

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A.No.2662/2009

Friday, this the 6th day of August 2010

Hon'ble Shri Shanker Raju, Member (J)
Hon'ble Dr. Veena Chhotray, Member (A)

1. Shri R K Jain s/o Shri B S Jain
aged about 43 years
working as Assistant Engineer
r/o D-11/95, Rohini
Sector-8, Delhi-85
2. Shri Madan Mohan s/o Shri Sheodan Singh Verma
aged about 47 years
working as Assistant Engineer
r/o A-512, Pragati Vihar Hostel
Lodhi Road, New Delhi
3. Shri R K Dwivedi s/o Shri Virendra Nath Dwivedi
aged about 47 years
working as Assistant Engineer
r/o M-114A, Shastri Nagar, Delhi
4. Shri M S Rana s/o Shri Jagmohan Singh Rana
aged about 42 years
working as Assistant Engineer
r/o H-2/20, Shiksha Apartments Sector 6
Vasundhra, Ghaziabad

.....Applicants

(By Advocate: Dr. Ashwani Bhardwaj)

Versus

1. Union of India through the Secretary
Ministry of Information & Broadcasting
601, Shastri Bhawan, New Delhi-1
2. Director General, Doordarshan
Doordarshan Bhawan
Copernicus Marg, New Delhi-1

.....Respondents

(By Advocate: Ms. Biji Rajesh for Shri Gaurang Kanth)

O R D E R (O R A L)

Shri Shanker Raju:

Applicants, who were on deemed deputation to Prasar Bharati, are still governing the conditions of service as compared to their counterparts in Central Government, as reflected from the Cabinet decision taken on 29.1.2009 whereby it is decided that all the employees, who are on deemed deputation as certified under RTI appended at page 116 of the paper book, shall be entitled to the pay scale and other benefits as per their entitlement.

2. It is no more res integra that as the counterparts in Department of Posts have been placed in the PB-III with grade pay of 5400/-, the applicants are being entitled for the same. However, they are not being granted the grade pay of 5400/-. The only justification, which has come forth by the respondents in their reply and also a proposal, which the Ministry of Finance has turned down on 7.7.2009 firstly on the ground that upgraded pay scales as recommended by 6th CPC for certain section of Central Government employees and common category posts cannot be implemented in the case of employees working in Prasar Bharati, which is an autonomous organization and secondly the revised pay structure notified vide para 1 (x) (a to e) of Department's Resolution dated 29.8.2008 is applicable to the category/cadre of Group 'B' officers. As such, in the case of those Group 'B' officers whose category/cadre is not mentioned in the said paragraphs of the department's above-mentioned Resolution cannot claim upgradation based on it. Further, revised pay structure of Assistant Engineers working in Central Government Departments like CPWD, etc. has been separately notified vide CCS (Revised) Rules, 2008 and the same, as notified by the Government, is grade pay of 4600 in PB-II.

3. We have carefully considered the rival contentions of the parties and perused the records.

4. An information under RTI served upon the applicant clearly indicated that the decision referred to above in clause 1 (x) (a to e) of the Resolution dated 29.8.2008 placing Group 'B' employees in the grade pay of 5400/- covers the applicants in the present OA but it does not entitle the employees of autonomous body. As we find on an admitted stand that the applicants are still the Central Government employees on deemed deputation to Prasar Bharati vide a Cabinet decision, the pay structures granted to the employees of Central Government shall mutatis mutandis apply to the applicants and rejection of their request for grade pay of 5400/- is not justifiable.

5. Resultantly, OA is allowed and impugned decision of the respondents is set aside. Respondents are directed to accord grade pay of 5400/- in PB-II after completion of four years regular service in grade pay of 4800/-, with all arrears, within a period of two months from the date of receipt of a copy of this order. No costs.

(Dr. Veena Chhotray)
Member (A)

(Shanker Raju)
Member (J)

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