

SI.No.5(I).

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By Fax/Most Immediate
Court Case Matter

PRASAR BHARATI
(INDIA'S PUBLIC SERVICE BROADCASTER)
DIRECTORATE GENERAL: ALL INDIA RADIO
S-IV (A) Section

No. 3/17/2009-SIV(A)/Vol.II | 100

Akashwani Bhawan, New Delhi.
Dated: 07.03.2014

Subject: One pay scale for one cadre "for Engineering Assistants in AIR and DDn - anomaly arisen due to MIB's order dated 25.02.1999 upgrading the scale of pay, inter-alia, of the post of Engineering Assistant from Rs.5000-8000/- to Rs.6500-10,500/-.

Reference: Verdict dated 9.1.2014 by Hon'ble Supreme Court in Review Petition (C) No. 2622,23,24 of 2011.

2. In this connection, it is submitted that consequent upon the judgement in the OAs No. 1742 & 1743 of 2004 of Hon'ble PB, New Delhi filed by Engineering Assistant staff i.e. Sh. Lalit Kumar Pawar & ors Vs UOI & ors. The Hon'ble Tribunal in its order dated 31.5.2006 (Copy enclosed) has inter-alia directed that:

".....for the foregoing reasons, we dispose of these OAs, with a direction to respondents to re-examine the claim of applicants for grant of higher pay scale of Rs.6500-10,500/- as Engineer Assistants, in the light of the observations made above and disposed of the same by passing a detailed and speaking order, within a period of three months from the date of receipt of a copy of this order. In the event it is decided to grant higher pay scale to applicants, consequences would follow."

3. Thereafter, UOI & ors has filed WP (C) Nos. 2071, 2094 & 2095 of 2007 and DG:DDn has also filed W.P. (C) No. 3410 of 2010 in the matter before Hon'ble High Court, Delhi which was dismissed in a common order on 7.9.2010. The matter, thereafter travelled to the Hon'ble Apex Court by filing SLP No. 77, 99 & 1387 of 2011 which were also dismissed by a common order dated 14.1.2011. Further, Review Petition (C) No. 2622 of 2011 was also dismissed on 09.01.2014 due to delay of 215 days in filing for which no satisfactory explanation was given and also on merit.

4. Consequent upon the decision of the Hon'ble Court of Law, all available & relevant documents in the matter were forwarded to Ministry of I&B and Prasar Bharati Secretariat for their advice on the issue so that further action may be taken accordingly. However, the case was defended by DG:DDn.

5. In the meantime, PB Sectt. making reference to the communication of this Directorate dated 17.2.2011 (copy enclosed) to M/o I&B stated that consequent upon dismissal of the Review Petition (Civil) No. 2622/23/24 of 2011 in SLP (C) No. 99 of 2001 filed by UOI (MIB) by the Hon'ble Supreme Court on 9.1.2014, a fresh revised proposal may be sent to Prasar Bharati urgently for its consideration as the earlier proposal sent on 17.2.2011 by this Directorate on the subject directly to the MIB was prepared on the data available with AIR as on 17.2.2011. They have further requested that the revised proposal should be prepared based on current number of

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persons to be benefited and the financial implication involved for implementation of the orders of the Hon'ble CAT Delhi on 31.05.2006 as the same has to be implemented within three months w.e.f 09.01.2014.

6. Ministry of I&B may take decision on the pay scales to the petitioners in view of the judgement of Hon'ble CAT, New Delhi as mentioned in para 2 above in addition to the following:-

i) as to whether the said judgement is to be limited to the post of petitioners i.e. Engineering Assistants or it should be extended to all the category of employees who were given upgraded pay scales vide Ministry of I&B order dated 25.2.1999.

ii) as to whether the condition as stipulated in para 2(i) of the Ministry of I&B order dated 25.2.1999 be applicable to the petitions, in case, it is decided to extend benefit of said upgraded pay scales or otherwise.

Encls: As above.


(Rajeev Saraswat)
Deputy Director Admn. (E)
For Director General

1. Sh. Sanjay Dhar
Under Secretary, BA (E)
Ministry of I&B, 'A' Wing,
Shastri Bhawan, New Delhi.
2. The Director (Pers.)
~~(Kindly see Sr. Arvind Kumar)~~
Prasar Bharati Sectt. 2nd Floor, PTI Building,
Parliament Street, New Delhi-1.
(w.r.t. PB Sectt. communication No. M-1/22/2014-PPC dated 6.2.2014.)