

Revision of Pay Scale of *Technician & Sr. Technician of AIR & Doordarshan* at par with *Lighting Assistant of Doordarshan*

Grounds: **Upgradation of pay scale of *Lighting Assistant of Doordarshan* at par with *Assistant Cameraman of Films Division***

The 3 different posts of Assistant Cameraman in *Films Division*, Lighting Assistant in *Doordarshan* and the Technician in *AIR & Doordarshan* are comparable posts and have been performing similar works, though they belong to different media units under Ministry of Information & Broadcasting. In fact, the Technicians of AIR & Doordarshan are better qualified and have more onerous duties to perform than the Assistant Cameraman and Lighting Assistant. All the 3 posts carried same pay scale or *fee scale* upto the 2nd Pay Commission (till 31.12.1972).

The 3rd Pay Commission (effective from 01.01.1973) granted *higher pay scale* of **Rs. 425-15-500-EB-15-560-20-700** to Assistant Cameraman of Films Division in contrast to pay scale of **Rs. 330-8-370-10-400-EB-10-480** granted to Technician of AIR & DD and Lighting Assistant of DD. Similar discrimination was made by the 3rd Pay Commission in giving higher pay scales to Cameraman and Recordist of Films Division than to their counterparts Cameraman Gr-II and Sound Recordist of Doordarshan. This has led to filing of following 3 Writ Petitions by staff of Doordarshan before Supreme Court of India:

1. Sound Recordist filed Writ Petition (Civil) No. **974 in year 1978**.
2. Cameraman Gr-II filed Writ Petition (Civil) No. **1239 in year 1979** and,
3. Lighting Assistant filed Writ Petition (Civil) No. **1756 in 1986**.

All the 3 WP(C) were clubbed and named as Y. K. Mehta & Others v/s UOI & Others and were decided by a single judgment dated **26.08.1988** by which the Lighting Assistants of DD were granted Assistant Cameraman's pay scale of **Rs. 425-15-500-EB-15-560-20-700** w.e.f. **01.12.1983** which was replaced with the pay scale of **Rs. 1400-40-1800-EB-50-2300** w.e.f. **01.01.1986**. Since the benefit of the order was allowed to petitioners only, the Cameraman Gr-II, Sound Recordists and Lighting Assistants of Doordarshan had to file another Writ Petition (Civil) No. 240 in 1989 before Supreme Court of India in the name of Doordarshan Cameraman's Welfare Association *not only for generalization of benefit of order dated 26.08.1988 to all, but also to allow it retrospectively from the dates of their appointments*. The WP(C) No. 240/1989 was allowed by order dated 12.04.1990 of Supreme Court **but only notional fixation was allowed prior to dates of implementation as ordered earlier vide judgment dated 26.08.1988**. The Lighting Assistants of DD were thus *notionally allowed* the pay scale of **Rs. 425-15-500-EB-15-560-20-700** w.e.f. **01.01.1973** but payment of arrears of pay was made w.e.f. **01.12.1983** onwards only. Ministry of I&B had finally revised the pay scale of Lighting Assistants of DD as below vide order dated 21.12.1988.

Name of Post : Lighting Assistant in Doordarshan		
Pay Scales ⇒ Period ⇓	Pay scales recommended by the 3 rd & 4 th Pay Commissions	Pay scales at par with Assistant Cameraman revised by order of Supreme Court
<i>From</i> 01.01.1973 <i>to</i> 31.12.1985	Rs.330-8-370-10-400-EB-10-480 (3 rd Pay Commission)	Rs.425-15-500-EB-15-560-20-700
<i>From</i> 01.01.1986 <i>to</i> 31.12.1995	Rs.1200-30-1440-EB-30-1800 (4 th Pay Commission)	Rs.1400-40-1800-EB-50-2300

After the parity in pay scales between Assistant Cameraman (Films Division) and Lighting Assistant (Doordarshan) got established upto 31.12.1995 with the intervention of Supreme Court, the

5th Pay Commission **further upgraded** the pay scale of Assistant Cameraman (Films Division) from existing pay scale of Rs. 4500-125-7000 (equivalent pay scale corresponding to pay scale of **Rs.1400-40-1800-EB-50-2300** of 4th Central Pay Commission) to **Rs. 5000-150-8000** (equivalent pay scale corresponding to pay scale of **Rs.1600-50-2300-EB-60-2660** of 4th Central Pay Commission) *vide para 73.54 of the 5th CPC Report* which has **once again** disturbed the parity between the two comparable posts.

