

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**OA No.4424 of 2014
MA No.3894 of 2014**

New Delhi, this the 15th Day of December, 2014

HON'BLE SHRI G. GEORGE PARACKEN, MEMBER (J)
HON'BLE SHRI SHEKHAR AGARWAL, MEMBER (A)

1. Association of Radio & Television Engineering Employees, through its President Sh. Umesh Chandra, Aged 53 years, Room No.542, DD Archive, Akashwani Bhawan, New Delhi-110001.
2. Deepak Sudhakaran, aged 46 years,
Late Sh. Sudhakaran Neelakhandan
Working as Technicians in All India Radio, Mumbai,
R/o Type 3/21, HPT, All India Radio Staff,
Quarters, Marve Road, Malad West,
Mumbai. Pin-400095.Applicants

(By Advocate : Shri Yogesh Sharma)

versus

1. Union of India, through the Secretary,
Ministry of Information and Broadcasting,
Govt. of India, Shastri Bhawan,
New Delhi-110001.
2. Chief Executive Officer, Prasar Bharati,
PTI Building, Sansad Marg,
New Delhi-110001.
3. Director General,
All India Radio,
Akashwani Bhawan, Sansad Marg,
New Delhi.
4. Director General,
Doordarshan,
Mandi House, Copernicus Marg,
New Delhi.Respondents

ORDER (ORAL)

SHRI G. GEORGE PARACKEN, MEMBER (J) :

MA No.3894 of 2014

This MA has been filed by the applicants seeking joining together in a single Original Application. For the reasons stated therein, this MA is allowed.

OA No.4424 of 2014

The applicants have filed this OA, seeking the following reliefs and interim relief:

Main Reliefs:

(i) That the Hon'ble Tribunal may graciously be pleased to pass an order directing the respondents to grant the pay scale of Rs.5000-8000 to the Technicians i.e. member of the applicant No.1 w.e.f. 1.1.1996 or date of their appointment which is later, at par with the Lighting Assistant, with all the consequential benefits, including the arrears of difference of pay and allowances with interest, in the light of the Hon'ble Madras high court judgment and Hon'ble Supreme Court judgment dated 10.1.2013 in SLP (C) No.33048/2011.

(ii) Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicants.

Interim relief

(i) Pending final disposal of the main OA the Hon'ble Tribunal may graciously be pleased to pass an order directing the respondents to take a final decision on the representations of the applicants in the light of the Hon'ble Madras High Court judgment and Hon'ble Supreme Court judgment dt. 10.1.2013 in SLP (C) No.33048/2011

(ii) Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicants.

2. It is seen that the Applicants are Technicians in All India Radio and Doordarshan. They are seeking parity with regard to pay scale with the Lighting Assistants. According to them, their case is squarely covered by the judgment of the Madras High Court in Writ Petition No.27155 of 2009 in the case of A.I.R. and D.D. Technical Employees Association and another vs. CAT and others decided on 24.11.2010. The relevant part of the said judgment reads as follows:-

“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.”

3. learned counsel for the applicants has also brought to our notice that the aforesaid Order of the Hon'ble Madras High Court has been upheld by the Hon'ble Supreme Court in SLP (Civil) No.33048/2011. The relevant part of the said judgment is also reproduced as under:-

“The Division Bench of the High Court then took cognizance of the statement made by the counsel for respondent No.1 that the concerned employees will not claim arrears and directed that their pay scales be revised notionally with effect from 1.7.1983.

Shri Rajiv Sharma, learned counsel for the petitioners argued that the High Court committed grave error by ordering notional revision of the pay scale of the Technicians at par with Lighting Assistants ignoring that the two cadres are distinct and separate and there is no similarity in the duties of the Technicians on the one hand and the Lighting Assistants on the other. However, he could not draw our attention to any tangible evidence to substantiate this statement. Learned counsel also failed to explain the rationale of denial of parity in the matter of pay scales to the Technicians working in All India Radio and Doordarshan vis-à-vis Lighting Assistants Grade-II and Grade-I despite the fact that they were paid salary in the identical pay scale till 1.7.1983 and that parity was restored after a gap of about 13 years with effect from 1.1.1996. In the absence of any cogent explanation for differentiating the two cadres in the matter of revision of pay scale, it is not possible to find any fault with the direction given by the Division Bench of the High Court. Rather, it must be held that by ordering revision of pay scales of the Technicians at par with the Lighting Assistants, the High Court has acted in consonance with the spirit of Articles 14 and 16 of the Constitution.

With the above observations, the special leave petition is dismissed.”

4. In view of the above submissions of the learned counsel for the applicants, we dispose of this OA at the admission stage itself with direction to the respondents to consider the case of the applicants in the light of the aforesaid order/judgments. If their cases are squarely covered by them, they shall also be extended the same benefits. In any case, the respondents shall pass appropriate orders under intimation to the applicants. This exercise shall be completed within a period of two months from the date of receipt of a copy of this Order. There shall be no order as to costs.

(SHEKHAR AGARWAL)
MEMBER (A)

(G. GEORGE PARACKEN)
MEMBER (J)

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