



United We Stand

UNION OF AKASHVANI & DOORDARSHAN (PRASAR BHARATI)
ENGINEERING EMPLOYEES (**UADEE**)

(Registered under **Trade Union Act, 1926**; Regn. No. 5135)

Head Quarter : C-4 D/ 81 B, Janakpuri, New Delhi-110 058

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Ref. N o. MIB/01/2009:

Dated:.. 05.01.2009

Mrs Sushama Singh, I.A.S.,
Secretary to the Government of India,
Ministry of Information & Broadcastig,
Shastri Bhawan,
New Delhi – 110001.

Sub: Promotion of Diploma & B.Sc. degree holder Assistant Engineers of AIR & Doordarshan to JTS of Indian Broadcasting (Engineers) Service –The Justice granted, regarding.

Ref.: Ministry of I & B's Gazette Notification dated 18.03.2008 of Indian Broadcasting (Engineers) Service (Amendment) Rules, 2008.

Madam,

It is matter of great satisfaction and we express our sincere gratitude for kindly amending the Indian Broadcasting (Engineers) Service Rules, 1981 through Gazette Notification dated 18.03.2008 which has now removed the discrimination in promotion of Assistant Engineers of AIR & Doordarshan on the basis of their academic qualifications considered only at the stage of Assistant Engineer. The restoration of justice to the Diploma & B.Sc. degree holder Assistant Engineers in their promotion to JTS of IBES (**pre-1989 status**) through this notification is in honest compliance and true spirit of judgments of Hon'ble Supreme Court of India, dated 05.12.2003 and Cuttack Bench of CAT, dated 22.03.2004 in the matter which will go a long way in removing severe stagnation and frustration in whole AE cadre of AIR & Doordarshan.

Madam, through the infamous amendment made in the year 1989 (which came into force on 23.03.1989) in IBES Rules 1981, the Diploma & B.Sc. degree holder Assistant Engineers were made **ineligible even for being considered for promotion** to JTS which was otherwise open to them since 1981. The effect of the amendment of 1989 in IBES Rules, 1981 was so far-reaching that about 90% of the AE cadre possessing Diploma or B.Sc. degree, **who had been treated at par in all respect of work, pay and promotions in the past until they became AE**, were suddenly, but completely barred from any future promotion in their career. They were thus left to languish and rot in AE cadre for rest of their service after only 8 years of their initial appointment as Engineering Assistant.

Madam, not only the Assistant Engineers, but also the Engineering Assistants and Senior Engineering Assistants in the feeder cadres of AE possessing Diploma or B.Sc. degree were totally dispirited and demoralized because of total impediment in their career progression at such an early

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stage of their career. These cadres are solely responsible for operational excellence besides carrying out various tasks in other fields of engineering such as maintenance, installation and administration at Kendras. One can aptly visualize of the adverse impact on overall efficiency if bulk (i.e.90%) of the cadres lack in spirit and initiative due to such shabby treatment and discrimination with them in the matter of promotion. The exclusion of Diploma & B.Sc. degree holders from promotion beyond Assistant Engineer in the hierarchy was absolutely discriminatory as it treated equals as un-equals. The Engineering Degree, Diploma and B.Sc. degree holders are recruited to the post of Engineering Assistant through **a common recruitment method and are promoted to the post of SEA and AE without any consideration of their academic qualifications.** They have been treated as **equals** in all respect without any distinction or differentiation amongst them, whatsoever, in the matter of their assignments, duties, responsibilities, pay and allowances on the basis of their qualifications.

