

**A retrospection into the revision of pay scales of
Technicians & Senior Technicians of AIR & DD**

**REVISION OF PAY SCALES OF
TECHNICIANS & SENIOR TECHNICIANS OF AIR & DD**

All though the Chennai Bench of CAT did not allow the revised pay scales of the Lighting Assistants of Doordarshan (which they got by the order of Supreme Court of India) to be extended to the Technicians of AIR & DD for the period from **01.07.1983 to 31.12.1995** also as prayed by them *even notionally* to maintain the parity in their pay scales, it was Hon'ble Madras High Court which had come to the rescue and allowed them vide order dated **24.11.2010** in the appeal vide WP(C) No. 27155/2009 filed by the *AIR & DD Technical Employees Association & others* before the High Court. The Government then challenged the order of the Madras High Court by filing SLP(C) No. 33040/2011 in the Supreme Court of India which was dismissed by Hon'ble Supreme Court on **10.01.2013** upholding the order dated 24.11.2010 of Hon'ble Madras High Court for allowing the parity in the pay scales of Technicians *vis-a-vis* pay scales of the Lighting Assistants during the period from **01.07.1983 to 31.12.1995** also. The Pay of Technicians and Sr. Technicians shall therefore be fixed *notionally* with effect from 01.07.1983 and up to 31.12.1995 in the following pay scales, **albeit the benefit of pay and arrears of pay shall be effective from 01.01.1996 onwards only:**

Post	Pay Scale from 01.07.1983 to 31.12.1985		Pay Scale from 01.01.1986 to 31.12.1995	
	<i>Present Pay Scale</i>	Revised Pay Scale	<i>Present Pay Scale</i>	Revised Pay Scale
Technician	Rs 330-480	Rs 425-700	Rs 1200-1800	Rs 1400-2300
Sr. Technician	Rs 380-560	Rs 550-800	Rs 1320-2040	Rs 1600-2660

**GROUND'S LEADING TO REVISION OF PAY SCALES
OF THE POSTS OF CAMERA WING OF DOORDARSHAN
& ENGINEERING WING OF AIR & DOORDARSHAN**

The 3rd Central Pay Commission, giving higher pay scales to the employees of **Films Division** and thus bringing *disparity* in the pay scales of the comparable posts of **Camera wing** of Doordarshan and **Engineering wing** of AIR & Doordarshan from **01.01.1973**, laid the foundation for envious and successive fights by the employees of deprived categories of AIR & DD to restore the *parity* in their pay scales *vis-a-vis* the pay scales granted to the employees of comparable posts of **Films Division**. While demanding the parity, the petitioners of AIR & DD relied on one of the directive principles of State Policy i.e. **equal pay for equal work for both men and women**, as embodied in *Clause (d)* of *Article 39* of the Constitution, otherwise it would be discriminatory and violative of *Article 14* and *16* of the Constitution of India.

Ministry of Information & Broadcasting		
Films Division	Doordarshan (Camera Wing)	AIR & Doordarshan (Engineering Wing)
Higher Pay Scales were granted by the 3 rd Central Pay Commission w.e.f. 01st January, 1973 to Cameramen, Recordists & Assistant Cameramen in Films Division	➤ Pay Scales granted by the 3 rd Pay Commission to Cameramen, Recordists & Assistant Cameramen of Films Division got <i>extended</i> to their counterparts i.e. Cameraman Grade II, Sound Recordists and Lighting Assistants <i>respectively</i> in Doordarshan by Supreme Court's order.	➤ Pay Scales extended to the Sound Recordists and Lighting Assistants of Doordarshan on par with their counterparts in Films Division got <i>further extended</i> to their counterparts i.e. Engineering Assistants and Technicians/ Sr. Technicians in AIR & Doordarshan by Court's order.

Background: Revision of Pay Scales of the posts of CAMERA WING of DD on par with their counterparts of FILMS DIVISION:

On the recommendations of 3rd Central Pay Commission effective from 01.01.1973, different pay scales were granted to the employees having similar designation and working in two different wings (Films Division and DD/AIR) of the same Ministry of Information & Broadcasting as given below:

Pay Scales granted by 3 rd Pay Commission from 01.01.1973					
Films Division		Doordarshan (Camera Wing)		AIR/DD (Engineering Wing)	
Posts	Pay Scales	Equivalent Posts	Pay Scales	Equivalent Posts	Pay Scales
Cameraman	Rs 650-960	Cameraman Grade-II	Rs 550-900	--	--
Recordist	Rs 550-900	Sound Recordist	Rs 425-750	Engineering Assistant	Rs 425-750
Assistant Cameraman	Rs 425-700	Lighting Assistant	Rs 330-480	Technician	Rs 330-480

