2579/99 by their order dated 21/23/3/2001.

The Hon'ble Principal Bench has not found any merit in the plea for the applicant in that O.A. who, like the present applicant, retired from Govt. service on 31.1.97 i.e. prior to the coming into existence of the Prasar Bharati on 23.11.97.

9. That with regard to para - 5.1 of O.A., the respondents beg to state that the facts ^{have} _{by} already been stated above in para - 4.2.

10. That with regard to para 5.2 of O.A., the respondents beg to state that it is denied that the applicant is entitled to any relief as he had retired prior to the coming into ^{being} _{grip} of Prasar Bharati Corporation.

11. That with regard to para - 5.3 of O.A., the respondents beg to offer no comments.
12. That with regard to para - 5.4 of O.A., the respondents beg to state that it is denied that circular order issued by the Ministry of I & B dtd. 25.2.99 is arbitrary because it covers the employees of Prasar Bharati only and not to the Govt. of India. It may be pointed out that Prasar Bharati is a Corporate Body having perpetual succession and common seal with power to acquire, hold, dispose of property both moveable and immoveable and to contract and to sue and be sued.
13. That with regard to para - 5.5 and 5.6 of O.A., the respondents beg to state that the upgraded pay scales to the certain categories of employees including Programme Executives have been granted subject to the undertaking submitted by the existing employees only as per agreement between the Government and the representatives of the concerned associations including Programme Staff Association representing Programme Executives. The benefits of upgraded scale were extended to those employees also who left service of All India Radio and Doordarshan by retirement, resignation etc. between the period from 23.11.97 (i.e. after establishment of Prasar Bharati Corpn) to 25.2.99 (the date of Annexure at R-1) because they have actually served in Prasar Bharati. The applicant took voluntary retirement with effect from 1.8.97 (FN) and therefore he is not entitled for the benefits of the upgraded pay scales as he did not serve under the Prasar Bharati.

14 That with regard to para - 5.7 of O.A., the respondents beg to state that the allegations are denied. In view of the submissions in the above paras the action of the respondents is as per instructions of the Govt. of India.

15. That with regard to para - 6 & 7 of O.A., the respondents beg to offer no comments.

16. That with regard to para - 8.1 to 8.5 of O.A., the respondents beg to state that In view of the submissions made in above paragraphs the applicant is not entitled to any relief as prayed for. The OA being devoid of merit deserves dismissal with costs.

17. That with regard to para - 9. to 12 of O.A., the respondents beg to offer no comments.

V E R I F I C A T I O N

V E R I F I C A T I O N .

I, Shri. *H. Thongluai* presently
working as *Station Director* being duly authorized
and competent to sign this verification, do hereby solemnly
affirm and declare that the statements made in the para
4, 5, 6, 8, 10, 12 and 13 are true to my knowledge and
belief, these made in para *1 and 3*
being matter of records, are true to my information derived
therefrom and the rest are my humble submission before
the Hon'ble Tribunal, I have not suppressed any material
facts.

And I sign this verification on this *30*th day
of *July* 2002.

H. Thongluai
Declarant.

H. Thongluai
Station Director
All India Radio, Guwahati.

(11)

12

Annexure-A

(24)

No. 310/15/93-A(D)
Government of India

Ministry of Information and Public Relations

New Delhi, the 15th May, 1995

Director General,
All India Radio,
NEW DELHI.

Director General,
Doordarshan,
NEW DELHI.

SUBJECT: Revision of pay scale in respect of
Engineering Assistant of AIR and
Doordarshan in pursuance of Supreme Court
orders dated 25.11.1994.

I am directed to say that in pursuance of the
judgement of the Supreme Court in Civil Appeal Nos. 1111
dated 25.11.94 upholding the CAT Madras judgement
passed on O.A. No. 654/69 dated 29.6.90, the President
has pleased to revise the pay scale for the post of
Engineering Assistant as follows:

<u>Name of the post</u>	<u>Revised Scale of pay (in Rs)</u>	<u>Effective from</u>
Engineering Assistant	650-900	1.1.1978
do	2000-3200	1.1.1986

The officers who held and are holding above mentioned
posts during the respective period are entitled to the
benefit of arrears of pay as a result of this revision
and re-fixation with effect from the dates as mentioned in
the para (1) above.

This issues with the concurrence of Integrated
Personnel Branch of the Ministry vide their U.O. No. 791/26-PH
dated 15.5.1995.

Yours faithfully,



(SEKHAMALIA HANDESHI)
OFFICIAL SECRETARY TO THE GOVT. OF INDIA
Tel: 38 79 30

Contd. ...

Radio and Doordarshan are asked to exercise
their option, those employees who do not opt

.....

12
ANNEXURE - 'R-I'

25.02.99
DATE: 99.02.26 17:11 P001

No. 310/173/97-B(0)
GOVERNMENT OF INDIA
MINISTRY OF INFORMATION AND BROADCASTING
SHASTRI BHAWAN 'A' WING
NEW DELHI-110 001

Dated : 25.02.1999

SUBJECT : UPGRADATION OF PAY SCALES OF CERTAIN CATEGORIES
OF EMPLOYEES WORKING IN PRASAR BHARATI

* * * *

The employees belonging to certain cadres in All India Radio and Doordarshan (particularly, subordinate engineering and programme cadres), had been agitating for grant of higher scales of pay than those recommended by the 5th Central Pay Commission and accepted vide Government of India Resolution of 30th September, 1997. The matter has been carefully considered by the Government and it has been decided to further upgrade the scales of pay of the categories of employees of All India Radio and Doordarshan of Prasar Bharati (Broadcasting Corporation of India) as indicated against each category in Annexure-I.