Madam, as it is well known, the promotions in the course of service has been accepted as an external prop with a view to instill motivation in the employees which works as the real catalyst in developing inner urge to put in their best. The more competent amongst the employees should get faster promotion is the basic and well accepted principle behind adoption of Limited Departmental Competitive Examination (**LDCE**) as highly effective and efficacious method of promotion. The LDCE method of promotion from SEA to Assistant Engineer was introduced in AIR & DD in the year 1985 by Ministry of I&B's Gazette Notification dated 03.05.1985, still in force. **75%** of the post of AE is filled on promotion from SEAs based on the merit of rigorous LDCE which is open for all SEAs irrespective of their academic qualifications. Now if some AE having merit in LDCE and impeccable service records is barred from next promotion on mere consideration of he/she possesses Diploma/B.Sc. degree and not Degree in Engineering, the very purpose of adoption of LDCE in promotion gets squarely defeated and the LDCE becomes infructuous, meaningless and anomalous. The effect of the amendment made in the year 1989 in IBES Rules,1981 had been that the Diploma & B.Sc. degree holder Assistant Engineers did not get promotion to JTS since 1989 onwards, albeit they might have excelled in the LDCE over their colleagues possessing Degree in Engineering. Ironically, those Assistant Engineers possessing Degree in Engineering who could succeed in the LDCE after many attempts, got lower positions in the merit list or became AE under Seniority-cum-fitness quota (25%) are well enjoying the benefit of promotions to JTS/ STS since 1989.

The amendment made in the year 1989 in IBES Rules,1981 had thus made the LDCE for promotion to the post of Assistant Engineer in AIR & DD rather ridiculous, atrocious and frustrating for Diploma & B.Sc. degree holders, besides bringing grossly unfair and anomalous results where more meritorious in the LDCE were totally barred from next promotion to JTS if they happened to be Diploma or B.Sc. degree holder.

Madam, the Hon'ble Supreme Court of India in its judgment dated 05.12.2003 in SLP(C) No. 21643/2003, had expressed its opinion in unambiguous terms on **the need to amend the Recruitment Rules for removal of total impediments in the promotion of Diploma & B.Sc. degree holder Assistant Engineers of AIR & Doordarshan.** Subsequently, the Full Bench of Hon'ble CAT, Cuttack in its judgment dated 22.03.2004, after examining the issue in detail, **had asserted that total impediment in the promotion of Diploma & B.Sc. degree holder Assistant Engineers of AIR & Doordarshan shall result in irreparable scar in their service career.**

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Madam, besides several court cases in the matter and regular agitations launched by the associations representing Diploma & B.Sc. degree holders since 1989 against the retrograde amendment of 1989 in IBES Rules 1981, various High Level Departmental Review Committees such as Committee of S.P.Bhatikar,CE (1989), Committee of U.C.Agrawal (1993), Committee of A.B.Mathur,CE (1999) and Committee of P.K.Bansal,CE (2001) have been constituted to resolve the issue of promotion of Diploma & B.Sc. degree holder Assistant Engineers. Though none of the committees were averse to the promotion of Diploma & B.Sc. degree holder Assistant Engineers to JTS, the eligibility conditions could not be finalized due to lack of will in DG:AIR. The Committee of Shri P.K.Bansal, CE(D): AIR, the latest one in the series, had recommended for the promotion of Diploma & B.Sc. degree holder Assistant Engineers to Senior Time Scale of IBES.

Madam, now it is matter of great pleasure that the said Gazette Notification of Indian Broadcasting (Engineers) Service (Amendment) Rules,2008 which came into force on 18.03.2008 has brought a lasting ray of hope against the hope after the year 1989 in the career of Diploma & B.Sc. degree holders in AIR & Doordarshan which will go a long way in resurrection of their sinking morale and motivation. We are quite confident that the removal of embargo on their promotion to JTS of IBES along with their engineering degree holder colleagues will bring a better work culture, homogeneity and efficiency in AIR & Doordarshan.

Madam, at the same time we urge to you to kindly make certain provisions in the matter so that the retrograde amendment alike that of the year 1989 in IBES Rules with malicious intension to bar the promotion of Diploma & B.Sc. degree holders on the mere consideration of their academic qualification is never repeated.

Incidentally, the embargo on the promotion of Diploma & B.Sc. degree holder Assistant Engineers of AIR & Doordarshan has been removed by the DG:AIR while approving the recent draft Revised Recruitment Rules of Engineering cadres after the cadre review by the committee of DG:AIR. The said draft proposal of Recruitment Rules has reportedly been duly approved by the Prasar Bharati and is presently lying with the ministry of I&B for approval and notification in which the Diploma & B.Sc. degree holder Assistant Engineers are proposed to be promoted to the Senior Time Scale of IBES against 33 $\frac{1}{3}$ % quota of STS post.

