



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

Central Office: C-4 D/81 B, Janakpuri, New Delhi- 110 058

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Ref. No. MIB/07/2013

Dated...07.11.2013

कार्यालय सूचना और प्रसारण मंत्री
Office of Minister
Information & Broadcasting
भारत/भारत

Sri Manish Tewari,
Hon'ble Minister of Information & Broadcasting,
Shastri Bhawan,
Dr. Rajendra Prasad Marg,
New Delhi-110 001.



- Subject:** (1) Extension of benefits of the judgment dated **07.09.2009** in **O.A. No. 514** of **2002** read with judgment dated **23.05.2012** in CCPA No. **22/2011** passed by Hon'ble Patna Bench of CAT in the matter of grant of financial up-gradation under the ACP Scheme to all the similarly placed engineering employees of AIR & Doordarshan without resorting to court cases for the similar benefits.
- (2) Discrimination by the Ministry of I&B in dealing with judgments of courts.

-Regarding

Sir,

The Fifth Central Pay Commission (called hereinafter **V-CPC**), in its report had recommended for introduction of ACP scheme as a safety net to deal with the problems of genuine stagnation and hardship faced by the *Central Government employees* due to lack of adequate promotional avenues. The Union Government had accepted to introduce the ACP scheme for the *Central Government employees* recommended by the **V-CPC** and notified it *vide* GOI, DOP&T's O.M. No. 35034/1/97-Estt.(D), dated **09.08.1999**, making it effective from the date of notification. As per the broad guide-lines of the scheme, the employees of Group **B, C** and **D** have been allowed *maximum 2* financial up-gradations to the next higher grades in the *existing or analogous* hierarchy of posts after **12** and **24** years of regular service in the grade if no regular promotions during the prescribed periods have been availed by them. As per *clause 5.2* of the "*Conditions for grant of benefits under the ACP Scheme*" contained in *Annexure-I* of DOP&T's O.M. dated **09.08.1999** the residency periods (regular service) for grant of benefits under the ACP Scheme has to be counted from the grade in which an employee was appointed as a **direct recruit**. Also, *clause 15* of the conditions stipulates that in cases where the employees have already completed **24** years of regular service, with or without a promotion, the **2nd** financial up-gradation under the Scheme shall be granted directly without waiting for completion of **12 more years** of regular service after the **1st** Financial Up-gradation was granted under the Scheme. Copy of DOP&T's O.M. dated 09.08.1999 on ACP Scheme is annexed herewith as **Annexure-1**.

Subsequently, the GOI, DOP&T *vide* O.M. No. 35034/1/97- Estt. (D) (Vol.IV), dated **10.02.2000** issued a set of **32** clarifications on the points of doubts raised by various Ministries and Departments in the implementation of ACP Scheme. While dealing with one relevant point of doubt wherein two posts carrying different and distinct pay scales and constituting two rungs in the existing hierarchy are placed in one and same revised pay

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scale as a result of *rationalization of pay scales* by the **V-CPC**; the DOP&T, at clarification No. **1** of the said O.M. dated **10.02.2000**, had clarified that;

“ Since the benefits of up-gradation under ACP Scheme are to be allowed in the existing hierarchy, the mobility under ACP Scheme shall be in the *hierarchy existing after merger of pay scales by ignoring the promotion*. An employee who got promoted from lower pay scale to higher pay scale as a result of promotion before merger of pay scales shall be entitled for up-gradation under ACP Scheme *ignoring the said promotion*.”

In another relevant point of doubt wherein the cadres/hierarchy is limited to two grades only, what should be the pay scale for grant of 2nd up-gradation under ACP Scheme; the DOP&T, at clarification No. **32** of the said O.M. dated **10.02.2000**, had clarified that;

“ If such cadre/hierarchy exists in the Ministry/Department concerned, the 2nd up-gradation may be allowed in the *pay scale of an analogous grade* of a cadre/post in the same Ministry/Department. However, if no such grade exists in the Ministry/Department concerned, comparison may be made with an analogous grade available in other Ministry/Department.”