2. The grant of revised pay scales as mentioned in para 1 above will be subject to the following conditions:

- (1) The upgraded scales will be allowed not as Govt. employees but as Government employees currently in service of Prasar Bharati (Broadcasting Corporation of India). As and when the employees, presently working in All India Radio and Doordarshan are asked to exercise their option, those employees who do, not opt for Prasar Bharati will revert as Government servants and will no longer be entitled to above scales. They will also have to refund all benefits availed of by them as a result of the grant of higher scales of pay. They will be liable to recovery of all such benefits. An undertaking, in the Pro-forma given at Annexure-II to this effect had to be submitted by each and every employee concerned before availing the benefit of upgraded scales of pay. This is in accordance with their agreement with the Government to avail those upgraded scales on this condition only.

Contd. 2/-

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ENG. GH AIR NO

TEL: 0291 11 3710113

DATE: 99.02.26 17:11 P01

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(ii)

Upgraded pay scales would be effective from 1.1.1998 but payment of salary to employees as per upgraded scales of pay will be made with effect from 1st March, 1999.

(iii)

The employees concerned will be entitled to arrears with effect from 1st January, 1998 and these arrears will be paid in instalments. The first instalment of arrears pertaining to the period from November, 1997 till February, 1999 will be paid by April, 1999. The second instalment pertaining to remainder of the arrears (i.e. arrears from 1.1.1998 to October, 1997) will be paid by April, 2000. The payment of arrears shall be made after adjustment of the amount already paid to the categories of Technicians, Senior Technicians, Engineering Assistants and Senior Engineering Assistants on the basis of this Ministry's Office Memorandum No. 310/173/97-B(D) dated 5.12.1997.

(iv)

In addition, the pay of those employees of All India Radio and Doordurshan who had been working as Transmission Executives as on 1.1.1970 or afterwards would be notionally fixed in the pay scale of Rs. 650-900 with effect from 1.1.1978 and in the pay scale of Rs. 2000-3200 with effect from 1.1.1980 before fixing their pay in the upgraded pay scale as on 1.1.1998. But as per their agreement with the Government, this will not entitle them to any payment of arrears for the period prior to 1.1.1998 and will be limited to fixation of their current pay as on 1.1.1998.

The pay fixation in the upgraded scales of pay shall be done as provided in CCS(RP) Rules, 1997.

The benefit of the upgraded pay scales will be available to existing incumbents only and those now direct recruits who join after issuance of these orders will not be entitled to those scales, but will be governed by pay scales recommended by the Pay Commission. However, all promotional of existing incumbents shall be made in upgraded scales only.

Further, Prasar Bharati (DG: AIR and DG: DD) are requested to identify the posts in the grades of Helper, Senior Engine Driver, Senior Technicians and Head



-: 3 :-

Technicians, zone wise, for placing them in the upgraded scales of pay in order of seniority as per the percentage of posts shown against each category in Annexure-I. The number of posts in higher scales of pay shall be with reference to the sanctioned strength indicated in Annexure-I against each post.

This issues with approval of Integrated Finance Wing vide their U.O. No.248/99/Fin.I dated 23.2.1999.

(PRAVIN BRIIVASTAVA)
DIRECTOR (DP)
TELE : 3304547

COPY TO :

1. CEC, Bharati Bhawan, New Delhi.
2. Mr. B. N. Datta, (DG: AIR/DO), H. M. Datta, (E-in-C).
3. Mr. B. N. Datta, (DG: DO), H. M. Datta, (E-in-C).
4. Chief Controller of Accounts, Min. of IAB.] They are requested to ensure that salary in the upgraded pay scale in respect of any employee is not drawn unless an undertaking in the proforma given at Annexure-II is received alongwith the pay fixation order.
5. P&AO (IRLA), Min. of IAB, AQCR Bldg. N. Delhi.
6. All P&AOs, AIR/DO.
7. Shri Bachchu Singh Meena, President, ARTEE
8. Shri K.K. Choudhary, Gen. Secy., ADTEA
9. Shri S.P. Singh, Gen. Secy., PSA.
10. All Stations/Kendras of AIR, DD. Through DG: AIR/DO
11. Shri Yogendra Pal, Dir(E), AIR
12. Shri V. K. Aggarwal, Dir(E), DD
13. Spare copies (10).

(SUMAN CHATTERJEE)
SECTION OFFICER
TELE : 3309095

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TEL: 0031 11 9710113

DATE: 28.02.86 17:11 P004

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ANNEXURE-I

S.No.	Category of Posts	No. of posts	Pay scale granted as per Yth Pay Commission recommendations (Rs.)	Upgraded Scale of pay (Rs.)
ENGINEERING CATEGORY				
1.	Assistant Engineer (including Asst. in CC)	1736 (11322)	6500-10500	7500-12000
2.	Sr. Engineering Assistant	2054	5500-9000	7450-11500
3.	Engineering Assistant	4265	5000-8000	6500-10500
4.	Senior Technician	1610	4500-7000	6000-8000
5.	Technician	2916	4000-6000	4500-7000
6.	Diesel Technician	110	4000-6000	4000-6000 (118% of posts) 1500-1500 (20% of posts)
7.	Wire Technician	70		8000-8000 (86% of posts)
8.	Diesel Engine Driver	130	3050-4590	3050-4590 (178%) 3250-4900 (125%)
9.	Welder	1312	2650-4000	2650-4000 (175%) 3050-4590 (125%)
PROGRAMME CATEGORY				
10.	Programme Executive	1961	6500-10500	7500-12000
11.	Transmission Executive	1611	5000-8000	6500-10500

Zonal Wise
Seniors

7-6
25.2.99

Annexure R

No. 210/173/97-B(E)(P.LII)
Government of India
Ministry of Information & Broadcasting
New Delhi

Dated: 14th March, 2001

SUBJECT: Upgradation of pay scales of certain categories of engineering and programme staff of AIR and Doordarshan.

In continuation of this Ministry's order of even number dated 25.2.1999, it has now been decided in consultation with the Ministry of Finance and Department of Personal & Training that the benefit of upgraded pay scales will also be extended to the employees who left service of All India Radio and Doordarshan by retirement, resignation etc. during the period from 23.11.1997 (i.e. after creation of Prasar Bharati) to 25.2.1999, as they have actually served in Prasar Bharati.