After the said upgradation of pay scale of Assistant Cameraman (Films Division) to Rs 5000-150-8000 by the 5th Pay Commission, the Lighting Assistant (Doordarshan) once again approached court of law, for maintaining parity in their pay scales, by filing **OA No. 2386/2005** titled Sanjeev Kumar & Others v/s UOI & Others before CAT, New Delhi which was decided in their favour vide order dated **15.05.2007**. The Govt. challenged this decision of CAT before Delhi High Court by filing **Writ Petition (C) No. 6544/2007** which was disposed of by order dated **15.12.2010** in favour of Lighting Assistants and with a *modification* (vide para. 16 of order) in CAT's order dated 15.05.2007. The High Court ordered and revised the pay scale of the post of Lighting Assistant of Doordarshan as **Rs 5000-150-8000 w.e.f. 01.01.1996** at par with that held by counterpart Assistant Cameraman of Films Division. However, the Govt. implemented the order of the court in case of the petitioner Lighting Assistants only.

Then, another **OA No. 1700/2012** was filed by **24** Lighting Assistants working at various Doordarshan Kendras before CAT, New Delhi titled P. Satyanarayana Rao & Others v/s UOI & Others for extension of the benefit of the Tribunal's judgment & order dated 15.5.12007 in the OA No.2386/2005 (Sanjeev Kumar and others vs. Union of India and others) which was upheld by the Delhi High Court's judgment in the Writ Petition (Civil) No. 6544 of 2007 (D.G. Doordarshan and another vs. Sanjeev Kumar and others) dated 15.12.2010. This OA was decided in favour of the applicants vide CAT's order dated **18.05.2012** and was implemented by DG:Doordarshan vide Order No. **10/2013** issued from File No. 2/1/2012-S.I.A, dated **18.03.2013**.

Note: All the orders of courts and the Government in the case of Lighting Assistants may be seen at *JUDGMENTS of Courts in various cases of AIR & Doordarshan and Revision of Pay Scales of Subordinate Engg. cadres of the uadee.org.

THE FIGHT: REVISION OF PAY SCALES OF TECHNICIAN & SENIOR TECHNICIAN OF AIR & DD AT PAR WITH LIGHTING ASSISTANT OF DOORDARSHAN

(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 counter effects, 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		
		Existing Pay scale	Existing pay scale notionally upgraded or downgraded by the 5 th CPC) before giving revised/replacement scale w.e.f 01.01.1996	Revised/ replacement pay scale recommended by the 5 th CPC	Pay scale allowed notionally w.e.f. 01.11.1997 vide Ministry of I&B's order dated 05.12.1997
1	Technician	Rs 1200-1800	Rs 1320-2040	Rs 4000-6000	Rs 4500-7000 (Corresponding to replacement scale of Rs 1400-2300)
2	Sr.Technician	Rs 1320-2040	Rs 1400-2300	Rs 4500-7000	Rs 5000-8000 (Corresponding to replacement scale of Rs 1600-2660)
3	Engg. Assistant	Rs 2000-3200	Rs 1600-2660	Rs 5000-8000	Rs 6500-10500 (Corresponding to replacement scale of Rs 2000-3200)
4	Sr. Engg.Asstt.	Rs 2000-3200	Rs 1640-2900	Rs 5500-9000	Rs 6500-10500 (Corresponding to replacement scale of Rs 2000-3200)

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 notionally 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.Technician	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	----	65% of Posts in Rs 5000 - 8000 20% of Posts in Rs 4500 - 7000 15% of Posts in Rs 4000 - 6000

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 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 w.e.f. **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 w.e.f. **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.14381 of 2012** before Supreme Court of India against the judgment dated **08.07.2011** of Delhi High Court which was also rejected on **27.04.2012**. The association then filed a Review Petition (Civil) No. 2276/2012 in the matter before Supreme Court of

India to review its decision dated 27.04.2012 which was allowed vide order dated **02.09.2013** in terms of order dated 24.11.2010 passed by the Madras High Court in the WP(C) No. 27155/2009 (titled ADTEA & Others v/s UOI & Others) read with order dated 10.01.2013 passed by the Apex Court in SLP(C) No. 33048/2011 (filed by the Govt. against the order of Madras High Court dated 24.11.2010).