Obviously, the Pay scales granted to the employees in *Films Division* were higher than those granted to the employees of comparable posts in *AIR & Doordarshan*. The disparity in the pay scale of Recordists of Films Division *vis-à-vis* Sound Recordists of Doordarshan was **further increased** by the 4th Central Pay Commission, effective from 01.01.1986, giving to the Recordists of Films Division even higher pay scale (Rs 2000-3200) than the normal replacement pay scale (Rs 1640-2900) as given below:

Pay Scales granted by 4 th Pay Commission from 01.01.1986					
Films Division		Doordarshan (Camera Wing)		AIR/DD (Engineering Wing)	
Posts	Pay Scales	Equivalent Posts	Pay Scales	Equivalent Posts	Pay Scales
Recordist	Rs 2000-3200	Sound Recordist	Rs 1400-2600	Engineering Assistant	Rs 1400-2600
Assistant Cameraman	Rs 1400-2300	Lighting Assistant	Rs 1200-1800	Technician	Rs 1200-1800

Shri Y.K.Mehta, a *Sound Recordist* in Doordarshan filed a Writ Petition (Civil) No. 974/1978 in the year **1978** in the Supreme Court of India praying that,

1. The Sound Recordists of Doordarshan should be declared as Government servants and,
2. They should be given the same pay scale as given to their counterpart "Recordists" in Films Division.

Similar Writ Petitions were *later on* filed by *Cameramen Grade-II* [W.P.(Civil) No. 1239 of 1979] and *Lighting Assistants* [W.P.(Civil) No. 1756 of 1986] of **Doordarshan** before the Supreme Court claiming the same relief as prayed by Shri Y.K.Mehta, Sound Recordist in Writ Petition (Civil) No. 974/1978. *It may mentioned here that the Sound Recordists, Cameramen and the Lighting Assistants of Doordarshan were engaged as "Staff Artists" on contract basis and not as Government employees that time.*

All the three Writ Petitions were clubbed and decided on **26.08.1988** by a single judgment in favour of the petitioners. The Supreme Court had held that "*when two posts under two different wings of the same Ministry are not only identical, but also involve the performance of the same nature of duties, it will be unreasonable and unjust to discriminate between the two in the matter of pay*". The petitioners were allowed to be entitled to the same scales of pay as their counterparts in the Films Division.

So far as to from which date they will be entitled to the scales of pay as prescribed to their counterparts in the Films Division, Hon'ble Supreme Court decided that "*the ends of justice will be met sufficiently if such scales of pay are given to the petitioners with effect from the **first day of the month of the year** in which each writ petition was filed in this Court, except that in case of WP(C) No. 1756 of 1986 such scale of pay shall be given to the petitioners with effect from **01.12.1983***".

Hon'ble Supreme Court accordingly ordered that the petitioners of Doordarshan in the three writ petitions shall be entitled for the pay scales of their respective counterparts in the Films Division as

given below. Hon'ble Supreme Court also ordered that the petitioners in these three writ petitions shall be entitled to the **substituted scales of pay** of 4th Pay Commission and **all consequential benefits** from the dates as mentioned against them:

Petitioners of DD	Writ Petition(Civil) No.	Pay Scale of Pay	Date from which entitled
Sound Recordists	974 of 1978	Rs 550-900	01.01.1978
Cameraman Grade-II	1239 of 1979	Rs 650-960	01.08.1979
Lighting Assistants	1756 of 1986	Rs 425-700	01.12.1983

As per the *usual practice* in the Government, the Ministry of I&B implemented on **21.12.1988** the order of Hon'ble Supreme Court *but in case of petitioners only*. Also, because the notional fixation in the grades, prior to the dates of entitlement as decided by the Court, was not given to the petitioners either by the Court or the Government, there was huge disparity in the pay drawn by the employees of **Doordarshan** *vis-a-vis* their counterparts in the **Films Division** *having same length of service* in the grade.

The petitioners and few other fellow employees then approached to the Supreme Court again and filed *Writ Petition (Civil) No. 240 of 1989* in the name of "Doordarshan Cameramen's Welfare Association" with prayer for following reliefs :

1. **To treat** all the employees (Cameramen, Sound Recordists and Lighting Assistants) of Doordarshan as regular Government servants from the date of their joining of Doordarshan.
2. **To extend** the benefits of the order dated 26.08.1988 of the Supreme Court in *Writ Petition (Civil) No. 974/1978* etc to all the similarly situated Sound Recordists, Cameraman Grade II and Lighting Assistants of Doordarshan.
3. **To remove** the disparity in the pay drawn by the employees of Doordarshan *vis-a-vis* their counterparts in the Films Division **having same length of service** in the grade.

