

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No...62/2004

R.A/C.P No.....

E.P/M.A No...127/2005

1. Orders Sheet O.A 62/2004 Pg.....1to.....4^{order pg - 1} ~~order pg - 1~~ ^{date 26/7/05} Dismissed
rep - 127/05

2. Judgment/Order dtd. 16/02/2005 Pg...No. ^{separated order} to..... ^{order withdrawn}

3. Judgment & Order dtd.....Received from H.C/Supreme Court

4. O.A.....62/04.....Pg.....1.....to.....23.....

5. E.P/M.P.....127/05.....Pg.....1.....to.....5.....

6. R.A/C.P.....Pg.....to.....

7. W.S.....Pg.....to.....

8. Rejoinder.....Pg.....to.....

9. Reply.....Pg.....to.....

10. Any other Papers.....Pg.....to.....

11. Memo of Appearance.....

12. Additional Affidavit.....

13. Written Arguments.....

14. Amendment Reply by Respondents.....

15. Amendment Reply filed by the Applicant.....

16. Counter Reply.....

SECTION OFFICER (Judl.)

FORM NO. 4
(S.E.S. RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENGAL

ORDER SHEET

Org.App/ Misc.Petn/Cont.Petn/ Rev.Appi.

62/04

In O.A.

Name of the Applicant(S) S.K. Dey.

Name of the Respondent(S) UDI & ons.

Advocate for the Applicant MR ADIL AHMED.

Counsel for the Railway/ C.G.S.C. Mr. A. K. Chetry
Adil CGSC

OFFICE NOTE | DATE | ORDER OF THE TRIBUNAL

10.3.2004 Heard Mr. A. Ahmed, learned
counsel for the applicant and also Mr.
A. Deb Roy, learned Sr. C.G.S.C. for
the respondents.

The application is admitted, call
for the records. Issue notice to the
parties. Returnable by four weeks.

List on 20.4.2004 for orders.

Steps taken.

K. Dey
Member (A)

Notice & order dt. 10/3/04
Sent to D/Section & 27.4.2004
issuing to respondent-
nos. 1 to 3.

Four weeks time is allowed to
the respondents to file written state-
ment. List on 31.5.2004 for orders.

2/4/04

K. Dey
Member (A)

mb

(2)

O.A. 62/2004

31.5.2004

No written statement
has been filed.

28/5/04

A/D card return
from respondent
no. 3.

1/6/04

30-7-04
No witness has been filed.

mb

8.6.04

Since Mr. A. Deb Roy,
learned Sr. C.G.S.C. for the
respondents is on leave, list on
8.6.2004 for orders.

K. Prahelan
Member (A)

lm

02.08.2004

Four weeks time is allowed
for filing of written statement.
List on 7.7.04 for filing of
written statement and further orders.

K. Prahelan
Member (A)

1-9-04
2/10/c/s ha - seen & filed

mb

2.9.2004

Four weeks time is granted to the
respondents to file written statement
as prayed by Mr. A. Deb Roy, learned Sr.
C.G.S.C.

List on 5.10.2004 for further
orders.

K. Prahelan
Member (A)

bb

5.10.2004 Present : The Hon'ble Mr. Justice
R.K. Batta, Vice-Chairman.

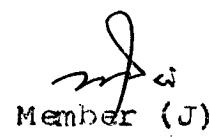
The Hon'ble Mr. K.V. Prahla-
dan, Member (A).

None for the parties. Adjourned
to 17.11.2004.

K. Prahelan
Member (A)

R.
Vice-Chairman

mb

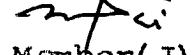
Notes of the Registry	Date	Order of the Tribunal
	24.11.04.	List on 16.12.04 for orders.
<i>15-12-04</i> 1) Notice duly served on 2-12-04. 2) No W.S. has been lodged.	1m	 Member
	16.12.04.	None for the applicant. Mr. A. Deb Roy, Sr.C.G.S.C. seeks further six weeks time to file written statement. The matter has already been adjourned on several occasions for filing written statement. Accordingly, last opportunity is granted for filing written statement. Stand over to 30th January, 2005.
<i>4-2-05</i> 1) Notice on R-3 served. 2) No W.S. filed. <i>for J.G.T.</i>	1m	 Vice-Chairman
	07.02.2005	Present: The Hon'ble MR. M. K. Gupta, Judicial Member. None appeared for the Respondents. The reliefs claimed in the present O.A. is w.e.f. 1.1.1978 as well as from 1.1.1986, which <i>prima facie</i> is hopelessly time barred. Not even Misc. application has been filed seeking condonation of delay. Learned counsel for the applicant MR. A. Ahmed seeks time to explain how this O.A. is maintainable. Adjourned to 14.2.2005.
	14.2.2005	 Member (J)
		None appears. List on 16.2.2005 before Division Bench.
		 Member (J)
	bb	
	mb	

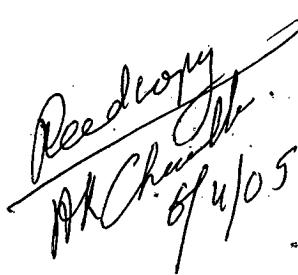
16.2.05. Mr.A.Ahmed learned counsel for the applicant seeks liberty to withdraw the present application with liberty to file fresh O.A. keeping in view the provision of ^{Limitation} ~~up-gradation~~ as prescribed under P.A.T. Act, 1985. Order accordingly.

