

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00266/2017

Date of Order: This, the 04th day of February 2019

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR. NEKKHOMANG NEIHSIAL, ADMINISTRATIVE MEMBER

Md. Harunal Rachid
Son of Late Hasan Ali
Deputy Director (Administration) (Retd.)
Doordarshan
(IRLA No. 12467), House No. 4
Hatigaon Chariali, Sijubari Dargah Road
P.O. – Hatigaon Chariali, Guwahati – 781038
Dist – Kamrup (M), Assam.

...Applicant

By Advocate: Mr. D. C. Chakraborty

-VERSUS-

1. The Union of India
Represented by the Secretary
To the Govt. of India
Ministry of Information & Broadcasting
New Delhi – 110001.
2. Prasar Bharati
(Broadcasting Corporation of India)
Represented by the Chief Executive Officer
Prasar Bharati, P T I Building, 2nd Floor
Sansad Marg, New Delhi – 110011.
3. The Director General
Doordarshan, Doordarshan Bhawan
Copernicus Marg, New Delhi – 110001.
4. The Director General
All India Radio
Akashvani Bhawan, Sansad Marg
New Delhi – 110001.

5. The Additional Director General (P & A)
North East Region, Doordarshan
R.G. Baruah Road, Guwahati
Pin – 781024, Assam.

... Respondents

By Advocate: Mr. R. Hazarika, Addl. CGSC

ORDER (ORAL)

MANJULA DAS, MEMBER (J):

By this O.A., applicant makes a prayer to set aside and quash the impugned so called speaking order dated 12.07.2017 by which the prayer for enhancement of contractual remuneration made by the him vide representation dated 21.08.2015 was rejected. The applicant further prays to grant the benefit of enhancement of monthly remuneration/consolidated fee to him @ Rs. 35,000 w.e.f. 01.01.2012 to 31.12.2015 as per office order dated 03.02.2012 and 15.10.2013 respectively with interest @ 12% per annum.

2. Mr. D.C. Chakraborty, learned counsel appearing on behalf of the applicant submitted that the applicant had served in different capacities in the All India Radio and Doordarshan from 09.12.1968 to 30.09.2008 and he had retired from service on attaining the age of superannuation from the post of Deputy Director of Administration, Doordarshan, North East Region Guwahati on 30.09.2008. Thereafter, the applicant was engaged on contractual basis in Doordarshan, NER,

Guwahati w.e.f. 01.11.2008 to 31.12.2015 on the terms and conditions and on fixed monthly remuneration as per office orders issued by the respondent No. 3 in this regard from time to time.

3. Learned counsel further submitted that this is the second round of litigation. Earlier the applicant approached this Tribunal vide O.A. No. 040/00071/2017 which was disposed of by this Tribunal vide order dated 30.03.2017. Pursuant to the above order, the respondents have passed a speaking order No. 902/01/2017-Scor dated 12.07.2017 thereby rejected the prayer of the applicant on the ground that the applicant is not similarly situated and the relevant provisions which he has quoted relates to All India Radio.

4. Learned counsel for the applicant has brought to our notice the office order No. 911/7/2013-Scor dated 15.10.2013 to controvert the contention made in the speaking order that Rs. 35,000/- rate only applies to All India Radio employees.

5. On the other hand, Mr. R. Hazarika, learned Addl. CGSC appearing on behalf of the respondents submitted that the applicant was paid consolidated remuneration as per contracted amount which was stipulated in the letters of his engagement and extension. The applicant by accepting the said remuneration continued to work with full satisfaction till he was disengaged on attaining 65 years of age. According to Mr. Hazarika, the order of DG, AIR under No.

A45011/62/2009-SV(Pt)/92 dated 03.02.2012 is applicable to only All India Radio employees w.e.f. 01.01.2012. The applicant is entitled to monthly remuneration of Rs. 35,000/- p.m. w.e.f. 01.01.2012 because of the fact that the applicant after his retirement was engaged with his willingness in Doordarshan Kendra, Guwahati, not in AIR. Therefore, the above order is not applicable to him.

6. Mr. Hazarika further submitted that in pursuance of the letter dated 25.11.2014 submitted by the applicant stating that his last pay drawn was Rs. 29,530/- and requested to grant DA @ 107%, the authority has revised his consolidated remuneration from Rs. 19754/- to Rs. 30,564/- vide office order dated 21.01.2015 which was accepted by the applicant without any objection. The respondent authority has clearly explained the facts at para 9 of the speaking order dated 12.07.2017. According to Mr. Hazarika, the order of DG/AIR dated 03.02.2012 was limited to AIR only and there was no special ground to revise the contracted remuneration or difference can be given to engage of different cadre depending upon the nature of work and level of responsibility. Hence speaking order has been passed very rightly discussing every aspect. As such, the instant O.A. is not maintainable and same is liable to be dismissed inasmuch as AIR and Doordarshan are separate units of establishment.

7. We have heard the rival parties. Perused the pleadings and all the materials placed before us. The solitary issue raised by the learned counsel for the applicant is for granting the benefit of enhancement of monthly remuneration/consolidated fee to the applicant @ Rs. 35,000.00 per month for his contractual engagement during the period from 01.11.2008 to 31.12.2015 where the learned counsel for the respondents vehemently objected the said argument of the learned counsel for the applicant and submitted that in pursuance of the letter dated 25.11.2014 of the applicant, the respondents have revised his consolidated remuneration from Rs. 19754/- to Rs. 30,564/- vide office order dated 21.01.2015 which was accepted by the applicant without any objection. Subsequently, the applicant cannot claim a higher amount of remuneration with retrospective effect.

8. We have also gone through the order of Directorate General, All India Radio under No. A-45011/62/2009-SV(Pt.) dated 03.02.2012 by which some categories of retired persons in DG, AIR were engaged on the monthly consolidated fee/remuneration with effect from 01.01.2012. By the said order, remuneration of Under Secretary/Deputy Director has been shown as Rs. 35,000/- which the applicant has claimed to be entitled. However, the applicant was engaged under Doordarshan and since the AIR and Doordarshan are separate units of establishment, hence enhancement of monthly

consolidated fee/remuneration order of DG, AIR dated 03.02.2012 is not applicable in the case of the present applicant. Hence we do not find any infirmity in the speaking order dated 12.07.2017 passed by the respondent authorities.

9. Accordingly, O.A. stands dismissed. No order as to costs.

(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

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