(B.S. RAWAT)

UNDER SECRETARY TO THE GOVT. OF INDIA
3387930

COPY TO:

1. Chief Executive Officer, Prasar Bharati, New Delhi
2. Prasar Bharati (DG:AIR) - Shri K.M. Paul, E-in-C
3. Prasar Bharati (DG:DD) - Shri B.K. De, E-in-C
4. Chief Controller of Accounts, Min. of I&B, New Delhi
5. P&AO (IRLA), Min. of I&B
6. All P&AOs, AIR/DD
7. Shri B.S. Meena, President, ARTEE
8. Shri K.K. Choudhary, Gen. Secy., ADTEA
9. Shri S.P. Singh, Gen. Secy., FSA
10. All Stations/Kendras of AIR & DD (Through DG:AIR/DG:DD)
11. Shri K.C. Khosla, Director (Engg.), DG:AIR
12. Shri V.K. Aggarwal, Director (Engg.), DG:DD
13. Spare copies (10)

(SUMAN CHATTERJEE)
SECTION OFFICER

3389695

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

OA NO. 2579/1999

New Delhi this day of 21st/23rd March 2001.

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. Govindan S. Tampi, Member (A)Shri Kallash Chand Sharma S/o Sh. B.K. Sharma
183-G. Aram Bagh, Panchkuin Road,
Baharganj, New Delhi

.....Applicant

(By: Shri B S Charya, Advocate)

Versus

1. Union of India.
Ministry of Information & Broadcasting,
Govt. of India, Shashtri Bhawan,
New Delhi (through its Secretary)
2. The Director General,
All India Radio,
Akashvani Bhavan, New Delhi.

.....Respondents.

(By: Sh. R P Aggarwal, Advocate)

O R D E R (ORAL)

By Shri Govindan S. Tampi, Member (A)

After hearing the learned counsel for the applicant and respondents the following order was pronounced in court:

"For reasons to be recorded separately, the OA is dismissed, with no cost."

(Govindan S. Tampi)
Member (A)
21.3.2001.

(Ashok Agarwal)

Chairman
21.3.2001

CERTIFIED TRUE COPY

Dated



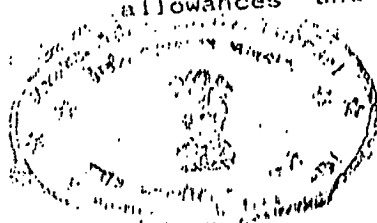
Section Officer (J-1)
Central Administrative Tribunal
Principal Bench, New Delhi

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125

Following are the reliefs sought by applicant:

- i) quash the order/letter dated 25.2.99 and the action of the respondents in denying the benefit of revised pay scale of Rs. 7500-12000 and also that of Rs. 2075-3750 for the period from Feb. 1992 to 31.1.95 on the plea that the applicant was not in service and retired/superannuated before the date of the letter dated 25.2.99 viz. on 30.4.1996:
- ii) quash the impugned order dated 25.2.99 and the amendment dated 10.3.99 as in the present case to the extent that the aforesaid condition regarding applicability of revised pay scale only to those who are in service as on 25.2.99 is wholly arbitrary, unjust, improper, discriminatory and in breach of Articles 14, 16 and 21 of the Constitution of India:
- iii) call upon the respondents to fix the pay of the applicant in the scale of Rs. 2075-3750 in respect of the period from February 92 to 31.1.1995 and further in the scale of 7500-12000 with effect from 1.1.1996, calculate the arrears of pay and allowances and also in respect of the



benefits in the said revised pay scale and pay the same to the applicant with interest @18% per annum; and

(iv) any other relief that may be deemed and proper in the circumstances of the case may also be granted to the applicant together with costs of the petition.

2. The applicant who joined the respondent on 27.11.1962 held the post of Programme Executive. His date of retirement on 30.4.1976, which carried the pre-revised pay scale of Rs.2000-3500 (Revised to Rs.6500-10,500/-). The feeder post to that of Programme Executive was Transmission Executive/ Production Assistant to hold the pay scale of Rs. 425-750/- from 1.1.78 as per 3rd Central Pay Commission revised to Rs. 1400-2600/- after 4th Central Pay Commission w.e.f. 1.1. 86 and to Rs. 5000- 8000/- after 5th Central Pay Commission with effect from 1.1.96. Programme Staff Association of All India Radio and Doordarshan had agitated for parity in pay with Engineering Assistants in AIR/Doordarshan at Rs.550 - 900/- from 1.1.78 and 2000 - 3200/- from 1.1.86. Consequently after 5th Pay Commission to Rs. 6500- 10,500/- was also claimed. Following negotiations OM No. 310/173/97-B(D) dated 25.2.99 and 10.3.99 were issued by the respondents revising pay scales of Transmission Executive/ Production Assistant at Rs. 550-900/- with effect from 1.1.78, Rs. 2000-3200/- from 1.1.86 and at Rs. 6500-10500/- from 1.1.96 however, notional hike in the pay recommended

KRISHNA MURTHY

-4-

URGENT

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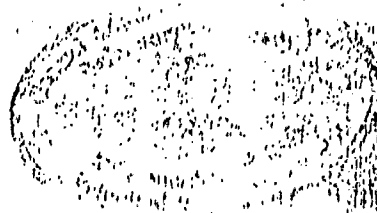
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was not granted to the applicant. With the result, the incumbent Transmission Executive/ Production Assistants got their pay scales notionally fixed. Their basic pay stepped up from 1.1.78 till 31.10.95 and even thereafter which the applicant was denied. By this their basic pay became higher than that of the applicant and others who were holding higher posts earlier, which was an anomalous situation. The request made by the Transmission Executive/ Production Assistants for the revision of the scale from 1.1.78 and thereafter at Rs. 2375-3750/- w.e.f. 1.1.86 was also understood to have been endorsed by the Secretary (AB Ministry). But this has apparently not been done. Further though the Pay Commission recommended the scale of Rs. 7500-12000/- for Programme Executives to be designated as Sr. Programme Executives. respondents forced the incumbent to give an undertaking that they would agree to be transferred to Prasar Bharti on its formation, cutting off their lien with the Government, which was irrational. According to the applicant as he had been functioning as Programme Executive since February, 1999, he was fully covered by the conditions of the Ministry's Circular dated 25.2.99, and entitled to fitment in the scale of Rs. 7500-12000/-. There was no ground for seeking an undertaking from him, and as he has already retired on 30.4.96, he should be placed in the scale of Rs. 550-900/- w.e.f. 1.1.78. Rs. 2000-3200/- from 1.1.86 and Rs. 7500-12000/- from 1.1.96, with his pensionary benefits being worked out accordingly.