2.3.05
Copy of the order
has been sent to the
D/fee. for issuing
the same to the
Advocates for the
parties.

1m

I.C.P. Durg
Member (A)


Member (J)


P.A. Chaudhary
8/4/05

6

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.**

**(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT 1985)**

ORIGINAL APPLICATION NO. 62 OF 2004.

BETWEEN

Shri Sanjay Kumar Dey

-Applicant

-Versus-

The Union of India & Others

-Respondents

LIST OF DATES AND SYNOPSIS

Annexure-A is the photocopy of extract portion of the All India Radio manual.

Annexure-B is the type copy of Comparative statement of Job responsibility and nature of works of Engineering Assistant and Sectional Officer/Junior Engineer.

Annexure-C is the photocopy of judgment and order dated 02-04-1997 passed in OA No. 2674/96 passed by the Hon'ble Central Administrative Tribunal, New Delhi.

This original application is made for up gradation of pay scale of the applicant with the similarly situated person who are working in the same ministry and having the same qualification and doing the similar nature of jobs. The applicant is working as Sectional Officer. The qualification and nature of job of the applicant is similar to cadre of Engineering Assistant who is working under the same ministry. In some cases applicant job responsibility is higher than the Engineering Assistant. As per A.I.R. Manual at Annexure-III the Junior Engineer/Sectional Engineers pay scale was fixed in the same scale with the Engineering Assistant. But due to unknown reason the applicant is deprived from the same scale of pay with the Engineering

Assistant. The applicant on several occasion requested the respondents for fixation of his pay scale with the similarly situated Engineering Assistant. But the respondents did not do the same. Hence finding no other alternative the applicant has approached this Hon'ble Tribunal for seeking a direction to the respondents for re-fixation of their pay scale with retrospective effect like the similarly situated Engineering Assistants who are working under the same ministry.

Filed by *Shri Sanjay Kumar Dey*
 Shri Sanjay Kumar Dey
 Applicant
 62
 Application No. 62 of 2004
 All India Radio
 Civil Construction Wing
 T.V. Tower, Golf Green
 Kolkata-700095

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.**

**(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL ADMINISTRATIVE
TRIBUNAL ACT 1985)**

ORIGINAL APPLICATION NO. 62 OF 2004.

BETWEEN

Shri Sanjay Kumar Dey
 Sectional Officer (Electrical)
 Silchar A.I.R. (C.C.W.) under
 Office Of the Executive Engineer (Electrical),
 Civil Construction Wing,
 All India Radio,
 Rajgarh Road, Guwahati-3.

...Applicant

-AND-

1. The Union of India represented by the Secretary to the Government of India, Ministry of Information and Broadcasting, New Delhi-1.
2. The Director General,
 Prashar Bharati (Broadcasting),
 Corporation Of India,
 Civil Construction Wing,
 All India Radio,
 Govt. Of India, New Delhi-1.
3. The Superintendent Engineer (Electrical),
 Civil Construction Wing,
 All India Radio,
 T.V. Tower, Golf Green,
 Kolkata-700095

...Respondents

Sanjay Kumar Dey

1) DETAILS OF THE APPLICATION

PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

The Application is not made against any particular order. But against the discriminatory treatment made by the Respondents against the applicant in respect of pay scale, granting him a lower scale of pay whereas higher scale of pay has been granted to others who are working in the same ministry also having the same qualification doing the similar nature of jobs that of the applicant and as a result non fixation of appropriate scale of pay the applicant incurring financial loses each and every month, also for up gradation of pay scale of the applicant and for equal pay for equal work.

2) JURISDICTION OF THE TRIBUNAL

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

3) LIMITATION

The applicant further declares that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act 1985.

4) FACTS OF THE CASE:

Facts of the case in brief are given below:

4.1) That your humble applicant is a citizen of India and as such he is entitled to all rights and privileges guaranteed under the Constitution of India.

4.2) That your applicant begs to state that he is working as Sectional Officer under the Office Of the Executive Engineer (Electrical), Civil Construction Wing, All India Radio, Guwahati. He is now posted at Silchar.

4.3) That your applicant begs to state that the Junior Engineer/Sectional Officer of Civil Construction Wing of the All India Radio the pay scale was

✓ Sanjay Kumar Dey

fixed by the Third pay commission at the pay scale of Rupees 425/-700/ and the Fourth pay commission fixed the pay scale of the Junior Engineer/Sectional Officer at the scale of Rupees 1400/-2300/. But as per All India Radio manual at Annexure-III in paragraph 21 & 23 the Junior Engineer/Sectional Officer pay scale was fixed ^{at} the scale of Rupees 1400-40-1600-50-2300-EB-60-2600. The same pay scale was also fixed for Engineering Assistant at paragraph 19 of the All India Radio manual. It is worth to mention here that due to acceptance of Assured Career Progression (ACP) of fifth pay commission by the Ministry of Information and Broadcasting the applicant and similarly situated Junior Engineers (E/C)/Sectional Officers (E/C) who have completed 12 years service are drawing a pay scale of Rupees 7500/-12000/-with effect from 1999. The extract portion of the said All India Radio manual is annexed herewith for kind perusal of this Hon'ble Tribunal.