The *WP(C) No. 240 of 1989* was decided by the Supreme Court on **12.04.1990** in favour of the employees which was implemented by the Ministry of I&B vide order dated **17.07.1990**. *Thus the parity in the pay scales of the comparable posts of both the wings was fully allowed for the entire period even prior to 1973 also, though the employees of Camera wing of Doordarshan got the benefit of pay and the arrears of pay from the dates as decided by the Supreme Court vide order dated 26.08.1988.*

Revision of Pay Scales of the posts of Engineering Wing of AIR & DD on par with their counterparts of Camera Wing in Doordarshan:

The Anomaly:

Prior to revision of pay scales of Sound Recordists and Lighting Assistants of Doordarshan by the Supreme Court's order dated **26.08.1988**, the *Sound Recordists* of Doordarshan and the *Engineering Assistants* of AIR & Doordarshan were in the same pay scale of Rs 425-750 w.e.f. 01.01.1973 and Rs 1400-2600 w.e.f. 01.01.1986. Similar was the case with the *Lighting Assistants* of Doordarshan and the *Technicians* of AIR & Doordarshan who were in the same pay scale of Rs 330-480 w.e.f. 01.01.1973 and Rs 1200-1800 w.e.f. 01.01.1986. With the upward revision of pay scales of Sound Recordists and Lighting Assistants of Doordarshan by the Supreme Court's order dated **26.08.1988**, a clear disparity in the pay scales of the equivalent posts of Camera wing and Engineering wing has arisen to the detriment of Engineering Assistants and Technicians who otherwise are better qualified and have more onerous duties to perform. This had put the Engineering Assistants and Technicians in unrest.

(A) Approach of the EMPLOYEES' ASSOCIATIONS organisationally for revision of pay scales of Engineering Assistants and Technicians on par with the Sound Recordists and Lighting Assistants of Doordarshan:

In what may be a debatable point on the approach of associations, the two Associations representing Engineering Assistants and Technicians of AIR & Doordarshan those days i.e. ARTEE & ADTEA, preferred to settle the issue organisationally rather than seeking the remedy from the court of law like the employees of Camera wing of Doordarshan. The two associations under the banner of SSS (Sanyukt Sangharsh Samiti) launched intense agitation, protests and dharnas soon after the Ministry of I&B issued order on **21.12.1988** revising the pay scales of employees of Camera wing of Doordarshan. The Ministry of I&B then appointed and engaged the *National Productivity Council* (NPC) for "evaluation of job" of employees of Engineering wing *vis-à-vis* Camera/Programme wings and accordingly suggest cluster of pay scales for them. In the Year **1990**, the NPC though submitted its report and suggested for better pay scales to the engineering employees than those of comparable posts (pay scale wise) of Camera/ Programmes wings, the Ministry of I&B shelved the report of NPC and never implemented it. What was finally achieved by the SSS on the issue of revision of pay scales of the engineering employees was an agreement with the Ministry of I&B on grant of the pay scale of Sound Recordists (Rs 2000-3200) to a section of Sr. Engineering Assistants (instead of Engineering Assistants) and the pay scale of Lighting Assistants (Rs 1400-2300) to a section of Sr. Technicians (instead of Technicians) with effect from 01.01.1986 through a 6 tier restructuring of cadres at the cost of 1077 posts in these categories to provide matching savings to meet the expenditure arising due to this cadre restructuring as below:

Existing 4 Tier Structure and their scales of pay	Designation of posts in the 6 Tier Restructured Cadre	Scales of Pay in the 6 Tier Restructured Cadre
(1) Sr.Engineering Assistant (Pay Scale:Rs 1640-2900)	(1) Sr.Engineering Assistant Grade-I	Rs 2000-3200
	(2) Sr.Engineering Assistant Grade-II	Rs 1640-2900
(2) Engineering Assistant	(3) Engineering Assistant	Rs 1400-2600
(3) Sr.Technician (Pay Scale:Rs 1320-2040)	(4) Sr.Technician Grade-I	Rs 1400-2300
	(5) Sr.Technician Grade-II	Rs 1320-2040
(4) Technician	(6) Technician	Rs 1200-1800

A proposal in this regard was sent by the Ministry of I&B in **February, 1993** to Cabinet for approval which was approved in its meeting held on **14th June, 1994**. The Ministry of I&B then conveyed the sanction of the President to DG:AIR & DG:DD on **12th September, 1994** for creation/abolition of posts to effect the restructuring of cadres and even the Recruitment Rules in respect of the 6 tier restructured cadres was notified on **15th February, 1995** vide GSR 60(E). However, the 6 tier cadre restructuring *could not be implemented* because of the two reasons:

1. That, the 6 tier cadre restructure was opposed by the engineering employees in general when it came to their knowledge.
2. And that, the case on revision of pay scale of Engineering Assistants on par with the pay scale of Sound Recordists wef. 01.01.1978 was finally won by one Shri A. Rajasekaran, SEA of DDK Chennai, in the Supreme Court of India on **25.11.1994** making a part of restructuring pertaining to EA & SEA to be infructuous. The Engineering Assistants were then granted pay scale of **Rs 550-900** from 01.01.1978 till 31.12.1985 and pay scale of **Rs 2000-3200** from 01.01.1986 till 31.12.1995.