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R. KRISHNA MURTHY

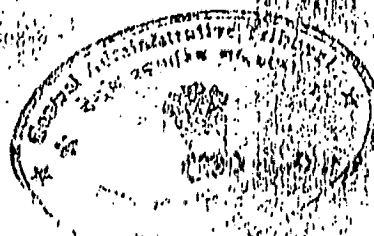
URGENT MATTER

the condition that the scale of Rs. 7500-12000/- will be available only to those who were in service on 25.2.99 was irregular and improper.

3. Shri G.S. Charya, the learned counsel appearing for the applicant forcefully reiterated the above pleadings before us on 21.3.2001 and prayed that the reliefs sought be granted to the applicant.

4. Shri R.P. Aggarwal, learned counsel for the respondent states that the pleas made by applicant cannot be granted as he was no longer in service on 25.2.99, when the OM dealing with upgradation in the scales of pay and staff attached to Doordarshan was notified and that the same does not have any retrospective effect. According to the learned counsel this case was identical OA No. 2508/99 filed by Shri G.S. Negi and decided by the Tribunal 18.10.2000 rejecting the application. The case of the applicant being similarly placed should also have to meet the same consequences as in Negi's case is Shri Aggarwal's plea.

5. We have carefully considered the matter and we observe that the issue with regard to the revision of pay and allowances of employees of All India Radio / Doordarshan (Engineering and Programme Cadres) has been settled by the letter/Circular dated 510/175/97-B(D) dated 25.2.99 which deals with the upgradation of the pay scales for certain categories



22

of employees working in Prasar Bharati Corporation.
the relevant portion of the OM as indicated in para 2
are as below:-

2(i) : The upgraded scales will be allowed not as Govt. employees per se but as Government employees currently in service of Prasar Bharati Corporation of India. As and when the employees presently working in All India Radio and Doordarshan are asked to exercise their option, those employees who do not opt for Prasar Bharati will revert, as Government servants and will no longer be entitled to above scales. They will also have to refund all benefits availed by them as a result of the grant of higher scales of pay. They will be liable to recovery of such benefits. An undertaking, in the form given at Annexure-II to this effect has to be submitted by each and every employee concerned before availing the benefit of upgraded scales of pay. This is in accordance with their agreement with the Government to avail these upgraded scales on this condition only.

(ii) Upgraded pay scales would be effective from 1.1.96 but payment of salary to employees at per upgraded scales of pay will be made with effect from 1st March 1999. (emphasis added).

6. While it is directed that the upgraded pay scales would be effective from 1.1.96 the payment of salaries of the employees, as per the upgraded pay scales will come into force only from 1.3.99. This, however, is subject to the first condition that it would be for those currently in service and not to others. Though the applicant had retired on superannuation only on 30.4.96 i.e. after the date on which the adopted recommendations of the 5th Pay Commission were given effect to, he was not in service on 25.2.99 when the Circular was issued specifically limiting the benefits to those who are still serving. That being the case he would be entitled only to have his emoluments correctly worked out at the time of his retirement in the replacement scale of the scale in

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which he was drawing his pay under the 4th Pay Commission's level and not at the newly upgraded scale of Rs. 7500- 12,000/- which he is now claiming. The said scale alongwith the conditions for entitlement to get the same were not at all in force when the applicant was still in service. He cannot therefore, in law claim this. In other words the benefit of the replaced/upgraded scales would be subject to the fulfilment of the conditions prescribed by the circular of 25.2.99 and as he does not fulfill the same, he cannot avail himself of its benefits. The case of the applicant falls outside the purview of the circular which has been correctly issued and we adhere to the same. In the circumstances the application has to fail.

7. The applicant has not at all, in our opinion made out any case in law or on facts calling our interference in the matter. The application fails and is accordingly dismissed. However, in the circumstances of the case we do not order any cost.

(GOVINDAN S. TAMPI)
MEMBER (A)

Patwal/

23.3.2001

(ASHOK AGGARWAL)
CHAIRMAN

23.3.2001

अमृतसर नगरपालिका
डाता
CERTIFIED TRUE COPY
Dated...

LLS
29/3/2001

मानव संसाधन (HR-1)
Section Officer (J-1)
Central Board of Secondary Education
Principal, Government College, Patna

SCHEDULE 8

1. Name of the post
2. Its classification whether Gazetted or non-Gazetted and whether Ministerial or non-ministerial
3. Scale of pay
4. Method of recruitment and percentage of vacancies to be filled by direct recruitment

Transmission Executive
General Central Civil Services
Group 'C' non-ministerial non-gazetted

Rs. 1400-40-1600-50-2300-EB-60-2600

Direct Recruitment 85%

- (i) The promotion quota of 15% would be raised to 50% and the direct recruitment quota reduced correspondingly for a period of two years from the date of commencement of the broadcasting stations, All India Radio Recruitment (Amendment) Rules 1974
- (ii) For the purpose of allocation of vacancies between the direct recruitment quota and promotion quota, the vacancies at all the stations or offices of All India Radio in a particular state or Union Territory would be pooled together
- (iii) Vacancies in the direct recruitment quota as well as departmental promotion quota will be filled Statewise. Direct recruitment for all the stations in a particular State or Union Territory will be made by the Head of All India Radio station indicated in each case in Annexure 'A' to this Schedule
- (iv) Confirmation in the grade will be made Statewise subject to the quota reserved for direct recruitment and departmental promotion
- (v) Each of the Union Territories of Delhi, Goa and Andaman

Recruitment Rules for Various Posts in AIR

and Nicobar Islands will be treated as a State for the purpose of these Rules, while the following Union Territories shall be treated as part of the State shown against each for the purpose of these Rules.

