

**Central Administrative Tribunal
Principal Bench, New Delhi.**

O.A. No.2647/2015
M.A. No.2362/2015
M.A. No.4410/2018
M.A. No.4411/2018
M.A. No.711/2017
with
OA No.3300/2015

Reserved on: 21.02.2019

Pronounced on: 06.03.2019

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. A.K. Bishnoi, Member (A)

O.A. No.2647/2015

1. Amrit Pal Singh, Aged about 55 years, Group 'B'
Son of Shri Surjit Singh,
R/o 10, Lok Vihar Apt, Vikas Puri,
New Delhi.
2. Sunil Kumar Virmani
Son of Late Chander Bhan Virmani
R/o C-95, 1st Floor, Dayanand Colony,
Lajpat Nagar, New Delhi.
3. Sajal Baran Paswan
Son of Late Sakhichand Paswan
R/o DG-801, Sarojini Nagar,
New Delhi.
4. Sushil Kumar Bharti
Son of Shri Shanker Lal Bharti
R/o D-132, DDA Flats, Kalkaji,
New Delhi.
5. Om Chand
Son of Shri Jai Narain,
R/o Flat No. 903, T-1, JM Park Sapphire,
Ramprastha Green Vaishali,
Ghaziabad (U.P.)
6. Radhey Shayam
Son of Late Shri Giasi Ram

613, Sector-3, R.K. Puram,
 New Delhi.

7. Savio Misra (Retired from Films Divn. Delhi)
 Son of Late Hrishkesh Misra,
 Care Sajal Baran Paswan
 R/o DG-801 Sarojini Nagar,
 New Delhi.
8. Bejnath (ex-Chief Cameraman, Films Divn.)
 Son of Late Shyam Lal,
 Care Sajal Baran Paswan
 DG-801 Sarojini Nagar,
 New Delhi.
9. N. Stanley (ex-Chief Cameraman, Films Divn.)
 Son of Late Natarajan,
 Care Sajal Baran Paswan
 DG-801 Sarojini Nagar,
 New Delhi.
10. S.R. Naidu (ex-Chief Cameraman, Films Divn.)
 Son of Late V.R. Naidu,
 Care Sajal Baran Paswan
 DG-801 Sarojini Nagar,
 New Delhi.

-Applicants

(By Advocate: Shri Susheel Sharma)

Versus

1. Union of India
 Through The Secretary,
 Ministry of Information and Broadcasting,
 'A' Wing, Shastri Bhawan
 New Delhi.
2. The Secretary,
 Ministry of Finance,
 North Block, New Delhi.
3. Director General,
 FILMS DIVISION
 24 Peddar Road, Mumbai-26.

-Respondents

(By Advocate: Shri D.S. Mahendru)

OA No.3300/2015

1. Srinath Sastry, Chief Cameraman,
Aged about 59 years, Group 'B'
Son of Shri S.N.S. Sastry,
R/o S-4, VG Enclave,
1st Main Road, Chikkalasandra
Bangalore-56001.
2. V. Sukumaran, Chief Cameraman,
Son of Sh. M. Velusamy
r/o 3/2011, Jeevan Bhima Nagar,
Anna Nagar, West Extension,
Chennai-600101.
3. B.D. Banshkar, Chief Cameraman,
Son of Late Devideen Banshkar
R/o 30/296 Type-III Ekta Vihar
C.B.D. Belapur, Navi Mumbai-14
4. Pradeep B. Rao, Chief Cameraman,
S/o Ah. M.J. Babu Rao
203 Dhvani Co-operative Housing Society,
Ekta Nagar, Near Gandesh Nagar,
Kandivali (West), Mumbai-63.
5. Mr. P. Rajendran, Chief Cameraman,
Son of Shri A. Ponnusamy
R/o No. 257, 'C' Block,
CGS Colon, Wadala (West),
Mumbai-31.
6. Sunil B Rana, Chief Cameraman,
Son of Shri Balwant P. Rana
2-B 505, Apna Ghar CHSL,
Telli Gully, Raj Shri Shahu Maharaj Marg,
Andheri (East) Mumbai-69
7. Mahesh V. Kamble, Chief Cameraman (Retired)
Son of Late Vasant Kable
A-1/4 Ganeshnagar Co-operative Housing Society,
S. No.39/1, Ner Chawan Natya Griha,
Off Karve Road, Kothrud, Pune-411038.