After the decision dated **25.11.1994** of Hon'ble Supreme Court revising upward the pay scale of Engineering Assistants, Associations had to make all efforts for implementation of order of the court and fighting consequential, multiple odds put by the authorities like denial of benefits of FR22(I)(a)(1) to EAs on their promotion to SEA, recovery of OTA/Bonus paid to them, holding of fresh DPC for crossing of new stages of "Efficiency Bar" etc. in the revised pay scales, which kept them seriously engaged in.

To add still more misfortunes and in a major setback, the 5th Central Pay Commission effective from **01.01.1996**, gave retrograde recommendations for subordinate engineering cadres of AIR & DD:

1. It downgraded the existing pay scale of Engineering Assistant from **Rs 2000-3200** to **Rs 1600-2660** and recommended the revised pay scale of **Rs 5000-8000** wef 01.01.1996 in place of the *normal replacement* pay scale of **Rs 6500-10500** to the post.
2. It ironically granted “*protection of pay*” to incumbent Engineering Assistants in place of “*protection of pay scale*” as per its own policy in few other cases.
3. It made the cadres of Diesel Technician and Mast technician as *feeder cadre* to the post of Senior Technician and recommended revised pay scale of **Rs 4000-6000** for them equal to that of Technician’s.

Soon after the Government notified the recommendations of the 5th Central Pay Commission with the unfortunate and retrograde recommendations for subordinate engineering employees of AIR & DD *inter alia* downgrading the pay scale of Engineering Assistant from **Rs 2000-3200** to **Rs 1600-2660** (thus neutralizing the effect of Supreme Court’s order dated 25.11.1994 in the revision of pay scale of EA) and recommending revised pay scale of **Rs 5000-8000** (the replacement scale of Rs 1600-2660) for Engineering Assistants w.e.f. **01.01.1996**, it made hell of the situation once again which created much furore in and outside of department by the employees and their associations leading to notice of agitation and flash strike under the banner of SSS (Sanyukt Sangharsh Samiti) comprising of ARTEE & ADTEA. The case of *Engineering Assistant* and *Technician* was then referred to *Committee of Secretaries* to decide the case on *Fast Track Mechanism* basis. The Union Cabinet considered the report of *Committee of Secretaries* in its meeting convened on **06.11.1997** and decided that the **Minister of I&B** in consultation with the Ministry of Finance and Ministry of Personnel may take appropriate action in the matter. Accordingly, in the meeting convened on **07.11.1997** in the Ministry of I&B in Shastri Bhawan, an understanding was reached between the SSS representatives and the Government represented by the Minister of I&B, Secretary (Ministry of I&B), Secretary (Ministry of Personnel) and Joint Secretary(Personnel) of Ministry of Finance on Government side, for **an interim arrangement** (*ad-hoc increase of pay of Tech, Sr.Tech, EA & SEA*) which lead to issuance of Ministry of I&B’s Order No. 310/173/97-B(D), dated **05.12.1997** through which following pay scales were allowed **notionally w.e.f. 01.11.1997** to Technicians, Senior Technicians, Engineering Assistants and the Senior Engineering Assistants with the payment of **90%** of difference of pay in cash and leaving the payment of rest **10%** of pay on the decision of *Prasar Bharati* which had come into being recently on 23rd November, 1997 by an Act of the Parliament:

Sr. No	Posts	4 th CPC	5 th CPC		Pay scale allowed notionally w.e.f. 01.11.1997 vide Ministry of I&B’s order dated 05.12.1997	
		Existing Pay scale	Existing pay scale notionally upgraded or downgraded by the 5 th CPC)	Revised pay scale recommended by the 5 th CPC	Existing pay scale of 4 th CPC	Corresponding pay scale of 5 th CPC
1	Technician	Rs 1200-1800	Rs 1320-2040	Rs 4000-6000	Rs 1400-2300	Rs 4500-7000
2	Sr.Technician	Rs 1320-2040	Rs 1400-2300	Rs 4500-7000	Rs 1600-2660	Rs 5000-8000
3	Engg. Assistant	Rs 2000-3200	Rs 1600-2660	Rs 5000-8000	Rs 2000-3200	Rs 6500-10500
4	Sr. Engg.Asstt.	Rs 2000-3200	Rs 1640-2900	Rs 5500-9000	Rs 2000-3200	Rs 6500-10500

It is well known to all of you that the pay scales of subordinate engineering posts (along with Transmission Executives, Programme Executives & Assistant Engineers of CCW) were further upgraded by the **Ministry of I&B vide Order No. 310/173/97-B(D), dated.25.02.1999** as given below and allowed the upgraded pay scales to them w.e.f. **01.01.1996** itself along with arrears of pay under CCS (Revised Pay) Rules, 1997 but under certain conditions and on submission of an *undertaking* in that regard which were *albeit* termed as “*arbitrary conditions*” later on by **Madras High Court** while deciding **CWP No. 27155 of 2009** of ADTEA by the judgment dated 24th November, 2010:

Sr. No.	Posts	Pay scales recommended by the 5 th CPC	Pay scale allowed <i>notionally</i> w.e.f. 01.11.1997 vide Ministry. of I&B's order dated 05.12.1997	Pay scale allowed w.e.f. 01.01.1996 vide Ministry of I&B's order dated 25.02.1999
1	Assistant Engineer	Rs 6500-10500	----	Rs 7500-12000
2	Senior Engg. Assistant	Rs 5500-9000	Rs 6500-10500	Rs 7450-11500
3	Engineering Assistant	Rs 5000-8000	Rs 6500-10500	Rs 6500-10500
4	Senior.Techician	Rs 4500-7000	Rs 5000-8000	Rs 5000 - 8000
5	Technician	Rs 4000-6000	Rs 4500-7000	Rs 4500 - 7000
6	Mast Technician & Diesel Technician	Rs 4000-6000	----	15% of Posts in Rs 4000 - 6000 20% of Posts in Rs 4500 - 7000 65% of Posts in Rs 5000 - 8000
7	Diesel Engine Driver	Rs 3050-4590	----	75% of Posts in Rs 3050 - 4590 25% of Posts in Rs 3250 - 4900
8	Helper	Rs 2650-4000	----	75% of Posts in Rs 2650 - 4000 25% of Posts in Rs 3050 - 4590

(B) Approach of INDIVIDUALS for revision of pay scale of Engineering Assistants (& also Sr. Engineering Assistants/Assistant Engineers) on par with the pay scale of Sound Recordists:

At the time when employees' Associations were on agitation for revision of pay scales of Engineering Assistants and Technicians on par with the Sound Recordists and Lighting Assistants, one Shri A.Rajasekaran, SEA, DDK, Chennai filed an OA No. **654 of 1989** before the Chennai Bench of CAT for revision of pay scales of Engineering Assistants on par with the Sound Recordists on grounds that the Engineering Assistants are better qualified, have more onerous duties to perform as compared to Sound Recordists and the parity in their pay scales was always maintained by the Pay Commissions/ Government from 01.01.1973. Justifying the claim of Shri Rajasekaran, Hon'ble Tribunal decided the case on **29.06.1990** in his favour. After a series of litigation, the case attained finality on **25.11.1994** when the Supreme Court upheld the order dated **29.06.1990** of the Tribunal in OA No. 654 of 1989.

The revision of pay scale of Engineering Assistants without considering the revision of pay scale of Sr. Engineering Assistants caused another anomaly in which the pay scale of the *feeder* post of Engineering Assistants became *on par* with the pay scale of the *promoted* post of Sr. Engineering Assistants from 01.01.1978 to 31.12.1985 and became *even higher* from 01.01.1986 to 31.12.1995 as below:

Sr.	Posts in the hierarchy in ascending order	Pay scales after revision of pay scale of EA by Courts' order (01.01.1978 to 31.12.1985)	Pay scales after revision of pay scale of EA by Courts' order (01.01.1986 to 31.12.1995)
1	Engineering Assistant	550 - 900	2000 - 3200
2	Sr. Engineering Assistant	550 - 900	1640 - 2900

What the Ministry of I&B then did was by an order it allowed the revised pay scale of Engineering Assistants to Sr. Engineering Assistants also *but as personal to them* during the period from 01.01.1986 to 31.12.1995 during which the pay scale of the *feeder* post of EA had **surpassed** the pay scale of the *promoted* post of SEA. However, it had withdrawn the benefits **FR 22(I)(a)(I)** in the fixation of pay on promotion from the post of EA to SEA during the entire period from 01.01.1978 to 31.12.1995.

Shri N.Rangaiah, AE, DDK Bangalore and few others of AIR/DDK Bangalore then filed OA in **1996** before the Bangalore Bench of CAT praying for *suitable up-gradation* of pay scales of the promotional posts of Sr. Engineering Assistants and Assistant Engineers in the light of higher pay

scales granted to the *feeder post* of Engineering Assistants which was allowed by the Tribunal **03.12.1996** but the Govt. did nothing. Then Smt. Sasikala Selvaraju, Shri N. Rangaiah and others approached to the Tribunal again with fresh OA No. **983 of 1998** and OA No. **22 of 1999** for the relief which was allowed by the Tribunal vide order dated **16.02.2000**. The order of Hon'ble Tribunal was upheld by Hon'ble Karnataka High Court vide order dated **14.02.2001** and by the Supreme Court of India vide order dated **07.12.2001**. The Ministry of I&B revised the pay scale of SEA vide order dated **10.06.2002** in a *mischievous* manner (it had added one increment in the ceiling of pay scales of EA to make it pay scales for SEAs) and also leaving the pay scale of AE untouched as below:

Sr.	Posts in the hierarchy in ascending order	Pay scales after revision of pay scale of SEA by Courts' order (01.01.1978 to 31.12.1985)	Pay scales after revision of pay scale of SEA by Courts' order (01.01.1986 to 31.12.1995)
1	Engineering Assistant	550 - 900	2000 - 3200
2	Sr. Engineering Assistant	550 - 930	2000 - 3275
3	Assistant Engineer	650 - 1200 (No change)	2000 - 3500 (No change)

Thus the *parity* in the pay scales of Engineering Assistants of AIR & Doordarshan *vis a vis* Sound Recordists of Doordarshan was restored from 01.01.1978 and the resultant anomaly created with the pay scale of Sr. Engineering Assistants as compared to pay scale of the Engineering Assistants was also thus got removed as far as the Financial Rules are concerned.

(C) Approach of EMPLOYEES' ASSOCIATIONS for revision of pay scales of Technicians on par with the Lighting Assistants on Legal Platform:

Until **1996**, no efforts for revision of pay scales of Technicians on par with the Lighting Assistants was made *on legal platforms* by any of Associations except an OA filed before Hyderabad Bench of CAT by Technicians at Hyderabad in *individual capacity* which was denied by the Tribunal.

ARTEE's CASE:

An OA No. **164/1996** was filed by ARTEE in **1996** before the Principal Bench of CAT at New Delhi for revision of pay scales of Technicians on par with the Lighting Assistants wef. **01.12.1983** which was **not accepted** by the Tribunal vide order dated **14.12.1999** citing that the petitioner Association approached the Tribunal in **1996 only** and they have already accepted parity wef. **01.01.1996** on the basis of an agreement with the government (Ref. order of Ministry of I&B dated 05.12.1997 & 25.02.1999) and therefore there was no reason to extend it back to 01.12.1983;

"The applicants having approached this Tribunal in 1996, having consented to the agreement by which the orders have been made effective from 01.01.1996, we are not inclined to consider the argument that the applicants' revision of pay should be with retrospective effect from 01.12.1983."

The Writ Petition **CWP 3787 of 2000** filed by the Association before the Delhi High Court against the order dated **14.12.1999** of the Tribunal was rejected by the High Court on **08.07.2011** on the grounds of **delay**. Remarks of Hon'ble Delhi High Court is quite poignant;

"The petitioners when they were given the lesser pay scale of Rs 1200-1800 as well on the recommendations of the 4th Pay Commission, never made any grievance about the same, rather they accepted this position. It is the Lighting Assistants, working in their organization who were also given the pay scale of Rs 1200-1800 felt aggrieved by the grant of this pay scale which was lesser than the pay scale granted to the Cameramen in Films Division and thus they were the Lighting Assistants who approached the Supreme Court claiming the pay

scale of Rs 1400-2300. Even at the time when the said Writ Petition was filed by the Lighting Assistants in Supreme Court, the petitioners did not approach any forum. It was only after the judgment was rendered by the Supreme Court on 26.08.1988 that the petitioners woke up and tried to take advantage of this. In such circumstances, when it was found that they could claim parity with the Lighting Assistants, no doubt the same pay scale could be given to them as given to the Lighting Assistants, but for approaching the Court belatedly, it was up to the Government to give them the said parity with effect from 01.01.1996 when the recommendations of the 5th Pay Commission were implemented in the mean time. The Tribunal, in these circumstances, exercised its discretion of not interfering with the benefit given vide OM dated 05.12.1997 giving the revised pay scale to the petitioners, at par with Lighting Assistants with effect from 01.01.1996.”

ARTEE then filed **SLP(C) No.6901 of 2012** in Supreme Court of India against the judgment dated **08.07.2011** of Delhi High Court which was also rejected on **27.04.2012**.

ADTEA's CASE:

ADTEA filed OA No. 390 of 2006 before Chennai Bench of CAT for “**notional fixation**” of pay with effect from **1.7.1983 to 31.12.1995** for *Technicians* and *Senior Technicians* on par with the Lighting Assistants, after the association was communicated by the DG:AIR vide letter dated 03.09.2004 of the decision of the Ministry of I&B not agreeing to the revision of pay scales of Technicians. It is important to mention here that persistent persuasion by the staff associations with the authorities of DG:AIR, Prasar Bharati and Ministry of I&B to bring parity in the pay scales of Technicians *vis-a-vis* Lighting Assistants and the *procrastinating policy* of the authorities put sufficient ground for filing of the fresh OA before the Chennai Bench of CAT and finally succeeding the case on those grounds. The OA was however dismissed by the CAT on **10 .07.2008** based on the judgment dated **14.12.1999** in O.A.164 of 1996 filed by ARTEE for the similar relief in the Principal Bench of the Tribunal at New Delhi and because no stay was granted by the Delhi High Court in the **Writ Petition No. 3787/2000** filed by ARTEE against the judgment dated **14.12.1999** of CAT, Delhi and the matter was still pending there.