S. No.	Name of the Union Territory	State to which it is proposed to be grouped
1.	Arunachal Pradesh	Meghalaya
2.	Chandigarh	Punjab
3.	Lakshadweep	Kerala
4.	Mizoram	Meghalaya
5.	Pondicherry	Tamil Nadu

Not applicable

Departmental Promotion 15% seniority-cum-fitness

- (i) The promotion quota of 15% would be raised to 50% and the direct recruitment quota reduced correspondingly for a period of two years from the date of commencement of Broadcasting stations, All India Radio Recruitment (Amendment) Rules
- (ii) For the purpose of allocation of vacancies between the direct recruit quota and promotion quota, the vacancies at all the stations or offices of All India Radio in a particular State or Union Territory would be pooled together
- (iii) Vacancies in the direct recruitment quota as well as departmental quota will be filled Statewise. Directs recruitment for all the stations in a particular State or Union Territory will be made by the Head of All India Radio indicated in each

Recruitment Rules for Various Posts in AIR

63

case in Annexure 'A' to this Schedule

(iv) Confirmation in the grade will be made Statewise subject to the quota reserved for direct recruitment and departmental promotion

(v) Each of the Union Territories of Delhi, Goa and Andaman and Nicobar Islands will be treated as a State for the purpose of these rules while the following Union Territories shall be treated as part of the state shown against each, for the purpose of these Rules.

S. No.	Name of the Union Territory	State to which it is proposed to be grouped
1.	Arunachal Pradesh	Meghalaya
2.	Chandigarh	Punjab
3.	Lakshadweep	Kerala
4.	Mizoram	Meghalaya
5.	Pondicherry	Tamil Nadu

7. Transfer

8. Age limit

9. Educational and other qualifications required

Not applicable

18-30 years

Essential

(i) Degree with not less than Second Class/Division of a recognised University or equivalent qualification

(ii) A record of literary or dramatic or debating activities or publications on literary scientific subjects

(iii) Knowledge of one of the major languages of the concerned All India Radio Station/Office.

10. Period of probation

Two years

11. Qualifications etc. for recruitment by promotion/transfer--

No

Whether Educational qualifi-

63
 11. Conditions prescribed for direct recruitment will apply in case of appointment by promotion/transfer.

12. Grades/sources from which promotion/transfer are to be made.

By Promotion on seniority-cum-fitness basis (15%) from amongst Senior Librarians including those of the DG, AIR, New Delhi with three years service in the grade, failing which from amongst Programme Secretaries, Studio Executive, Junior Librarians (including those of the DG, AIR, New Delhi) and Announcers belonging to the former Part 'B' states at the time of Federal Financial Integration and Ex-State Announcers of Emissare-de-Goa with five years service in their respective grades".

(substituted in the original recruitment rules vide Min. of I&B, Notification No. A-23024/1/81-SV/B(A) dated 14.9.1984).

Note: A candidate possessing a higher qualification i.e. M.A./M.Sc. etc. in Second Division or a candidate possessing a Degree in Law in Second Division will be duly eligible for consideration irrespective of the fact that he may have passed his B.A./B.Sc./B.Com. only in the IIIrd Division (vide DG AIR Memo No. 5(24)/74 SI dated 13th May 1975)

ANNEXURE A

LIST SHOWING THE NAMES OF ALL INDIA RADIO STATIONS IN RESPECTIVE STATES

Name of State	Name of Station
1. Andhra Pradesh	Hyderabad
2. Andaman & Nicobar Islands	Port Blair
3. Assam	Gauhati
4. Bihar	Patna
5. Delhi	Delhi Station
6. Gujarat	Ahmedabad
7. Goa	Panaji
8. Haryana	Rohtak
9. Himachal Pradesh	Shimla
10. Jammu & Kashmir	Srinagar
11. Karnataka	Bangalore
12. Kerala	Trivandrum
13. Madhya Pradesh	Bhopal
14. Maharashtra	Bombay
15. Meghalaya	Shillong
16. Manipur	Imphal
17. Nagaland	Kohima
18. Orissa	Cuttack
19. Rajasthan	Jaipur
20. Punjab	Jalandhar
21. Tamil Nadu	Madras
22. Tripura	Agartala
23. Uttar Pradesh	Lucknow
24. West Bengal	Calcutta

Authority: Notified vide Min. of I&B Notification No. 1/2/74-B(A) dated 9.10.74 circulated vide DG: AIR Memo. No: 5(39)/74-SI dated 4/5-11-74.

Amendments notified vide Min. of I&B Notification No. 1/2/74-B(A) dated 6.11.75, 12019/10/78/B(A) dated 26.12.1978 and A-23024/1/81-SV/B(A) dated 14.9.1984.

Extract of supplementary instructions issued by DG, AIR

1. The D.P.C. to consider promotion to the grade of Transmission Executive should consist of the following:
 - (a) Head of the Station responsible for making recruitment - Chairman
 - (b) Seniormost Station Director other than (i) above Member posted within the State or area comprising the recruitment zone or at the nearest station in case there is only one he happens to be senior than the officer at (i) above, he would act as Chairman and the officer at (i) above would be designated as a member

Recruitment Rules for Various Posts in AIR

- (c) An official of any other Govt. department (Central) or Member
the State equivalent to the other member, i.e. Group 'A'
Officer

(DG: AIR Memo No. 5/51/76-SI dated 16.7.76)

2. The "Staff Artists" inter-alia belonging to Group 'C' Grade i.e. Asstt. Editor (Tribal Dialects), Asstt. Editor (Scripts), Asstt. Editor (Gram/Home/Educational Broadcast, Family Welfare) and Script Writer in the pay scale of Rs. 550-900 and Production Asstt. and Floor Managers in the pay scale of Rs. 425-750, who has opted for Govt. Servant status, have already been made Govt. Servants. The above categories of Staff Artists posts have been equated with that of Transmission Executive and made all eligible for promotion to the grade of PEX vide Ministry of I&B Notification No: 45011/83/82-II p(n) dated 23.10.84 circulated vide DG: AIR communication No: 5/3/85-SVII dated 10.5.1985.