Annexure-A is the photocopy of extract portion of the All India Radio manual.

4.4) That your applicant to state that the fifth pay commission recommended the pay scale of Engineering Assistants in All India Radio and Doordarshan at ^{Scale of} Rupees 5000/-8000/- and similar pay scale was also fixed for Sectional Officers/Junior Engineers(C/E) i.e. Rupees 5000/-8000/. But unfortunately the Ministry of Information and Broadcasting vide his letter No.310/173/97-B (D) dated 25-02-1999 fixed the pay scale of Engineering Assistants from Rupees 5000/-8000/- to Rupees 6500/-10500/- without considering the cadres of Sectional Officers/Junior Engineers(C/E) in Civil Construction Wing of All India Radio.

4.5) That your applicant begs to state that the Engineering Assistants are similarly situated with the applicant in the Civil Construction Wing of the All India Radio under the Ministry of Information and Broadcasting. Both of them are doing similar ^{nature of} job and also entry level to the respective post is similar. In some cases the Junior Engineers/ Sectional Officers are doing higher responsibility and more difficult jobs than Engineering Assistants. The comparative statement of job responsibility and nature of works of Engineering Assistants and Junior Engineers/Sectional Officers are given below for kind perusal of this Hon'ble Tribunal.

Sanjay Kumar Dey

**COMPARATIVE STATEMENTS OF JOB RESPONSIBILITY/NATURE
OF WORKS OF ENGINEERING ASSISTANTS AND JUNIOR
ENGINEERS/SECTIONAL OFFICERS.**

Sl No.	Comparison Criterion	Engineering Assistants	Junior Engrs/Sectional Officer	Remarks
1.	Entry level min. ITI certificate+job qualification	experience or Diploma in engineering	Diploma in engineering	Similar requirement
2.	Mode of recruitment	Through competitive examinations for direct recruits and seniority cum fitness for promotes	Only through competitive examination	Similar
3.	Mode of promotion to next higher post	Seniority cum fitness for next higher post. i.e. senior engineering assistant(group B non-gazetted) and departmental examination after a qualifying service of 5 yrs as SEA for subsequent higher post of Assistant engr (group B gazetted)	Seniority cum fitness for the next higher post of Assistant Engr(group B gazetted) after a qualifying service of 8 yrs	Higher job status
4.	Transferability	All India transfer liability but Seniority list of EA's maintained on zonal basis and	All India transfer liability and no restrictions in respect of transfers. Single seniority	More difficult job situation for JE's

Ranayay Kumar Dey

		transfer restricted on zonal basis and transfer restricted within the zone	list maintained for the whole department at chief engineer office.	
5.	Pay scale	Rs 1400-2600 As per AIR manual	Rs 1400-2600	Equivalent
6.	Working condition			
6a.	Duty hours	Shift duty lasting for 7 hrs and 20 mnts and responsibility of job restricted to shift duty hours	Normal duty hours is 8 hrs but the job nature is such that the duty hours are normally extended beyond 12 hrs	Uncertain working hrs duration for JE and hence more strenuous job nature
6b.	Job Responsibility	Responsibility of operation and maintenance is jointly shared By all the team members of the shift	JE s assume 100% responsibility for the works under their jurisdiction	Higher job responsibility for JE s
6c.	Availability of Proper office accommodation	EA s are posted to their place of work only when proper office accommodation is available i.e. studios/transmi-	The JE s are posted to a project when under construction and there is hardly any office accommodation available for their	More difficult and strenuous working condition for JE s

Sanjay Kumar Dey

		Letters are in proper shape	Performance of office work	
6d	Compensation in lieu of additional work	EA's draw OT allowances or compensatory leave for their extra duty	No compensation available to JE's even though extra duty hours is normal	JE's are deprived in spite of greater work load
6e.	Security at work place	Work place are secured from outsiders	Security is non-existent at projects	JE's are exposed outside threat hence tense working condition
6f.	Scope of public interaction	No Scope	JE's have to maintain liaison with other govt. dept and handle staff grievances pertaining to maintenance work	JE's have a more demanding job
6g.	Impact of Social life	The fixed responsibility assumed by EA's in respect of shift duration only aid healthy family and social life	The job nature demands 24 hrs attention of JE's in respect of main maintenance/ construction projects and hence having a unfavourable impact on family and social life	JE's have a deplorable working condition and family life
6h.	Management responsibility	Responsibility lies with the shift in charge	JE's maintain their office as a separate entity	JE's have a higher responsibility

— Sanjay Kumar Dey

		who holds a position higher than those of EA's	and has to take management decision in isolation most of the time pertaining to Work charged Establishment	
6i.	Accountability for works done in financial terms	Nil	JE's assume 100% responsibility of expenditures incurred for maintenance or projects and failure on their part may result in recoveries from salaries or other penalty	Higher job responsibility
6j.	Jurisdiction of work	Duty confined to a single station (studio/transmitter) under normal condition	Normally multiple projects and maintenance work spanning across several stations undertaken simultaneously resulting in frequent tours etc.	JE's have greater work load
6k.	Delegation of Financial power	Nil	JE's are delegated financial power up to certain limit. They can incur expenditure from From imprest account maintained by them and unlimited temporary advances for making payment	High job responsibility