8. Anil Ranade, Chief Cameraman (Retired)
Son of Shri Govind Ranade
R/o Chitravani, A/2 Flat No. 102,
Pimpripada, Off Film City Road,
Malad East, Mumbai-97.
9. Ramdas, Chief Cameraman (Retired)
Son of Shri Umaji Khapekar
r/o "Spaghetti" Building No. H-7
Flat No. 2 Sector 15, Khargar,
Navi Mumbai-10

-Applicants

(By Advocate: Shri Susheel Sharma)

Versus

1. Union of India
Through The Secretary,
Ministry of Information and Broadcasting,
'A' Wing, Shastri Bhawan
New Delhi.
2. The Secretary,
Ministry of Finance,
North Block, New Delhi.
3. Director General,
FILMS DIVISION
24 Peddar Road,
Mumbai-26.

-Respondents

(By Advocate: Shri D.S. Mahendru)

ORDER

Hon'ble Mr. A.K. Bishnoi, Member (A):

As the common question of law and facts are involved and the relief claimed is also the same, these OAs are disposed of through a common order. However, for the sake of convenience, facts in OA No.2647/2015 are discussed.

2. The present OA has been filed by the applicants, 10 in number, of which applicants No. 1 to 6 are working as Chief Cameraman in Films Division, Ministry of Information & Broadcasting (I&B) and applicants No. 7 to 10 have retired. They have sought the following reliefs:-

- “a) To call for the complete related records from the respondents.
- b) To quash and set aside the impugned orders dated 17th November, 2014 to the extent that they have referred the matter to 7th CPC despite the fact that the Anomaly Committee has come to the conclusion that the applicants’ claim/demand is genuine and
- c) To direct the respondents to immediately grant to the applicants the pay scale and grade pay equivalent to those of Cameraman Grade-I in Doordarshan from the date these are given to their counter parts (Cameraman Grade-I) in Doordarshan.
- d) To grant any other or further orders the Hon’ble Tribunal deems fit and proper keeping in view of the facts and circumstances of the case”.

3. The brief facts of the case, as stated by the applicants, are that till the 3rd Central Pay Commission (CPC), the pay scale of the Chief Cameraman in Films Division was higher than that of Cameraman Grade-I in Doordarshan. After the 4th CPC, the pay scales of the two were brought at par and from 5th CPC onwards, the pay scale of Cameraman Grade-I in Doordarshan had been fixed higher than that of the applicants in Films Division. Grant of higher pay scale to the Cameraman Grade-I in Doordarshan was effected vide Ministry of I&B’s OM dated 14.09.2000.

3.1 Thereafter, the applicants made representations against the disparity following which the matter was referred to the Anomaly Committee of the Ministry of I&B. The Committee found in its meeting dated 15.03.2011 that the pay scale of Chief Cameraman of Films Division should be fixed at par with that of Cameraman Grade-I of Doordarshan since the nature of duties as also the qualifications of the two are identical. Thereafter, the matter was referred to the Ministry of Finance, which advised that since the 7th CPC has been duly constituted, the matter be put up before it. The applicants vide the impugned Memorandum dated 17.11.2014 were accordingly informed that the proposal in this regard has been sent to 7th CPC vide office letter dated 31.07.2014.

4. Respondents, while not contesting the basic facts regarding fixation of pay at different stages, have contended that the disparity in the pay scales between the two sets of employees of Films Division and Doordarshan which is the subject matter of the instant OA, has been on account of recommendations made by the 5th, 6th and 7th CPCs, which are expert bodies and examine the issues of pay structure in detail in a fair and reasonable manner. In this regard they have referred to the specific paras of the recommendations of the 7th CPC (paras 11.25.30 and 11.25.31). They have contended that this being so, the recommendations of the Anomaly Committee cannot take precedence over the well

considered views and the recommendations of the Central Pay Commission.