Thanking you once again,

Yours faithfully,

(Ram Shanker)
General Secretary
Mob.: 9868538073

Copy for kind information to:

1. The Joint Secretary (Broadcasting), Ministry of I&B, Shastri Bhawan, New Delhi.
2. The CEO, Prasar Bharati (BCI), PTI Building, Sansad Marg, New Delhi.
3. The Member (Personnel), Prasar Bharati (BCI), PTI Building, Sansad Marg, New Delhi.
4. The DG:AIR, Akashvani Bhawan, Sansad Marg, New Delhi.
5. The E-in-C, AIR, Akashvani Bhawan, Sansad Marg, New Delhi.
6. The E-in-C, Doordarshan, Doordarshan Bhawan, Copernicus Marg, New Delhi.

PLEASE SEE THE AMENDMENT NOTIFICATION BELOW:



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

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सूचना और प्रसारण मंत्रालय

अधिसूचना

नई दिल्ली, 18 मार्च, 2008

सा.का.नि. 187 (अ).—राष्ट्रपति, संविधान के अनुच्छेद 309 के परंतुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय प्रसारण (इंजीनियर) सेवा नियम, 1981 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :—

1. (1) इन नियमों का संक्षिप्त नाम भारतीय प्रसारण (इंजीनियर) सेवा (संशोधन) नियम, 2008 है।
- (2) ये, उनके राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।
2. भारतीय प्रसारण (इंजीनियर) सेवा नियम, 1981 में,—

(क) नियम 7 में, उप-नियम (4) के स्थान पर निम्नलिखित उप-नियम रखा जाएगा, अर्थात् :—

“(4) प्रोन्नति के लिए अधिकारियों का चयन ज्येष्ठ काल वेतनमान और अकृत्षिक वेतनमान (12,000-16,500 रु.) में पद पर प्रोन्नति की दशा के सिवाय ‘चयन’ द्वारा किया जाएगा। इन नियमों की अनुसूची 4 के अधीन सम्यक् रूप से गठित विभागीय प्रोन्नति समिति की सिफारिशों पर समग्र कार्यपालन, अनुभव और किसी अन्य संबंधित विषय को ध्यान में रखते हुए, अनुपयुक्त को अस्वीकार करने के अधीन रहते हुए, ज्येष्ठता के क्रम में ज्येष्ठ काल वेतनमान में प्रोन्नति की जाएगी और अकृत्षिक वेतनमान में प्रोन्नति ‘अचयन’ के आधार पर की जाएगी।”।

**MINISTRY OF INFORMATION AND BROADCASTING
NOTIFICATION**

New Delhi, the 18th March, 2008

G.S.R. 187(E).—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Indian Broadcasting (Engineers) Service Rules, 1981 namely :-

1. (1) These rules may be called the Indian Broadcasting (Engineers) Service (Amendment) Rules, 2008.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Indian Broadcasting (Engineers) Service Rules, 1981:-

(a) in rule 7, for sub rule (4), the following sub rule shall be substituted, namely :-

“(4) The selection of officers for promotion shall be made by ‘Selection except in the case of promotion to the post in Senior Time Scale and Non-Functional Pay Scale (Rs.12000-16500). Promotion to the Senior Time Scale shall be made in the order of seniority subject to the rejection of unfit and promotion to Non - Functional Pay Scale shall be made on the basis of ‘Non-Selection’ taking into account the overall performance, experience and any other related matters, on the recommendations of the Departmental Promotion Committee, duly constituted under Schedule IV of these rules”.

(b) for Schedule-I, the following Schedule shall be substituted namely:-

“SCHEDULE - I

(See sub rule (1) of rule 4)

Name, Number and Scale of Pay of Duty Posts included in the various Grades of the Indian Broadcasting (Engineers) Service.