✓ Sanjay Kumar Dey

to workcharged staff
or undertake work
of emergency nature

7. Job Content			
7a.	Operation of transmission plant and equipment	Supervision of operation of electrical installation, Air Conditioning, Plant, Power Substation, building utilities, S.W.aerial Operation	EA s job is primarily confined to operation and maintenance of electronic equipment and JE s job is primarily confined to operation and maintenance of electro-mechanical equipment and civil asset maintenance and JE s job is primarily supervisory in nature whereas EA s scope in terms of job supervision is very limited. For EA supervisory activities are handled by Assistant Engineers
7b.	Field duty	JE s undertaker counter surveys, electrical surveys for substation constructions etc.	Both have field duty
7c.	Installation	Assisting senior	Construction of EA s play the role

Sanjay Kumar Dey

	and maintenance	staff in maintenance and Installation work and other technical activities as assigned to them	technical building and specialized structures such as steel/RCC towers, electrical installation i/c installation of AC plant DG sets, substations assuming 100% responsibility of supervision	of assistants to their supervisors whereas JE s assume the supervisory role and take the full responsibility of the works and hence JE s job responsibility
7d.	Store maintenance	No responsibility	Full responsibility of store under JE s custody	JE s have additional work load
7e.	Control on subordinates	No subordinate reports to EA s	JE s control work charged staffs reporting to them	Superior job status of JE s
7f.	Maintenance of office records and communications	EA s maintain only the transmission log registers and no scope of any type of office correspondences such as reports etc.	JE s maintain office as a separate entity and maintains multiple registers connected to construction projects, stores, maintenance and files pertaining to various works and communicate various project status report, stores report, works related, work charged establishment related correspondences to the concerned	Higher job responsibility for JE s
7g.	Estimation planning and designing of engineering works	No scope	JE s undertake such activities on regular basis	Higher job responsibility for JE s because these activities have a direct

Sanjay Kumar Dey

bearing on the expenditure of government money and skill level required is high so as to achieve the optimization of expenditure.

Annexure-B is the type copy of Comparative statement of Job responsibility and nature of works of Engineering Assistant and Sectional Officer/Junior Engineer.

4.6) That your applicant begs to state that the Ministry of Information and Broadcasting vide its letter No. 310/15/93-B (CD) dated 15-05-1995 revised the pay scale of Engineering Assistant from existing pay scale of Rupees 425/-750/- to Rupees 550/- 900/ with effect from 1978 and Rupees 2000/-3200/ with effect from 1986. The said benefit was given to them with retrospective effect with arrears from the date of refixation of their pay scale. The ministry considered the revision of pay scale of the Engineering Assistant due to a judgment passed by the Hon'ble Supreme Court regarding pay parity between Engineering Assistant and Sound Recordist under the same ministry. The Hon'ble Central Administrative Tribunal Principal Bench, New Delhi vide its judgment dated 02-04-1997 passed in OA No. 2674/96 has also directed the Ministry of Information and Broadcasting to revise the pay scale of the Engineering Assistant from Rupees 550/-900/ with effect from 01-01-1978 and Rupees 2000/-3200/ with effect from 01-01-1986. Accordingly the Engineering Assistants are enjoying the above-mentioned revised pay scale.

Annexure-C is the photocopy of judgment and order dated 02-04-1997 passed in OA No. 2674/96 passed by the Hon'ble Central Administrative Tribunal, New Delhi.

4.7) That your applicant begs to state that he is similarly situated with the Engineering Assistants who are working in the same ministry. But the Respondents have deprived the applicant by giving lower pay scale. Although the applicant is doing higher responsibility job than the Engineering Assistants.

— Sanjay Kumar Dey

As such the Respondents have adopted a discriminatory attitude towards the applicant. The applicant have also raised this matter before the Respondents by giving various representations but till now the Respondents have not take any steps in this matter for up gradation of the pay scale of the applicant as per pay scale of Engineering Assistants of All India Radio and Doordarshan. Hence finding no other alternative your applicant compelled to approach this Hon'ble Tribunal for protection of his legitimate rights and it is fit case for the Hon'ble Tribunal to interfere with and to protect the rights and interests of the applicant directing the Respondents to grant the revise pay scales of Rupees 550/-900/- with effect from 01-01-1978 and Rupees 2000/-3200/- with effect from 01-01-1986 with arrears and interests @ 18% per annum.

4.8) That your applicant begs to state that due to non-consideration of his case for grant of revise pay scale of Rupees 550/-900/- with effect from 01-01-1978 and Rupees 2000/-3200/- with effect from 01-01-1986 the applicant has been suffering from heavy financial loss. As such the action of the Respondents are arbitrary, unjust, unfair, illegal, discriminatory and violative of the principle of natural justice and doctrine of equality.