ADTEA then filed **Writ Petition No.27155 of 2009** before the Madras High Court against the judgment dated **10 .07.2008** of CAT, Chennai. It was Hon'ble Madras High Court which had come to the rescue and allowed the parity in the pay scales of Technicians *vis-a-vis* pay scales of the Lighting Assistants during the period from **01.07.1983 to 31.12.1995** vide order dated **24.11.2010**. Taking various correspondences, agreements and assertions from the year 2001 to 2005 between the association and the authorities as evidence, Hon'ble Madras High Court observed and ordered as below ;

“On going through the materials, we are of the considered opinion that once the respondents have brought the pay scales of the petitioners on par with the Lighting Assistant Grade II and I respectively, extending the benefit of fixation of notional pay from 1983 to the Lighting Assistant Grade II and I and denying the same to the Technician and Senior Technician, without assigning any reasons, would amount to violation of principles of natural justice. Even in the order passed by the first respondent dated 03.09.2004, no reasons were given while rejecting the proposal. Further, as per the communication dated 11.06.2006, which is placed across the Bar by the learned counsel for the respondents during the course of the arguments, the post of Lighting Assistants had already become a dying cadre due to technological up-gradation and it is not a valid ground to reject the claim made by the petitioners. Secondly, relying on the agreement entered into between the parties and using the terms and conditions of the agreement against the benefit of the petitioners is also held to be arbitrary. When there is a correspondence with regard to making estimates about the financial implications and after making such financial estimates by the Association, it is not

fair on the part of the first respondent to reject the same on flimsy grounds, which were not mentioned as on the date of rejection.”

“In the above facts and circumstances, as the counsel for the petitioners, after instructions, submitted that the petitioners are not claiming any arrears, we consider it appropriate that extending the benefit of notional fixation of pay scale to the petitioners from 01.07.1983 is sufficient. Accordingly, the order dated 10.07.2008 in O.A.No.390 of 2006 passed by the Central Administrative Tribunal is set aside. The respondents are directed to extend the benefit of notional fixation of pay scale with effect from 01.07.1983, conferred on the post of Transmission Executive, as evident from paragraph No. 2(iv) of the order dated 25.02.1999, to the petitioners also, within a period of eight weeks from the date of receipt of a copy of this order, without awarding any arrears, from 01.07.1983.”

The Government then challenged the order of the Madras High Court by filing SLP(C) No. 33040/2011 in the Supreme Court of India which was dismissed by Hon’ble Supreme Court on 10.01.2013 upholding the order dated 24.11.2010 of Hon’ble Madras High Court.

The Pay of Technicians and Sr. Technicians shall therefore be fixed *notionally* with effect from 01.07.1983 and up to 31.12.1995 in the following pay scales, **albeit the benefit of pay and arrears of pay shall be effective from 01.01.1996 onwards only:**

Post	Pay Scale from 01.07.1983 to 31.12.1985		Pay Scale from 01.01.1986 to 31.12.1995	
	Present Pay Scale	Revised Pay Scale	Present Pay Scale	Revised Pay Scale
Technician	Rs 330-480	Rs 425-700	Rs 1200-1800	Rs 1400-2300
Sr. Technician	Rs 380-560	Rs 550-800	Rs 1320-2040	Rs 1600-2660

The orders of implementation from the Ministry of I&B and DG:AIR/DG:DD are still awaited.

(D) FURTHER DEVELOPMENTS:

- (1) While downgrading the pay scales of the *Recordists* of Film Division, *Sound Recordists* of Doordarshan and *Engineering Assistants* of AIR & DD from **Rs 2000-3200 to Rs 1600-2660** and then recommending corresponding revised pay scale of **Rs 5000-8000** to them effective from **01.01.1996** by the 5th Central Pay Commission, quite bizarrely it made further **improvement** in the pay scale of the *Assistant Cameramen* of **Films Division** by recommending *even higher pay scale* **Rs 5000-8000** for them than the normal replacement pay scale of **Rs 4500-7000** (corresponding to their *existing pay scale* of **Rs 1400-2300**) disturbing *once again* the parity between the pay scales of the *Assistant Cameraman* of **Films Division** and *Lighting Assistant* of **Doordarshan** as given below:

Pay Scales of 5 th Central Pay Commission effective from 01.01.1996									
Films Division			Doordarshan (Camera Wing)			AIR/DD (Engineering Wing)			
Posts	Existing Pay Scales of 4 th CPC	Revised Pay Scales of 5 th CPC	Equivalent Posts	Existing Pay Scales of 4 th CPC	Revised Pay Scales of 5 th CPC	Equivalent Posts	Existing Pay Scales of 4 th CPC	Revised Pay Scales of 5 th CPC	Pay Scales granted vide Ministry of I&B's Order dtd.25.02.1999
						Assistant Engineer	Rs 2000-3500	Rs 6500-10500	Rs 7500-12000
						Sr.Engg.Astt.	Rs 2000-3275	Rs 5500-9000	Rs 7450-11500
Recordist	Rs 2000-3200	Rs 5000-8000 (downgraded)	Sound Recordist	Rs 2000-3200	Rs 5000-8000 (downgraded)	Engineering Assistant	Rs 2000-3200	Rs 5000-8000 (downgraded)	Rs 6500-10500
						Senior Technician	Rs 1320-2040	Rs 4500-7000	Rs 5000-8000
Assistant Cam'man	Rs 1400-2300	Rs 5000-8000 (upgraded)	Lighting Assistant	Rs 1400-2300	Rs 4500-7000 (Revised to Rs 5000-8000 later on by Court's order)	Technician	Rs 1200-1800	Rs 4000-6000	Rs 4500-7000

- (2) **It is however learnt** that the *Lighting Assistants* of **Doordarshan** have again been able to maintain parity in the pay scale with their counterpart *Assistant Cameraman* of **Films Division** with effect from **01.01.1996** and onwards also after having filed a writ petition in Delhi High Court and winning the case. Thus the pay scale of *Lighting Assistants* of **Doordarshan** had also been revised from **Rs 4500-7000 to Rs 5000-9000** w.e.f. **01.01.1996** on par with the pay scale of *Assistant Cameramen* of Films Division which is, by the way, the pay scale granted to **Senior Technicians** of AIR & DD vide **Ministry of I&B's Order dtd.25.02.1999**. It is thus a seer pique situation in which, after having achieved parity in the pay scales of Lighting Assistants and Technicians from 01.07.1983 to 31.12.1995 recently by Court's order and from 01.01.1996 onwards earlier by Ministry of I&B's Order dtd.25.02.1999, the newly created disparity in the pay scale of *Lighting Assistants* of Doordarshan and the pay scale of *Technicians* of AIR & Doordarshan with effect from 01.01.1996 onwards by the 6th Pay commission *to the loss of Technicians and senior Technicians*, remains to be settled.
- (3) Victories won leave some throbbing wounds also to remember. When the positive report of the *National Productivity Council* (NPC) suggesting for better pay scales to the engineering employees than those of comparable posts (pay scale wise) of Camera/ Programmes wings was shelved by the Ministry of I&B, the two associations (ARTEE & ADTEA) under the banner of SSS (Sanyukt Sangharsh Samiti) launched agitation to implement NPC report to revise their pay scales. The SSS on the issue of revision of pay scales of the engineering employees reached on an agreement with the Ministry of I&B on grant of the pay scale of Sound Recordists (**Rs 2000-3200**) to a section of *Sr. Engineering Assistants* (instead of Engineering Assistants) and the pay scale of Lighting Assistants (**Rs 1400-2300**) to a section of *Sr. Technicians* (instead of Technicians) with effect from **01.01.1986** through a **6 tier restructuring of cadres** at the cost of surrendering of **1077 posts** in these categories to provide matching savings to meet the expenditure arising due to this cadre restructuring. The **6 tier** restructuring of cadres was dropped later on after the pay scale of **Rs 2000-3200** had to be given to Engineering Assistants itself owing to final decision dated **25.11.1994** of the Supreme Court in A. Rajasekaran's case. But, the unfortunate and retrograde recommendations of the 5th Pay Commission for subordinate engineering employees of AIR & DD *inter alia* downgrading the pay scale of Engineering Assistant from **Rs 2000-3200** to **Rs 1600-2660** (thus neutralizing the effect of Supreme Court's order dated 25.11.1994 in the revision of pay scale of EA) and recommending revised pay scale of **Rs 5000-8000** (the replacement scale of Rs 1600-2660) for Engineering Assistants w.e.f. **01.01.1996** once again forced employees to go on agitation again. The case of *Engineering Assistant and Technician* was then referred to *Committee of Secretaries* to decide the case on Fast Track Mechanism basis. The Union Cabinet considered the report of *Committee of Secretaries* in its meeting convened on **06.11.1997** and decided that the Minister of I&B in consultation with the Ministry of Finance and Ministry of Personnel may take appropriate action in the matter. Accordingly, in the meeting convened on **07.11.1997** in the Ministry of I&B, an understanding was reached between the SSS and the Government for an interim arrangement (*ad-hoc increase of pay of Tech/Sr.Tech/EA & SEA*) with the issuance of Ministry of I&B's Order No. 310/173/97-B(D), dated 05.12.1997 through which higher pay scales were allowed *notionally* w.e.f. **01.11.1997** to Tech/Sr.Tech/EA/SEA with the payment of **90%** of difference of pay as detailed earlier. **What is the dark side of this agreement is that the above ad-hoc increase in the pay was subject to the condition of the Ministry of I.&B. that the 1077 posts earlier abolished for matching saving for 6 tier Cadre restructuring shall not be revived and which was accepted by the SSS.**
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