It has been decided that the vacancies in the above cadres, will henceforth be filled in accordance with the Recruitment Rules of TRES. Consequently, the Recruitment Rules for the above categories of staff, will become redundant, and will not henceforth be operative.

With the equation of these categories of Staff Artists with that of TRES, these posts will become inter-changeable. In other words these categories of Staff Artists and TRES can be asked to perform any of the functions of these posts, depending upon the suitability and capability of each individual. The Head of Station of AIR/IDD will be empowered to deploy these persons on the jobs of the above categories of posts, as per the requirements of the stations.

Henceforth, any post falling vacant in the above cadre will automatically be converted into the grade of TRES and filled up accordingly, will be in the pay scale of Rs. 425-750/- (now revised to 1400-2600).

(DG: AIR O.M. No. 11/1/85-S-VII dated 12.8.1985)

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SCHEDULE 4

115

- 28 Annexure - 5
- 64
1. S. No. 1
 2. Name of the post Engineering Assistant
 3. No. of posts 2088 (1986) (subject to variation dependent on workload)
 4. Classification General Central Service, Group 'C' non-gazetted, non-ministerial
 5. Scale of pay Rs. 425-15-500-EB-15-560-20-640-EB-20-700-25-750 (now revised to Rs. 1400-40-1600-50-2300-EB-60-2600)
 6. Whether selection post or non-selection post Non-selection
 7. Age limit for direct recruitment 18-25 years (relaxable up to the age of 35 years for Government servants in accordance with the instructions issued by the Central Government from time to time in this regard)
Note 1: The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (other than those in Andaman and Nicobar Islands and Lakshadweep)
Note 2: In the case of recruitment made through the Employment Exchange, the crucial date for determining the age limit shall be last date upto which the Employment Exchange is asked to submit the names.
 8. Educational and other qualifications required for direct recruits
Essential
Three years Diploma in Radio/Telecommunication/Electrical/Electronics/Electrical Communication Engineering recognised by the Govt. of India
or
Degree with Physics as one of the subjects from a recognised university
or
Degree in Electrical Engineering from a recognised University or equivalent degree
or
Diploma in Sound Recording and Sound Engineering awarded by

Recruitment Rules for Various Posts in AIR

the Film and TV Institute of
India, Pune

Desirable

Knowledge of Wireless or Radio
Engineering

No

9. Whether age and educational
qualifications prescribed for
direct recruits will apply in the
case of promotees

10. Period of probation if any

11. Method of recruitment, whether
by direct recruitment or by
promotion or by deputation/
transfer and percentage of the
vacancies to be filled by various
methods

12. In case of recruitment by pro-
motion/deputation/transfer
grades from which promotion/
deputation/transfer to be made

Two years

80 percent by direct recruitment. 10
per cent by promotion on senior-
ity-cum-fitness. 10 percent
through limited departmental
competitive examination

Promotion

Senior Technicians in All India
Radio/Doordarshan with 5 years'
service in the grade or in a higher
grade, rendered after appoint-
ment to the grade on a regular
basis

*Limited Departmental Competitive
Examination*

Senior Technicians in All India
Radio/Doordarshan with 5 years'
service in the grade rendered
after appointment thereto on a
regular basis or, with 8 years'
total service in the grades of
Technician and Senior Techni-
cian rendered after appointment
to these grades on a regular basis,
or, Mast Technicians/Diesel
Technicians with 8 years' service
rendered in the grade after
appointment thereto on a regular
basis

(substituted vide MIB notification No. 310/
10/82-B(D) dated 11.3.87)

13. If a Departmental Promotion Group 'C' Departmental Promotion

SCHEDULE 5

- | | |
|---|--|
| 1. S. No. | 5 |
| 2. Name of the post | Senior Technician |
| 3. Classification, Character and status of the post | General Central Services Group 'C' non-gazetted, non-ministerial |
| 4. Scale of pay of the post | Rs. 380-12-500-EB-15-560 (now revised to Rs. 1320-30-1560-EB-40-2040) |
| Method of recruitment and percentage of vacancies to be filled up by | |
| 5. Direct recruitment | Not applicable |
| 6. Promotion on selection | Not applicable |
| 6. Promotion on seniority/fitness/transfer | 100% by promotion failing which by transfer
The promotion/transfer will be adhered to on zonal basis. Provided that transfer from one zone to another will be permissible only on the written request of the official concerned so transferred and on his agreeing to give his consent in writing that he has no objection to being treated as Junior to all the Senior Technicians already in the zone on the date of his joining the new zone |
| 8. Age limit for direct recruitment | Not applicable |
| 9. Educational and other qualifications required for direct recruitment | Not applicable |
| 10. Period of probation if any | Two years |
| 11. Whether age and educational qualifications for direct recruitment will apply in case of recruitment by promotion/transfer | Not applicable |
| 12. In case of promotion/transfer, grades/sources from which promotion/transfer is to be made | <i>Promotion</i>
Technicians with 3 years experience in the grade
<i>Transfer</i>
Persons working in similar and equivalent grade from other zone |
| 13. If DPC exists, what is its composition | (1) Director (Engineering) dealing Chairman |

Recruitment Rules for Various Posts in AIR

117

Committee exists what is its composition

Committee consisting of

1. Director (Engineering) dealing with Administration Chairman
2. An Engineering Officer of the level of Deputy Director (Engineering) from All India Radio/Doordarshan dealing with administration Member
3. A Group 'A' Engineering Officer of another Department having requisite technical background Member

Not applicable

14. Circumstances in which UPSC is to be consulted in making recruitment

Authority: Notified vide Ministry of I&B Notification No. 310/10/82-B(D) dated 18.8.86 and modified vide their notification No. 310/10/82-B(D) dated 11.3.1987 circulated vide DG, AIR OM No. 16/18/85-SIV(A) dated 22.5.87/3.6.87.