S.No.	Grade	Number of Posts*	Scale of Pay
1.	Engineer-in-Chief	2 *	Rs. 22,400-525-24,500/-
2.	Senior Administrative Grade	22 *	Rs. 18,400-500-22,400/-
3.	Junior Administrative Grade	143 *	Rs.14,300-400-18,300/-

4.	Senior Time Scale(Non-functional)	**	Rs. 12000-375-16,500/-
5.	Senior Time Scale	347 *	Rs.10,000-325-15200/-
6.	Junior Time Scale	615 *	Rs. 8000-275-13,500/-

* Subject to variation dependent on workload

** Senior Time Scale (Non-functional) is non-functional grade and the maximum number of posts in this grade shall be equal to 30 Percent of the senior duty posts (i.e. all duty posts at the level of Senior Time Scale and above in the Cadre). The number of posts to be operated in the non-functional grade (Rs.12,000-375-16500/-) will be further limited to the number of posts available in Senior Time Scale (Rs.10,000-325-15,200/-)".

(C) for Schedule –II , the following schedule shall be substituted ,namely:-

" SCHEDULE-II

(See sub rule (2) (i) of rule 7)

Minimum educational qualifications and age limits for direct recruitment to posts in Group 'A' in the Junior Scale included in the Indian Broadcasting (Engineers) Service on the results of the Competitive Examination to be conducted by the Union Public Service Commission.

A candidate shall possess:-

(1) A Degree in Engineering from:-

- (i) a University incorporated by an Act of the Central or State Legislature in India; or
- (ii) an educational institution established by an Act of Parliament or declared to be a deemed University under section 3 of the University Grants Commission Act, 1956 ; or
- (iii) possessing such other qualifications as have been recognized by Government for the purpose of admission to the examination; or
- (iv) a Degree or Diploma in Engineering from such foreign Universities , Colleges or Institutions and under such conditions as may be recognized by Government for the purpose from time to time ; or
- (v) passed Section A and B of the Institution Examinations of the Institution of Engineers (India); or
- (vi) passed graduate Membership Examination of the Institute of Electronics and Telecommunication Engineers (India); or

- (vii) passed Associate Membership Examination Parts II and III/Sections A and B of the Aeronautical Society of India; or
- (viii) passed Graduate Membership Examination of the Institution of Electronics and Radio Engineers, London held after November, 1959.

NOTE: 1. In exceptional cases, the Commission may treat a candidate not possessing any of the above qualifications as educationally qualified; provided that the Commission is satisfied that he has passed examinations conducted by other Institutions, the standard of which, in the opinion of the Commission, justifies his admission to the Examinations.

NOTE: 2. A candidate who is otherwise qualified by virtue of his having taken a degree from a foreign University which is not recognized by Government, may also apply to the Commission and may be admitted to the examination at the discretion of the Commission.

- (2) Attained the age of 21 years and must not have attained the age of 30 years as on first day of August of the years in which the examination is held."

(d) for Schedule III, the following Schedule shall be substituted namely:-

"Schedule-III

(See clause (C) of sub-rule (2), and (3) of rule 7)

Method of recruitment, field of promotion and minimum qualifying service in the next lower grade for appointment of officers on promotion to duty posts included in the various grades of the Indian Broadcasting (Engineers) Service.

Sl. No	Grade	Method of recruitment	Field of selection and minimum qualifying service for promotion
1	2	3	4
1.	Engineer-in- Chief	By promotion	Officers in the Senior Administrative Grade (18400-22400) with 3 years regular service in the grade.
2.	Senior Administrative Grade	By promotion	Officers in the Junior Administrative Grade (Rs.14300-18300/-) with 3 years regular service in the grade.
3.	Junior Administrative Grade	By promotion	Officers in Senior Time Scale with 9 years of regular service (including service) rendered in the new Non-functional pay scale of Rs. 12000-16500/-) in the grade

4. Senior Time Scale (Non-functional)		Officers in the Senior Time Scale with 5 years regular Service in the grade.
5. Senior Time Scale	By promotion	Officers in the Junior Time Scale with 4 years regular service in the grade.
6. Junior Time Scale	(i) 50% by Promotion (ii) 50% by direct recruitment in accordance with clause (a) of sub-rule(2) of rule 7.	Assistant Engineers of the All India Radio/ Doordarshan (excluding those in Civil Construction Wing) with 5 years regular service in the grade.