Copy of DOP&T's O.M. dated 10.02.2000 on Clarifications in ACP Scheme is annexed herewith as **Annexure-2.**

Sir, Prior to implementation of recommendations of **V-CPC** effective from **01.01.1996**, the posts of Engineering Assistants (EA), Sr. Engineering Assistants (SEA) and Assistant Engineers (AE) of subordinate engineering cadres in AIR & Doordarshan had been carrying almost identical pay scales of **Rs. 2000-3200**, **Rs. 2000-3275** and **Rs. 2000-3500** respectively w.e.f. 01.01.1986 to 31.12.1995. They formed *feeder* and *promotional* posts in their ascending order. During the course of *rationalization* of the revised pay structure effective from **01.01.1996**, the **V-CPC** had recommended a *single revised pay scale* of **Rs. 6500-200-10500 (S-12)** for the *cluster of existing pay scales* of **Rs. 2000-3200** and **Rs. 2000-3500**. Consequently, the pay scales of all the three feeder and promotional posts of EA, SEA and AE *got merged* and placed in the revised pay scale of **Rs. 6500-200-10500**. Copy of Government's Resolution No. 50(1)/IC/97, dated 30.09.1997 issued by Ministry of Finance is annexed herewith as **Annexure-3.**

Since a direct recruit Engineering Assistant had a limited hierarchy with only two promotions to SEA and AE which have now been placed in the same pay scale of **Rs. 6500-200-10500** along with the feeder post of EA, the mobility under ACP Scheme with the grant of 1st financial up-gradation must be in the pay scale of **Rs.10000-325-15200** corresponding to the pay scale of analogous grade of Executive Engineer in CCW existed in the same Department/Ministry of I&B *in accordance with* clarification No.**1** and **32** as contained in DOP&T's O.M. dated **10.02.2000**.

Nevertheless, the ACP Scheme, 1999 could not be implemented for the subordinate engineering cadres of EA, SEA and AE because of the following reasons/developments which took place in AIR & Doordarshan before the introduction of ACP Scheme for *central Government employees* effective from **09.08.1999** :-

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1. That, the Prasar Bharati (Broadcasting Corporation of India), an autonomous body, was established on **23.11.1997** with the conversion of erstwhile Government departments of AIR & Doordarshan, and all the *Central Government employees* of AIR & Doordarshan were transferred *en masse* to Prasar Bharati on *deputation* **before the day of effect of ACP Scheme i.e. 09.08.1999.**
2. That, the ACP Scheme, 1999 was envisaged and meant for *Central Government employees*, and conversion of Government departments of AIR & Doordarshan into Corporation and transfer of Central Government employees of AIR & Doordarshan on deputation to Corporation made the status of employees in that context as *uncertain*.
3. That, the upgraded pay scales were allowed to incumbent EA, SEA and AE besides others, under certain conditions, vide Ministry of I&B's Order No.310/173/97-B(D), dated **25.02.1999**, **not as Government employees *per se*, but as Government employees currently in the service of Prasar Bharati.** Copy of order dated 25.02.1999 is annexed herewith as **Annexure-4.**

Sir, having been denied, this way, the benefit of ACP Scheme which was otherwise fully admissible to the subordinate engineering employees of AIR & Doordarshan on *deputation* to Prasar Bharati but still having status of *Government employees*, the Association of engineering employees of AIR & Doordarshan consisting of 'direct recruit' Engineering Assistants (EA), Senior Engineering Assistants (SEA) and Assistant Engineers (AE), had filed **OA No. 514 of 2002** in the name of the association "**Akashvani & Doordashan Diploma Engineers Association**" before the Hon'ble CAT, Patna Bench for grant of the benefits of the ACP scheme notified by Government of India vide DOP&T's O.M. dated **09.08.1999** (**Annexure-1**) and the subsequent clarifications issued in the matter vide DOP&T's O.M. dated **10.02.2000** (**Annexure-2**). Allowing the OA, Hon'ble Tribunal vide *para-9* of the order dated **07.09.2009** directed the Government to grant the applicants the pay scale of **Rs. 8000-275-13500** of Assistant Executive Engineer (instead of pay scale of **Rs.10000-325-15200** corresponding to the pay scale of analogous grade of Executive Engineer in CCW as prayed by the petitioners in OA) towards the 1st financial up-gradation under the ACP Scheme as and when they have completed **12** years of service in the pay scale of **Rs. 6500-10500**. Hon'ble Tribunal has ordered for payment of arrears also. Copy of Judgment dated 07.09.2009 of CAT is annexed herewith as **Annexure-5.**