4.9) That your applicant begs to state that the cause of action arises each and every day, every month for non-fixation of appropriate pay scale in favour of the applicant. As such the case of the applicant is well within the period of limitation prescribed under section 21 of the Administrative Tribunal Act 1985.

4.10) That your applicant submits that the Respondents have acted with a mala-fide intention only to deprive the application from his legitimate right.

4.11) That your applicant submits that the action of the Respondents is highly illegal, improper, and whimsical and also against the fair play of Administrative justice.

4.12) That your application submits that the Respondents have violated the fundamental rights of the applicant.

4.13) That this application is filed bonafide and for the interest of justice.

Sanjay Kumar Dey

5) GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1) For that, due to the above reasons narrated in detail the action of the Respondents is in *prima facie* illegal, *mala fide*, arbitrary and without jurisdiction.

5.2) For that the applicant being similarly situated and working in the same ministry and doing the similar nature of job with Engineering Assistants is entitled to revise pay scales of Rupees 550/-900/- with effect from 01-01-1978 and Rupees 2000/-3200/- with effect from 01-01-1986.

5.3) For that, according to the All India Radio manual Annexure-III item No. 19,21 and 23 the Sectional Officers/Junior Engineers and Engineering Assistants are entitled for same pay scale of Rupees 1400-40-1600-50-2300-EB-60-2600.

5.4) For that, the non consideration for granting the entitled scale to the applicant from the initial stage and granting him a lower scale from them onwards and even thereafter is arbitrary, unjust, illegal, *mala-fide* and bad in law.

5.5) For that, the action of the respondents is arbitrary, *mala-fide* and discriminatory with an ill motive.

5.6) For that the Respondents have violated the Article 14,16 & 21 of the Fundamental rights guaranteed under the Constitution of India.

5.7) For that similarly situated person who is working under the same ministry has already given the reliefs but the Respondents are not giving the same reliefs to the instant applicants. As such, the actions of the Respondents are bad in the eye of law and also not maintainable in fact.

5.8) For that similarly situated persons who are working with the applicant have already been granted the relief of pay up gradation by the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi in OA No.2674/96.

✓ Sayajiram Dey

5.9) For that being a model employer the Respondents cannot deny the same benefits to the instant applicants, which have been granted to other similar situated persons. As such the Respondents should extend this benefit to the instant applicant without approaching this Hon'ble Tribunal.

The applicant craves leave of this Hon'ble Tribunal advance further grounds the time of hearing of this instant application.

6) DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious and remedy available to the applicant except the invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

7) MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

That the applicant further declares that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, writ petition or suit is pending before any of them.

8) RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicant most respectfully prayed that Your Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relieves sought for the applicant may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following relieves.

v. Sanjay Kumar Dey

8.1) That the Hon'ble Tribunal may be pleased to direct the Respondents to give revise pay scale of the applicant at the pay scale of Rupees 550/-900/-with effect from 01-01-1978 and Rupees 2000/-3200/ with effect from 01-01-1986 with 18% interest per annum with all consequent financial benefit which is entitled to the applicant.

8.2) To Pass any other relief or relieves to which the applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.

8.3) To pay the cost of the application.

9) INTERIM ORDER PRAYED FOR:

At this stage applicant does not seek any interim relief but if the Hon'ble Tribunal may deem fit and proper may pass any order/orders.

10) Application is filed through Advocate.

11) **Particulars of I.P.O.:**

I.P.O. No. 11G378261
 Date of Issue 6.3.2004
 Issued from Guwahati C.P.O.
 Payable at Guwahati

12) **LIST OF ENCLOSURES:**

As stated above.

Verification

Sanjay Kumar Das

VERIFICATION

I, Shri Sanjay Kumar Dey, Sectional Officer (Electrical), Silchar A.I.R. (C.C.W.) under Office Of the Executive Engineer (Electrical), Civil Construction Wing, All India Radio, Rajgarh Road, Guwahati-3. do hereby solemnly verify that the statements made in paragraph nos. 4.1, 4.2, 4.5, 4.7 to 4.9 — are true to my knowledge, those made in paragraph nos. 4.3, 4.4, 4.6 — are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts:

And I sign this verification on this the 7th day of March 2004 at Guwahati.

Sanjay Kumar Dey
...DECLARANT

Annexure III

**Number of posts (Civilians) by Designation and Scale of Pay existing in the
Ministry/Dept. in the Govt. of India (including attached and Subordinate Offices) of All
India Radio**

S. Designation in full	Scale of Pay
Programme	
1. Deputy Director General	5100-150-5700
2. Station Director (Selection Grade)*	3700-125-4700-150-5000
3. Director of Sales	-do-
4. Director, External Services Division	-do-
5. Additional Director, E.S.D.	-do-
6. Station Director	3000-100-3500-125-4500
7. Talk Officer	-do-
8. Supervisor	-do-
9. Deputy Director of Sales	-do-
10. Deputy Director **	-do-
11. Deputy Director Audience Research	-do-
12. Assistant Station Director	2200-75-2800-EB-100-4000
13. Sports Programme Organiser	-do-
14. Translator-cum-Announcer (Foreign Language Unit)	-do-
15. Monitor Foreign Language	-do-
16. Programme Executive (Selection Grade)	-do-
17. Assistant Transcription Officer	-do-
18. Programme Executive	2000-60-2300-EB-75-3200-100-3500
19. Extension Officer	-do-
20. Farm Radio Officer	-do-
• Selection Grade posts have not been identified. The Stations where Selection Grade SDs posts are AIR New Delhi, E.S.D. Units now Calcutta/Port Blair, Transcription and Programme Exchange Service, Cuttack/Bombay/Kohima Central Sales Unit CBS Madras/Pune/Panaji/Madras and Rajkot.	
** The posts of Station Directors in E.S.D. and Vividh Bharati Services, Bombay have been designated as Deputy Director	
21. Assistant Business Manager	2000-60-2300-EB-75-3200-100-3500
22. Assistant Editor	-do-
23. Producer Folk Music	-do-