Extract of supplementary instructions issued by DG, AIR

1. The selection Committee for recruitment of Engineering Assistant in All India Radio/Doordarshan will comprise the following:

- (i) Chief Engineer of Zonal Office Chairman
- (ii) Station Director of the Local station of AIR/or Addl. SD if nominated by the SD Member
- (iii) Professor of Physics, Electronics or Electrical Telecommunication Engineering Etc. in a University or I.I.T./Madras Institute of Technology Member
- (iv) A senior Technical officer not lower in rank than Divisional Engineer or equivalent, from either P&T Department, or Civil Aviation (Communications Wing) or overseas Communication Service Member

(DG, AIR Memo. No. 3/14/76-SIV dated 25/27-7-1977)

with Adminis-
tration

- (2) An Engineering Member
Officer of the level
of Dy. Director
(Engg.) from All
India Radio/
Doordarshan
dealing with
administration
- (3) An officer of Member
another Depart-
ment of appropriate
level having
requisite
competence

Authority: Notified vide Ministry of I&B Notification No. 16/20/69-
B(D) dated 30.3.1970.

AIR MANUAL

- 1) Maintains close liaison and good working relationship with the officers of the State Health Department and voluntary organisation in the field of Health Family Welfare and Child care.
- e) Planning and coordination, Programme Administration and Programme production of family welfare programmes and other allied matters.

(ix) Transmission Executives:

The Programme Cadre in AIR starts from the post of Transmission Executive. The duties of the Transmission Executives are multifarious in nature. These are broadly indicated below:—

1. The Transmission Executive is placed in charge of the Station's transmissions and he functions as the Duty Officer. He coordinates between the performing artists/talkers, the programme presentation staff and the Engineers. He is responsible for collection and issue of all the programme material and their broadcast according to the programme cue sheet. Outside office hours he is also placed in charge of duty vehicles and functions as contact officer assisting the Station Director.
 2. The Transmission Executive is responsible for carefully watching the various items of programmes broadcast and preparing the Daily Report in form AIR-P-29. Any deviations from the scheduled programmes are noted in the form each day and a consolidated report for a month sent to the Director General, All India Radio, by the 1st week of next month.
 3. The Transmission Executive should evaluate programmes at All India Radio Stations/Offices and enter their assessment in the column "Remarks for Card Index" of the Daily Report for the day's broadcast. The assessment should be discussed in the next programme meeting and modified or revised in the light of comments of Senior Programme Officers concerned etc. in the meeting. Thereafter the final assessment should be entered in the Card Index (AIR-P-34).
 4. Those Transmission Executives who are on duty in the morning shift should attend the programme meeting to be held on that day. These Transmission Executives will later apprise their colleagues, that is, other Transmission Executives, of the discussion held and decisions taken in the meeting, which concern them.
 5. Detailed entries should also be made in the Studio Log Book (AIR-P-30) by the Transmission Executives. Great care should be taken for making entries in this book as it is the main initial record for making payments to artists, talkers, gramophone record companies etc. Every entry in the Log Book should be initialled by the Transmission Executives in Column 10. While making entries of Broadcast of tapes he should also indicate when possible the date of recording and payment position in the Studio Log Book so that the Accountant could complete the entries in the separate Pay Order Book (for pre-recorded programmes) and ensure that all such programmes are broadcast.
- Note:* One set of Log Books should be maintained for Mondays, Wednesdays, and Fridays and another for the remaining days of the week. The stations which do not originate programmes may maintain only one Studio Log Book.
- (Authority: - DG AIR Memo. No. 5(IV)/11/68-IU dated 18.10.68).
6. Payments to artists are made by the officer on duty who issues the certificate of broadcast (AIR-A-1). Form AIR-A-28 is used for making payment of fees for re-broadcast of AIR recordings/tapes. The upper portion of this form is filled by the Programme Section a day in advance of the date of broadcast. The performance certificate should be completed by the Duty Officer as soon as the broadcast is over. The certificate should be countersigned by the Programme Executive concerned and the next Senior Programme Officer before the same is sent to the Accounts Section for payment.

Cheques in respect of payment of amounts of Rs. 10 and above along with contracts, acceptances etc., relating to a day, sent by the Accounts Section in Pay Order Book (AIR-A.2) should be acknowledged by the Transmission Executive in column 8 thereof. Cash for payment of sums less than Rs. 10 should be received by the officer on duty from the cashier and acknowledged by the former in the pay order book. The cashier should keep a note of this in a separate note book kept in the cash chest. The Transmission Executive should hand over the cheque or cash to the artist and obtain the artist's signature on the voucher. The officer on duty should compare the signature of the artist on the artists receipt with the signature on the contract before actually handing over the cheque/cash. A rubber stamp with the inscription "Payment made by....." should be affixed on all vouchers below the artist's signature and should be signed by the officer on duty.

7. If in a rare case the cheque is not ready for disbursement to the artist at the time of broadcast, the officer on duty may complete the certificate of broadcast and send the same to the office, the next day when the office will prepare the cheque and forward it by registered post or remit the amount by Money Order as the case may be. A copy of the memorandum forwarding the cheque to the payee by post should be filled along with the voucher.
8. The undelivered cheques and undisbursed cash pertaining to artists who do not turn up and the receipts in cases where payments have been actually made should be sent by the officer on duty along with the Log Book and all documents to the Accounts Section the next day for further action.
9. The preparation of statistics of Western and Indian Music broadcast during the month of transmission to the Director General is also the responsibility of the Transmission Executive.
10. The Transmission Executive should record, dub, edit and playback programmes of all kinds. He assists in the production of programmes of all kinds, and preparation of newsreels whenever necessary. He should maintain register of blank tapes, recorded tapes etc. according to the system in force. He is also expected to take part in the plays and features.
11. The Transmission Executive also should assist in the preparation of news material for the Press Radio and sub-editing of news in English and other Indian Languages. He is also expected to prepare the analysis of English and Indian languages Press Reports, editorials etc. and translation of English language material into Indian languages and vice-versa.
12. Wherever required, the Transmission Executive should write scripts of plays, features, talks, stories etc. for all categories of programmes; edit and adapt material to be broadcast; read scripts and take part in their presentation, maintain catalogues of scripts and background material for reference etc.
13. The Transmission Executive is also expected to write announcements, check and select broadcast materials, translate news summary and assist supervisory staff in auditioning of music artists and drama voices.
14. The Transmission Executive is also expected to perform any other duties which may be assigned to him from time to time.