The order dated **07.09.2009** of Hon'ble CAT, Patna Bench was upheld by the order dated **25.08.2010** passed by Hon'ble Patna High Court in C.W.J.C. No. **6451/2010** and finally by the order dated **10.01.2011** of the Supreme Court in SLP No. **CC 20212/2010** filed by the Government. The only modification made by Hon'ble High Court in the order dated **07.09.2009** of the Tribunal, vide their order dated **25.08.2010**, was to the extent that the cases of the applicants be considered on individual basis in accordance with the scheme of the ACP and the clarifications contained in DOP&T's order dated **10.02.2000** because the applicants are not out-rightly entitled for the pay scale of **Rs. 8000-275-13500** by a general order under the scheme of ACP. This was the 1st financial up-gradation of pay under the ACP scheme for the incumbent EAs, SEAs and AEs due to merger of their pay scales

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by the **V-CPC** and placing them in the same revised pay scale of **Rs. 6500-200-10500** effective from **01.01.1996**. Copy of Judgment dated **25.08.2010** of Patna High Court is annexed herewith as **Annexure-6**.

The Ministry of I&B then took the opinion of nodal Ministries (i.e. Ministry of Personnel(DOP&T), Ministry of Finance and Ministry of Legal Affairs) in the matter which had opined that since the order of CAT dated 07.09.2009 had attained finality after dismissal of Government's SLP by Apex Court, no other option was left except to implement the order of court. The Ministry of I&B accordingly decided to implement the order of CAT dated 07.09.2009 and conveyed its decision to DG:AIR vide Order No. 515/143/2009-BA(E), dated 29.06.2011 for implementation, and also for submission to CAT, Patna in the Contempt Petition CCPA No. 22/2011. Copy of order dated 29.06.2011 of MIB along with comments of nodal Ministries is annexed herewith as **Annexure-7**.

Sir, at this point of time, the association of IBES officers of Organized Group 'A', Services in the Ministry of I&B, started campaigning against the implementation of ACP Scheme for EA, SEA and AE cadres of subordinate engineering employees despite the fact the order to grant the benefits of the ACP Scheme was passed by Hon'ble CAT and upheld by Hon'ble Patna High Court and Supreme Court and also, the Ministry of I&B had judiciously decided to implement the order of court after vetting of the case by the nodal Ministries of Union Government. Moreover, grant of benefits of the ACP Scheme to EA, SEA & AE was, in no way, in any conflict with the interest of IBES officers. Nevertheless, all sorts of maneuvers were applied either to deny the benefits of the ACP Scheme at all or to allow the benefits in most impaired manner. Following facts predicate how a judicial order and Government's decision has been deranged and derailed ostensibly by two members of Chief Engineer rank from IBES officers' association in the Screening Committee in collusion with other members of the Committee, constituted by the Ministry of I&B to consider suitability of employees for grant of benefits of the ACP Scheme in compliance of court's order :-

1. That, although the OA No. 514/2002 was filed by the Association of employees through its President, the Screening Committee decided to consider the cases of 12 applicants only whose names appeared in the OA as petitioners. The Screening Committee deliberately truncated the list only to arrive at its pre-decided result despite one more reason of not doing so that so far as the extension of the benefits of court's order to similarly placed persons is concerned, the law is well settled that the similarly placed persons should be treated alike and equal laws would have to be applied to all in the same situation without any discrimination and the persons should not be forced to approach the Courts/Tribunals for the same relief and it should be granted as such.
2. That, acting in absolute violation of court's order to grant benefits of the ACP Scheme to the applicants, the Screening Committee affirmed that it has considered the cases of the applicants and found that no one was fit for grant of benefits under the ACP Scheme. Ministry of I&B, vide Order No. 515/143/2009-BA-E, dated 04.11.2011 conveyed the applicants of the decision of the Government, based on the finding of the Screening Committee, regarding not allowing them the 1st financial up-gradation under the ACP Scheme in the Scale of Rs. 8000-13500 as per court's