*After 1st
Semi-
Annual
Review*

24. Senior Investigator	1640-60-2600-EB-75-2900
25. Assistant Editor	-do-
26. Transmission Executive (Selection Grade)	-do-
27. Assistant Persian	1600-50-2300-EB-60-2660
28. Field Reporter	1400-40-1600-50-2300-EB-60-2600
29. Publicity Assistant	-do-
30. Farm Radio Reporter	-do-
31. Announcer	2000-60-2300-EB-75-3200
32. Transmission Executive	1400-40-1600-50-2300-EB-60-2600
33. Sub-Editor	-do-
34. Production Assistant	-do-
35. Investigator	1400-40-1800-EB-50-2300
36. Asstt. Foreign Language	-do-
37. Field Assistant	1350-30-1440-40-1800-EB-50-2200
38. Instrument Repairer	1320-30-1560-EB-40-2040
39. Studio Executive	1200-30-1560-EB-40-2040

Engineering

1. Chief Engineer	5100-150-5700
2. Director (Engineering)	3700-125-4700-150-5000
3. Superintending Engineer	-do-
4. Station Engineer	3000-100-3500-125-4500
5. Executive Engineer	-do-
6. Assistant Research Engineer	-do-
7. Deputy Director (Engineering)	-do-
8. Surveyor of Works	-do-
9. Assistant Station Engineer	2200-75-2800-EB-100-4000
10. Assistant Director (Engineering)	-do-
11. Audience Research Officer	-do-
12. Assistant Director Engineer (Installation)	-do-
13. Research Officer	-do-
14. Assistant Engineer	2000-60-2300-EB-75-3200-100-3500
15. Assistant Surveyor of Works	-do-
16. Engineering Assistant to Supdt. Engineer (Civil Construction Wing)	-do-
17. Producer Education Broadcast	-do-

Affected
File *Advantage*

18. Senior Engineering Assistant	1640-60-2600-EB-75-2900
19. Engineering Assistant	1400-40-1600-50-2300-EB-60-2600
20. Foreman	-do-
21. Sectional Officer	-do-
22. Draughtsman Grade I	-do-
23. Junior Engineer	-do-
24. Technical Asstt.	1400-40-1800-EB-50-2300
25. Workshop Asstt.	-do-
26. Assistant Transport Supervisor	1350-30-1440-40-1800-EB-50-2200
27. Senior Technician	1320-30-1560-EB-40-2040
28. Celotex Cutter and Decorator	-do-
29. Radio Technician	-do-
30. Head Motor Mechanic	-do-
31. Mast Technician	-do-
32. Diesel Technician	-do-
33. Technician	1200-30-1440-EB-30-1800
34. Motor Mechanic	-do-
35. Carpenter (Selection Grade)	-do-
36. Motor Driver (Selection Grade)	1150-25-1500
37. Draughtsman Grade III	975-25-1150-EB-30-1540
38. Tracer	-do-
39. Painter	950-20-1150-25-1400
40. Motor Driver	-do-
41. Motor Cleaner	800-15-1010-EB-20-1150
42. Helper	-do-
43. Liftman	-do-

Central Information Service

1. Director of News	5100-150-5700
2. Joint Director of News	3700-125-4700-150-5000
3. Chief Editor	-do-
4. Air Special Correspondent	-do-
5. News Editor	3000-100-3500-25-4500
6. Senior Correspondent	-do-
7. Director of Monitoring	-do-
8. Deputy Director, News Services Division	-do-
9. Reference Officer	-do-