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 ;

Para-7: “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.”

Para-8: “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. 33048/2011** 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 should therefore be fixed *notionally* with effect from 01.07.1983 and up to 31.12.1995 in the following pay scales (besides granting pay scale of Rs. 5000-150-8000 to Tech. and at the least the pay scale of Rs 5500-175-9000 to Sr. Tech w.e.f. 01.01.1996), **albeit the benefit of pay and arrears of pay shall be made 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		Pay Scale from 01.01.1996 to 31.12.2005	
	<i>Present Pay Scale</i>	Revised Pay Scale	<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	Rs 4500-7000	Rs 5000-8000
Sr. Technician	Rs 380-560	Rs 550-800	Rs 1320-2040	Rs 1600-2660	Rs 5000-8000	Rs 5500-9000

Although, the DG:AIR has issued order No. 8/8/2006-SIV(A)/Part-I/107, dated 11.03.2014 (with the approval of Ministry of I&B and Ministry of Finance) implementing the judgments of Hon’ble Supreme Court dated 10.01.2013 in SLP(C) No. 33048/2011 (ADTEA’s case) and dated 02.09.2013 in SLP(C) No.14381 of 2012 (ARTEE’s case), the order has serious infirmity, infringement with the law and dishonesty. It has more questions than the answers to the inevitable issue of revision of pay scales of the posts of Technician & Sr. Technician and payment of arrears even after the judgment and order passed by the highest court of the land:-

1. Why did the Govt. not grant higher pay scale (above the pay scale of Technician) w.e.f. 01.01.1983 and 01.01.1986 to the higher post of Senior Technician ? It is absolutely illegal to allow one pay scale to feeder as well as the promoted post as per Govt’s own financial and recruitment rules.
2. Why did the Govt. specifically did not mention in the order to grant pay scale of **Rs. 5000-150-8000** to the post of Technician w.e.f. 01.01.1996 at par with the pay scale of Lighting Assistants of Doordarshan (which they got by court’s order on the basis of parity with the pay scale of Assistant Cameraman of Films Division) ? The Prasar Bharati has sent many letters to the Ministry of I&B advising them to grant the pay scale of Rs. 5000-150-8000 w.e.f. 01.01.1996 to the post of Technician simultaneously while granting the pay scale of Rs. 425-700 w.e.f. 01.07.1983 and Rs. 1400-2300 w.e.f. 01.01.1986 on *notional* basis. In that case, the post of Sr. Technician should have been given, *at the least*, next higher pay scale of **Rs. 5500-175-9000** in the hierarchy of pay scales w.e.f. **01.01.1996**.
3. Why did the Govt. specifically did not mention in the order to grant difference of pay/ arrears of pay w.e.f. **01.01.1996** and onwards which was undisputable ? How can the Min. of I&B and the Min. of Finance which were party to the court case and got defeated in the court, take pretence of ‘*financial implication*’ to deny benefit of arrears of pay to Tech/ Sr. Tech etc w.e.f. 01.01.1996 onwards. It makes huge difference to the loss of affected employees if the arrears of pay is denied to them.
4. How can a party finally defeated in the court of law can be so foolhardy to issue an order that the implementation of court’s order is “ **subject to the condition that there will be no financial outgo on payment of arrears**” ?

ACTION ON IMPLEMENTATION OF COURT'S ORDER BY DGAIR/PB:
--A BEATING ABOUT THE BUSH.