(e) for Schedule IV, the following Schedule shall be substituted, namely:-

"SCHEDULE IV"

(See sub-rule (4) of rule (7))

Composition of Departmental Promotion Committee for considering cases of promotion and confirmation of Group 'A' posts included in the Indian Broadcasting (Engineers) Service.

S.No.	Name of the Post	Group 'A' Departmental Promotion Committee (For considering Promotion)	Group 'A' Departmental Promotion Committee (For considering confirmation)
1	2	3	4
1.	Engineer-in-Chief	1. Chairman/Member UPSC-Chairman 2. Secretary, M/o - Member Information and Broadcasting 3. DG, All India Radio - Member 4. DG: Doordarshan - Member	Not Applicable
2.	Senior Administrative Grade	1. Chairman/Member UPSC -Chairman 2. Secretary, M/o - Member Information and Broadcasting 3. DG, All India Radio - Member 4. DG: Doordarshan - Member	Not Applicable

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3. Junior Administrative Grade	1. Chairman/Member UPSC-Chairman 2. Joint Secretary, M/o - Member Information and Broadcasting 3. Engineer-in- Chief, All India Radio - Member 4. Engineer-in- Chief: Doordarshan - Member	Not Applicable
4. Senior Time Scale (Non-functional)	1. Jt. Secretary, M/o - Chairman Information and Broadcasting 2. Chief Engineer AIR - Member 3. Chief Engineer Doordarshan - Member	
5. Senior Scale	1. Engineer-in Chairman Chief (AIR/DD) 2. Deputy Secretary M/o Member Information and Broadcasting 3. Chief Engineer Member AIR/DD	Not Applicable
6. Junior Scale	1. Chairman/Member – Chairman Union Public Service Commission 2. Joint Secretary - Member M/o Information and Broadcasting 3. Engineer-in-Chief, – Member AIR 4. Engineer-in-Chief, - Member Doordarshan	1. Engineer-in-Chief - Chairman 2. Dy. Secy. -Member M/o information and Broadcasting 3. Chief -Member Engineer

Note : 1 :-In case the chairman of Departmental Promotion Committee for promotion and confirmation to Senior Scale and Junior scale post at Serial No. 5 and 6 respectively, is Engineer-in- Chief of All India Radio, then the Chief Engineer, who is member of the same committee would be from Doordarshan and vice-versa.

Note: 2. The absence of Member, other than the Chairman or a Member of the Commission, shall not invalidate the proceedings of the Committee, if more than half the Members of the Committee had attended its meetings.

Note 3. Where juniors who have completed their qualifying / eligibility service are being considered for promotion, their seniors would also be considered, provided they are not short of requisite qualifying / eligibility service by more than half of such qualifying / eligibility service or 2 years,

whichever is less and have successfully completed their probation period for promotion to the next higher grade alongwith their juniors who have already completed such qualifying / eligibility service. However, this provision will not be applicable for promotion to Senior Time Scale (Non-functional) in the pay scale of Rs. 12000-16500/-.

Note: 4. The principal rules were published in the gazette of India Extraordinary Part-ii Section 3(i), dated 5.11.81 vide Government Notification. Ministry of I&B No. 301/1/81-B(D), GSR 578 (E), dated 4.11.81 and were subsequently amended by:-

- I. Government Notification No. 301/1/81-B(D), G.S.R. 573 (E), dated 13.9.82 published in the Gazette of India Extraordinary Part-II Section 3 (i)
- II. Government Notification No. 301/14/85-B(D) GSR 725 dated 6.9.86, published in the Gazette of India Part-II Section 3 (i)
- III. Government Notification dated 14.9.87 published in the Gazette of India, Part-II Section 3 (i)
- IV. Government Notification dated 21.10.87 published in the Gazette of India, Part-II Section 3 (i)

[F. No. 501/4/2006-BA(E)]

ZOHRA CHATTERJI, Jt. Secy.