Attest
J. L. & Adm't

COMPARATIVE STATEMENT OF JOB RESPONSIBILITY

ANNEXURE - B

No	Comparison Criterion	Engineering Assistants	Junior Engrs / Sectional Officer	Remarks
1.	Entry level min. qualification	ITI certificate + job experience or Diploma in engineering;	Diploma in engineering	Similar requirement
2.	Mode of recruitment	Through competitive examination for direct recruits and seniority cum fitness for promotees	Only through competitive examination	Similar
3.	Mode of promotion to next higher post	Seniority cum fitness for next higher post i.e. senior engineering assistant (group B non gazetted) and departmental examination after a qualifying service of 5 yrs as SEA for subsequent higher post of Assistant engr (group B gazetted)	Seniority cum fitness for the next higher post of Assistant Engr (group B gazetted) after a qualifying service of 8 yrs	Higher job status
4.	Transferability	All India transfer liability but seniority list of EA's maintained on zonal basis and transfer restricted within the zone	All India transfer liability and no restrictions in respect of transfers. Single seniority list maintained for the whole department at chief engineer office.	More difficult job situation for JE's
5.	Pay scale as per AIR manual.	Rs 1400 - 2600	Rs 1400 - 2600	Equivalent
6.	Working condition			
6a.	Duty hours	Shift duty lasting for 7 hrs and 20 mnts and responsibility of job restricted to shift duty hours	Normal duty hours is 8 hrs but the job nature is such that the duty hours are normally extended beyond 12 hrs	Uncertain working hrs duration for JE's and hence more strenuous job nature
6b.	Job responsibility	Responsibility of operation and maintenance is jointly shared by all the team members of the shift	JE's assume 100% responsibility for the works under their jurisdiction	Higher job responsibility for JE's
6c.	Availability of proper office accommodation	EA's are posted to their place of work only when proper office accommodation is available i.e. studios/transmitters are in proper shape	The JE's are posted to a project when under construction and there is hardly any office accommodation available for their performance of office work	More difficult and strenuous working condition for JE's
6d.	Compensation in lieu of additional work	EA's draw OT allowances or compensatory leave for their extra duty	No compensation available to JE's even though extra duty hours is normal	JE's are deprived in spite of greater work load
6e.	Security at work place	Work place are secured from outsiders	Security is non-existent at projects	JE's are exposed to outside threat hence tense working

*Attested
J. K. Advani*

	Scope of public interaction	No scope	JE s have to maintain liaison with other govt. dept and public utilities, agencies and handle staff grievances pertaining to maintenance work	JE s have a more demanding job
6g.	Impact on social life	The fixed responsibility assumed by EA s in respect of shift duration only aid in healthy family and social life	The job nature demands 24 hrs attention of JE s in respect of maintenance / construction projects and hence having a unfavorable impact on family and social life	JE s have a deplorable working condition and family life
6h.	Management responsibility	Responsibility lies with the shift in charge who holds a position higher than those of EA s	JE s maintain their office as a separate entity and has to take management decision in isolation most of the time pertaining to work or work charged establishment	JE s have a higher job responsibility
6i.	Accountability for works done in financial terms	Nil	JE s assume 100% responsibility of expenditures incurred for maintenance or projects and failure on their part may result in recoveries from salaries or other penalty	Higher job responsibility
6j.	Jurisdiction of work	Duty confined to a single station (studio/transmitter) under normal condition	Normally multiple projects and maintenance work spanning across several stations undertaken simultaneously resulting in frequent tours etc	JE s have greater work load
6k.	Delegation of financial power	Nil	JE s are delegated financial power up to certain limit. They can incur expenditure from imprest account maintained by them and unlimited temporary advances for making payment to workcharged staff or undertake work of emergency nature	Higher job responsibility
7.	Job content			
7a.	Operation of plant and equipment	Transmission duties at studios, receiving & transmitting centre, recording and dubbing operations, S.W. aerial operation	Supervision of operation of electrical installation, Air Cond. Plant, power Substation, building utilities,	EA s job is primarily confined to operation and maintenance of electronic equipment and JE s job is primarily confined to operation and maintenance of electro-mechanical equipment and civil asset maintenance and

Admitted
John Bawar T

JE's job is primarily supervisory in nature whereas EA's scope in terms of job supervision is very limited. For EA's the supervisory activities are handled by Assistant Engineers

7b.	Field duty	Outside broadcast operations (field duty)	JE's undertake contour surveys, land feasibility surveys, electrical surveys for substation constructions etc	Both have field duty
7c.	Installation and maintenance	Assisting senior staff in maintenance and installation work and other technical activities as may be assigned to them	Construction of technical building and specialized structures such as steel/RCC towers, electrical installation i/c installation of AC plant DG sets, Substations assuming 100% responsibility of supervision	EA's play the role of assistants to their supervisors whereas JE's assume the supervisory role and take the full responsibility of the works and hence JE's job has higher responsibility
7d.	Store maintenance	No responsibility	Full responsibility of store under JE's custody	JE's have additional work load
7e.	Control on subordinates	No subordinate reports to EA's	JE's control work charged staffs reporting to them	Superior job status of JE's
7f.	Maintenance of office records and comm - unications	EA's maintain only the transmission log register and few equipment handling registers and no scope of any type of office correspondences such as reports etc.	JE's maintain office as a separate entity and maintains multiple registers connected to construction projects, stores, maintenance and files pertaining to various works and communicate various projects status report, stores report, works related, work charged establishment related correspondences to the concerned offices.	Higher job responsibility for JE's
7g.	Estimation planning and designing of engineering works	No scope	JE's undertake such activities on regular basis	Higher job responsibility for JE's because these activities have a direct bearing on the expenditure of government money and skill level required is high so as to achieve the optimization of expenditure.

place

from outsiders

Abdul
J. A. Aswani

tense working

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH: NEW DELHI

O.A. No. 2674/96

New Delhi this the 2nd Day of April 1997.