5. In the rejoinder, the learned counsel for the applicants contended that the pay scale of Cameraman Grade-I in Doordarshan was not fixed at higher level compared to that of Chief Cameraman in Films Division based on the recommendations of the 5th CPC but were so fixed subsequently by the Ministry of Information & Broadcasting.

6. Shri Susheel Sharma, learned counsel arguing on behalf of the applicants submitted that since the nature of duties as also the educational qualifications for the post of Chief Cameraman in Films Division are identical to those working as Cameraman Grade-I in Doordarshan, the pay scale should also be identical. In this regard, the following judgments were cited:-

- “i) **Y.K. Mehta & Ors. vs. Union of India and Another** [AIR 1988 SC 1970];
- ii) **Randhir Singh vs. Union of India** [AIR 1982 SC 879]”.

7. Shri D.S. Mahendru, learned counsel arguing on behalf of the respondents submitted that as to what the pay scale should be is a matter which requires extensive determination on several aspects, which can only be done by an expert body. The present pay structures in the two organizations have emerged based on the

recommendations of the 5th, 6th & 7th CPCs and as such are fully justified and need no interference.

8. Having gone through the pleadings on record and having heard the arguments of learned counsel for both the sides, it is clear that the pay scales that have been fixed have been so done on the recommendations of the Central Pay Commissions. Though, it is disputed in regard to the recommendations of the 5th CPC, there is no dispute as regards the recommendations of the 6th and the 7th CPCs.

9. Before proceeding further it needs to be stated that the facts and circumstances of the present OAs are not such as to be covered by the judgements of the Hon'ble Supreme Court viz, **Y.K. Mehta & Ors.** (supra) and **Randhir Singh** (supra). As such no strength can thus be derived by the applicants in support of the reliefs sought .

10. The case of the applicants basically hinges on the fact that the Anomaly Committee constituted by the Ministry of I&B on 15.03.2011 recommended that the pay scales of Chief Cameraman in Films Division should be kept at par with that of Cameraman Grade-I in Doordarshan. It is forcefully argued that this being so

the respondents have failed to explain why the Anomaly Committee report was not implemented and the matter referred to the 7th CPC.

11. The recommendations of the Anomaly Committee are definitely not binding on the respondents who are well within their right to consider them and take an appropriate decision. In the present case it was discussed with the Ministry of Finance and as per their advice, since the 7th CPC was already constituted the matter was referred to the 7th CPC for taking a holistic view in the matter. We find this to be a reasonable and justified course of action.

12. The 7th CPC as per the documents submitted by the respondents made the following recommendations:-

“11.25.30 In case of all the above posts/cadres in the Films Division the Commission has received a general recommendation for upgradation from the ministry. The ministry has cited ‘duties and responsibilities’ or ‘change in technology’ as the basis for making the recommendation.

11.25.31 The Commission notes that the demands are in the nature of en-bloc upgradations in pay. **The Commission does not find sufficient justification for the recommendations made by the ministry.** The Commission therefore is recommending replacement levels for the above mentioned posts in the Cartoon Film Unit, Administrative Staff Wing, Production Manager’s Section, Laboratory Wing, Camera Wing and Distribution Wing. As regards re-designation of post this can be decided by the ministry.” (Emphasis supplied)

13. Since the matter has already been duly considered by an expert body, the 7th CPC and a definite conclusion reached, there is no justification to reopen the issue again. Accordingly, both the OAs

are without merit and the same are dismissed. Consequently, all the aforestated MAs are accordingly disposed of. No order as to costs.

Let a copy of the order be placed in OA No. 3300/2015.

(A.K. Bishnoi)
Member (A)

(V. Ajay Kumar)
Member (J)

cc.