Sr.No.	Date	Action Taken
1.	31.12.2012	After the Govt. was defeated in Madras High Court vide judgment dated 24.11.2010 in CWP No. 27155/2009 filed by ADTEA, the DG:AIR vide ID Note No.4/6/2012-SIV(A), dated 31.12.2012 wrote to Prasar Bharati secretariat for granting parity in the pay scale of Technician with that of Lighting Assistant of Doordarshan in the pay scale of Rs. 5000-150-8000 w.e.f. 01.01.1996.
2.	29.04.2013	After the Govt. was finally defeated in Supreme Court of India vide Judgment dated 10.01.2013 in SLP(C) No. 33048/2011 filed by them against the judgment dated 24.11.2010 passed by Madras High Court in CWP No. 27155/2009 of ADTEA, the Prasar Bharati secretariat vide ID Note No. Misc.-1/18/2013-PPC, dated 29.04.2013 wrote a letter to Deputy Secretary (BAE), Ministry of I&B, recommending that, (a) Benefit of the judgment be extended to all the similarly placed Technicians and, (b) Parity in the pay scale of Technician with that of Lighting Assistant of Doordarshan in the pay scale of Rs. 5000-150-8000 w.e.f. 01.01.1996 should also be granted.
3.	09.07.2013 & 31.07.2013	The Prasar Bharati secretariat sent reminders dated 09.07.2013 and D.O. letter dated 31.07.2013 to the Ministry of I&B to process the proposal of giving pay parity to Technicians with Lighting Assistants and take decision in the matter at the earliest.
4.	16.08.2013	The Prasar Bharati secretariat vide ID Note No. Misc.-1/18/2013-PPC, dated 16.08.2013 wrote letter to Deputy Director (Admn):DGAIR to take advance action in working out the financial implications in case the Ministry of I&B desires to have the same to enable consideration of the proposal (i.e. granting of the pay parity w.e.f. 01.01.1996). Obviously, the PB desired the financial implication in granting the pay parity to Technician with the Lighting Assistant w.e.f. 01.01.1996 in the pay scale of Rs. 5000-150-8000, <i>and not in fixing the pay in the pay scale of Rs. 4500-125-7000 after allowing notional fixation w.e.f. 01.07.1983.</i>
5.	27.08.2013	In turn, the DG:AIR vide letter No. 4/6/2012-SIV(A)/396, dated 27.08.2013 wrote to all the five zonal ADG(E) offices to obtain information on the financial implications from station and compile them as asked by the PB secretariat
6.	18.02.2014	Ministry of I&B vide letter No. 515/09/2011-BA-E, dated 18.02.2014 has communicated to DG:AIR regarding approval of Ministry of Finance to grant the benefit of notional fixation of pay in the grade of Technician without any award of arrears. It categorically says that the Ministry of Finance's approval was subject to the condition that there will be no financial outgo on payment of arrears.
7.	26.02.2014	DG:AIR vide letter No.515/09/2011-BA-E, dated 26.02.2014 wrote to Ministry of I&B for clarification on 4 points arising out of its order dated 18.02.2014.
8.	07.03.2014	Ministry of I&B writes to DG:AIR vide letter No.515/09/2011-BA.(E), dated 07.03.2014 giving clarification on 4 points raised by DG:AIR in the letter dated 26.02.2014.

Sr.No.	Date	Action Taken
9.	11.03.2014	DG:AIR vide letter No.8/8/2006-SIV(A)/Part-I/107, dated 11.03.2014 issued order on implementation of Supreme Court's order dated 10.01.2013 in SLP(C) No. 33048/2011 in the matter of revision of pay scales of Technician & Sr. Technician. The letter conveys that, <ul style="list-style-type: none"> (a) The Ministry of Finance and Ministry of I&B have approved to grant the benefit of notional pay fixation to the post of Technician & Sr. Technician enhancing their pay scale at par with LA Gr-I & II without any award of arrears. (b) The approval is subject to the condition that there will be no financial outgo on payment of arrears. (c) Fixation of pay in respect of concerned officials be made notionally w.e.f. 01.07.1983 upto the date of issue of this order without any arrear.

Obviously,

- (1) *The Govt. has illegally decided to give same pay scale as granted to the post of Technician to post of Sr. Technician also w.e.f. 01.07.1983 and 01.01.1986.*
- (2) *What to say of granting higher pay scale to Sr. Technician w.e.f. 01.01.1996 (above the scale of Rs. 5000-150-8000), the govt. has no intension of granting pay scale of Rs. 5000-150-8000 of Lighting Assistants to the post of Technician w.e.f. 01.01.1996 to maintain the parity in their pay scales.*
- (3) *The Govt. wants to swallow up arrears of pay for the period from 01.01.1996 to 10.03.2014 and allow payment of enhanced salary w.e.f. 11.03.2014 onwards only.*

These are big issues to be resolved by the Associations/ Unions in Prasar Bharati.

Note: All the orders of courts and the Government in the case of Technician may be seen at *JUDGMENTS of Courts in various cases of AIR & Doordarshan and Revision of Pay Scales of Subordinate Engg. cadres of the uadee.org.