(Authority: DG, AIR Memo. No. 11/1/85-SVII dated 24.9.85)

x) Field Officer:

He will assist the Extension Officer in the day-to-day working of the Unit and collect material for programmes on Family Planning and Health Education.

AIR MANUAL

✓ v) Engineering Assistant

- a) Transmission duties at studios, Receiving & Transmitting Centres.
- b) Outside Broadcast Operations.
- c) Recording & Dubbing operations.
- d) S.W. Aerial operations at HPTs.
- e) Assisting senior staff in maintenance and installation work and other technical activities as may be assigned to him.

vi) Senior Technician/Technician/Wireman Technician/Electrician

- a) To assist the operational staff at the Transmitter, studios, receiving centres, outside broadcasts, etc. for maintaining the continuity of service.
- b) To assist in carrying out preventive maintenance at all the Centres and keeping all equipment clean.
- c) To assist in aerial selection, stub changing, reversal of beams, etc., in the aerial field and manning and operating feeder switching structures, etc.
- d) To operate and run standby power supply units.
- e) To assist the Engineering Staff in repair and over-haul of equipment.
- f) To assist in special maintenance and tests on aerials, feeder lines, air-conditioning plants, tape-recorders, standby equipment, standby power supply arrangements and other ancillary plants and equipment.
- g) To check-up and maintain the fire-fighting appliances, tools and batteries, clock circuits, torches, hand lamps, etc. at regular intervals.
- h) To check monitoring circuits, inter-cum-circuits and emergency lighting arrangements and report any faults.
- i) To check tools and keep them in good working order after necessary repairs.
- j) To assist in carrying out minor installation works at the Stations.
- k) To assist in carrying out installation and testing of transmitters, studios, receiving centres, aerials, feeder sub-station equipment, air-conditioning plant, Diesel/petrol generating sets, and other associated works including cabling and wiring.
- l) To assist in periodical changing of oil in oil-filled components and in testing the oil.
- m) To assist in the checking of engineering stores.
- n) To perform such work as may be assigned by superior officers in the interest of service.

vii) Duties Exclusive to Senior Technician:

He is expected to handle particularly complex jobs, at the discretion of his superior officers. In addition, he operates Tape Duplicating Machines.

viii) Radio Technician:

- a) Routine testing of equipments.
- b) Assisting engineering staff in wiring of transmitting, studio and receiving equipments.
- c) Attending to repairs of equipments, radio receivers, etc.
- d) Testing of tapes, erasing of tapes, etc.
- e) Maintaining registers for tools and plant and assisting in verification of engineering stores.

19 SEP 2002

In The Central Administrative Tribunal

Guwahati Bench :: Guwahati.

O.A. No. 12/2002

Sri Anup Kr Roy

Vs.

U.O.I. & Ors

In the matter of :

Rejoinder in reply to the Written
Statement

The humble applicant most respectfully begs to
state as under :

1. That the applicant has gone through the
Written Statement filed by the respondents and understood
the contents thereof.
2. That in reply to the statements in Written
Statement the applicant reiterates the statement in the O.A.
and does not admit any statement which are not supported by
records.
3. That in reply to the statements in para 3 and
6 of Preliminary objection it is stated that after the order
of the Hon'ble Supreme Court in SLP No. 4663/96 dated
14.3.1996 the 5th pay commission considered the cadre of
Transmission Executive and the Engineering Assistants as
equivalent and recommended the same scale of pay viz.
Rs.5000-8000/-. The applicant being a Transmission Executive
is entitled of revision of pay scale with retrospective
effect which shall be Rs.550-900/- w.e.f. 1.1.1978 and
Rs.2000-3200/- w.e.f. 1.1.1986.
4. That in reply to the statements in paragraph

74
Filed by the applicant
through A. Chakrabarti
18/9/2002

9 of the preliminary objection it is denied that the OA.No.2579 of 1999 before the Hon'ble Central Administrative Tribunal, Principal Bench is on the same line as of the applicant in the present OA.No.12/2002. Moreover, the applicant in the said OA. NO. 2579/99 filed a Writ Petition before the Hon'ble High Court of Delhi assailing the Order of the Hon'ble Central Administrative Tribunal, Principal Bench dated 21/23.3.2001 in OA No.2579/99 which has been registered and numbered as C.W.P. No.829 of 2002. It is stated that the Hon'ble Delhi High Court has been pleased to issue rule by an order dated 4.2.2002 in the said C.W.P. No.829/2002.

5. That in reply to the statement in paragraph 3 of the parawise comments it is stated that all the 3rd, 4th and 5th Pay Commissions have recommended identical scale of pay to both the Transmission Executive and Engineering Assistant irrespective to their recruitment rules.

6. That the applicant denies the correctness of the statements in para 5 of the parawise comments. It is stated that in the proposal stage of 'Prasar Bharati' options from the employees of the All India Radio were called for in number of times and accordingly the applicant submitted his option for Prasar Bharati once in 1993-94 to the Station Director, All India Radio, Silchar and again in 1996-97 to the Station Director, All India Radio, Kailasahar.

7. That in reply to the statements in para 6 to 14 the applicant begs to reiterate the statements in foregoing paras.

Verification.....

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.. 3 ..

Verification

I, Anup Kr. Roy, Son of Late Hrishkesh Roy, resident of Bilpar, Silchar do hereby verify that the statements made in the above rejoinder are true to my knowledge and belief.

And I, sign this verification on this 18th day of September, 2002.

Anup is my