Hon'ble Dr. Jose P. Verghese, Vice Chairman (J)
Hon'ble Shri S.P. Biswas, Member (A)

Association of Radio & Television Engineering Employees
Ministry of Information & Broadcasting
HPT : Kingsway
Delhi.

Represented by :

1. Shri P.N. Kohli,
President,
Association of Radio & Television,
Engineering Employees
Ministry of Information & Broadcasting
HPT : Kingsway
Delhi.
2. Shri M.K. Magazine,
Assistant Engineer,
Doordarshan,
New Delhi.

(By Advocate : Shri B.S. Mainee)

v/s

Union of India : Through

1. The Secretary
to the Government of India,
Ministry of Information & Broadcasting
Shastri Bhawan,
New Delhi.
2. The Director General,
All India Radio,
Parliament Street,
New Delhi.
3. The Director General,
Doordarshan
Doordarshan Bhawan,
Copernicus Marg,
New Delhi.
4. The Chief Controller of Accounts
Ministry of Information & Broadcasting
Shastri Bhawan,
New Delhi.

(By Advocate: Shri R.V. Sinha)

1. *for [unclear]*
2. *for [unclear]*

ORDER

Hon'ble Dr. Jose P. Verghese, Vice Chairman (J)

The petitioners in this case are seeking implementation of the orders of this Court concurred by the orders of the Hon'ble Supreme Court and the consequential order passed by respondents themselves on 15.5.1995.

2. The Madras Bench of the Central Administrative Tribunal by an order dated 29.6.1990 directed the respondents that the pay of the Engineering Assistants of All India Radio and Doordarshan shall be revised and the Engineering Assistant shall be paid the revised scale of Rs. 550-900 w.e.f. 1.1.1978 and Rs. 2000-3200 w.e.f. from 1.1.1986. The respondents aggrieved by the said order filed an SLP in the Hon'ble Supreme Court and the same was dismissed by an order dated 7.1.1991. Thereafter the Union of India filed a review petition in the Hon'ble Supreme Court and that also was dismissed by the Hon'ble Supreme Court on 16.7.1991 but the persistent Union thereafter filed a review petition vice review petition No. 4/92, before the Madras Bench dated 29.6.1990 passed in OA No. 654/89. It is pertinent to mention that the grounds mentioned in the said review petition were the same that were taken by the Union of India both in the SLP filed in the Hon'ble Supreme Court against the original order and against the review petition filed in the Hon'ble Supreme Court. Still the Madras bench of the Central Administrative Tribunal reviewed its previous order dated 29.6.1990 in OA 654/89 is rescinded and the original applications stand dismissed and the review petition allowed. Against this order an SLP was filed in the Hon'ble Supreme Court and the Hon'ble Supreme Court took strong exception to the review order and stated that the Tribunal was in error in entertaining the review petition and then allowing it after the SLP against its main judgement had been dismissed by the Supreme Court and the review petition filed in Supreme Court against the dismissal of the SLP had also been dismissed. The court also noticed that the grounds stated in the review petition were identical as that were taken before in the SLP as well as in the review petition in the Hon'ble Supreme Court. Finally, the Hon'ble Supreme Court restored the original order of the Tribunal dated 29.6.1990 and set aside the review order of the Madras Bench dated 10.6.1992. This order was passed by the Hon'ble Supreme Court on 25.11.1994.

3. The respondents thereafter passed an order on 15.5.1995 purportedly in compliance of the order passed by the Central Administrative Tribunal, Madras Bench in OA 654/89 dated 29.6.1990 as well as the judgement of the Hon'ble Supreme Court in Civil Appeal No. 4/94 dated 25.11.1994. The said order, dated 15.5.1995 reproduced here below:

"I am directed to say that in pursuance of the Judgement of the Hon'ble Supreme Court in Civil Appeal Nos..../94 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:

Name of the post	Revised Scale of Pay (In Rs)	Effective from
Engineering Assistant	550-900	1.1.1978
-do-	2000-3200	1.1.1986

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.

This issues with the concurrence of Integrated Finance Branch of the Ministry, vide their U.O.Ro. 791/95-Fin dated 15.5.1995."

4. In view of the decision of this Court at Madras and the Hon'ble Supreme Court on 25.11.1994 and in view of the order passed by the respondents reproduced herein above, we allow this O.A. and direct the respondents to comply with this order dated 15.5.1995 within four weeks, from today. The petitioners who were parties to the previous OA/ SLP/ Review Application or second SLP, are entitled to 9% interest on all payments due to them with effect from 15.5.1995. In the event respondents do not make payment within the period now stipulated in this Order, they shall be liable to pay 18% interest after the expiry of the period now stated in this Order.

5. It goes without saying that these orders shall also be applicable to all similarly placed Engineering Assistants and it will not be necessary for each and everyone of them to approach this Court but it is further clarified that the said Engineering Assistants who were not party before this court or before the Hon'ble Supreme Court, will not be entitled to any interest till the expiry of the time now directed by us in this Order. Thereafter, they also will be entitled to the payment of interest of 9% per annum from the expiry of the date as stipulated by us in this Order. With these directions this O.A. is disposed of and no Order as to costs.

(S. P. Biswas)
Member (A)

(1) Jose P. Verghese
Vice Chairman (J)

*After 1st
Advocate*