

MOST IMMEDIATE/COURT CASE

PRASAR BHARATI
(INDIA'S PUBLIC SERVICE BROADCASTER)
DIRECTORATE GENERAL : ALL INDIA RADIO

No.8/10/2014-SIV(A) 9

New Delhi, dated 22.12.2014

5.1.2015

Subject:- OA No.4012/2014 in MA No.3493/2014 filed by ARTEE & others vs UOI and others regarding granting the pay scale of Rs.6500-10500 from the date of appointment to Engineering Assistants(EAs).

Please find enclosed herewith a copy of order dated 13.11.2014 received from the PB of CAT, New Delhi in OA No.4012/2014, MA No.3493/2014 filed by ARTEE & others vs UOI and others regarding grant of pay scale of Rs.6500-10500 to EAs from their date of appointment. The OA has been disposed off at the admission stage with direction to the respondents to examine the case and to give the same benefits to the applicants if their cases are covered under the earlier orders of CAT, High Court and Supreme Court on the subject.

2. The aforesaid case is identical to the case filed by Shri Lalit Kumar (OA No.1742/2014) and Shri Mahender Singh (OA No.1743/2014). In these two cases, the pay scale of Rs.6500-10500 has been granted to the applicants, after receipt of approval from the Ministry of I&B. Two more identical court verdicts in OA No 1176/2010 filed by Shri PK Maheshwari and others and OA No.3885/2010 filed by Shri Rakesh Kumar & others have been forwarded to the Ministry for approval. Another contempt case filed by Shri Vimal Kumar Sharma and others before the Gwalior Bench of MP High Court on the same issue has also been referred to the Ministry for approval. The background/reasons for filing these cases is as under:

- i. Ministry of I&B, vide its order dated 25.2.1999 had upgraded the pay scales of EAs from Rs.5000-8000 to Rs.6500-10500 w.e.f. 1.1.1996. The order was applicable to only those EAs who were in position on the date of issue of the order. Accordingly, those EAs who had joined Prasar Bharati on or before 25.2.1999 were granted the upgraded pay scales of Rs.6500-10500 and those who joined afterwards were placed in the pre-upgraded pay scale of Rs.5000-8000.
- ii. Subsequently Shri Mahender Singh & others, Shri Lalit Kumar & others, Shri PK Maheshwari & others and Shri Rakesh Kumar & others who had joined Prasar Bharati as EAs after 25.2.1999 had filed court cases and had obtained orders in their favour for the scale of Rs.6500-10500. The case was taken upto the Hon'ble Supreme Court, but the order of the CAT was upheld. Thereafter, the Ministry of I&B, after consulting the Ministry of Law & Justice, Ministry of Finance and DoPT, had conveyed approval for implementing the court verdict in OA 1742 and 1743 and the verdict has since been implemented. Due to non-implementation of the court order in their cases, Shri PK Maheshwari & others have now filed a contempt petition No.651/2014. The next date of hearing in the contempt case is on 14.1.2015. This, along with the verdict on OA No.3885/2010 have already been referred to the Ministry of I&B for orders/approval for implementation.

3. OA No.4012/2014 has now been filed by ARTEE and others on behalf of those EAs who had joined Prasar Bharati during the period from 25.2.1999 to 5.10.2007, for the pay scale of Rs.6500-10500 as has been granted to the applicants of OA No.1742 and 1743/2014. The appellants also have joined PB after 25.2.1999 and are governed by the same RRs, service conditions and duties and responsibilities like the appellants of OA No.1742, 1743, 1176 and 3885.

*Forwarded with enclosure for both
The Department
5/1/2015*

4. Citing various Supreme Court decisions, the CAT has observed that the decision to extend the benefit of upgraded pay scales only to the applicants of OA No.1742/2014 and 1743/2014 is not in conformity with the law laid down by the Hon'ble Supreme Court. The CAT has accordingly disposed the OA with direction to the respondents to examine the case of the applicants with reference to the orders of the Tribunal, High Court and Supreme Court in the matter and if their cases are covered by the said orders, they shall also be given the same benefits under intimation to them within 2 months from the date of receipt of the orders. The Ministry of Law, in OA No.1742/1743, had advised that applicant employees having being conferred the status of central govt. employees may be granted the scale of Rs.6500-10500 in parity with those employees who were granted upgraded pay scales.

5. It may also be mentioned here that the Prasar Bharati Board had approved a proposal to grant the pay scale of Rs.6500-10500 to all EAs under 'one pay for one post' and has already sent a proposal along with financial implications of Rs.37.05 crores (one time) and Rs.5.62 crores(annual-recurring) to the Ministry of I&B for consideration.

6. Taking into consideration the above, the Ministry of I&B is requested to provide their comments/advice on the CAT order in OA No.4012/2014 so that timely action may be taken by this Directorate to avoid possible contempt etc.

(Ajaya Kumar K.P)
Deputy Director (Admn)
For Director General

To

1. Shri Sanjay Dhar
Under Secretary, BA(E)
6th Floor, A Wing, Shastri Bhawan, New Delhi

2. The Director (Admn),
Prasar Bharati Secretariat,
PTI Building, New Delhi

Copy to: 1. Shri R.N.Jha, DD(A), S-IV Section, Doordarshan, Mandi House, Copernicus Marg, New Delhi w.r. t their letter No.3/48/2014-SIV/5259 dated 15.12.2014.

2. Shri AK Barua, Legal Consultant, Prasar Bharati Secretariat, PTI Building, New Delhi.