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order. Obviously, MIB's order dated 04.11.2011 was a somersault of its earlier order dated 29.06.2011 through which it had earlier decided to implement the court's order dated 07.09.2009. Copy of the MIB's order dated 04.11.2011 is enclosed herewith as **Annexure-8.**

3. That, when the applicants presented MIB's Order dated 04.11.2011 before Hon'ble CAT in Contempt Petition on 08.12.2011, the Tribunal took it very seriously to observe that the order dated 04.11.2011 was passed in violation of court's order and ordered for personal appearance of the CEO, Prasara Bharati before the court on 06.01.2012 and to explain as to why charges for contempt of court's order should not be initiated against him. Copy of order dated 08.12.2011 of CAT is annexed herewith as **Annexure-9.**
4. The Screening Committee's meeting was reconvened on 02.01.2012 and 03.01.2012 in the Ministry of I&B which, this time, cleared 8 of 12 applicants fit for grant of benefits of the ACP Scheme not from the actual due dates in accordance with the rules of the ACP Scheme, but with effect from a self-decided far-advanced date of 01.01.2008 to effectively cripple the benefits of the ACP Scheme to the applicants. The Screening Committee, ignoring the rules-regulations and clarifications in the ACP Scheme, has invented following two arbitrary conditions to test the suitability of applicants, by misinterpreting the order of court, which are quite alien and ulterior to rules of the ACP Scheme :
 - (a) That, it has counted residency period (regular service) for grant of benefits under the ACP Scheme from **01.01.1996** instead of counting it from the grade in which an employee was appointed as a **direct recruit** as per *clause 5.2* of the "*Conditions for grant of benefits under the ACP Scheme*" contained in *Annexure-I* of DOP&T's O.M. No 35034/1/97-Estt.(D) dated **09.08.1999.**
 - (b) That, it has insisted that one has to have been fixed in the pay scale of Rs. 6500-10500 sometime to become eligible for the grant of benefits of the ACP Scheme which is absolutely ulterior to the conditions of admissibility of the ACP Scheme.

Copy of the minutes of the Screening Committee held in Ministry of I&B on 2.01.2012 and 03.01.2012 and issued vide No. 503/23/2012-BA(E) makes an interesting reading which is enclosed herewith as **Annexure-10.**

5. The DG:AIR allowed the benefit of the ACP Scheme to 8 applicants vide Order File.No.8/3/2011-S-IV(B)pt.II, dated 17.01.2012 in accordance with the approval of Ministry of I&B as per recommendations of the Screening Committee, but made it subjective to outcome of the Review Petition to be filed before Patna High Court and any other legal proceedings to be initiated. Copy of Order dated 17.01.2012 issued by DG:AIR is enclosed herewith as **Annexure-11.**
6. Having implemented the CAT's order dated 07.09.2009 in case of 8 applicants *albeit* erroneously and taking contrary view against the advices of nodal Ministries on the compliance of CAT's order dated 07.09.2009, the Ministry of I & B,

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surprisingly, filed a Review Petition No. 141/2012 in February, 2012 before Hon'ble Patna High Court to quash original order dated 07.09.2009 passed by Hon'ble CAT, Patna Bench in O.A. No. 514/2002 and to review its own earlier judgment dated 25.08.2010 passed in CWJC No. 6451/2010.

7. While disposing of the Contempt Application **CCPA No. 22/2011**, by the Tribunal on 23.05.2012, filed by the applicants before Hon'ble CAT, Patna Bench against non-implementation/ wrongly-implementation of Tribunal's judgment dated **07.09.2009**, Hon'ble Tribunal, at *para-10* of the judgment dated **23.05.2012**, observed that the respondents have misinterpreted the order of the Tribunal and the High Court, have acted taking *literal meaning* of the words in *para-9* of the order dated 07.09.2009 of this Tribunal and implemented the ACP Scheme to the applicants in a wrong way. At *para-16* of the order, Hon'ble Tribunal directed the respondents to reconsider the cases of the applicants going by the letter and spirit of the entire order of this Tribunal in the OA as well as the order of Hon'ble High Court in CWJC *instead of being circumscribed* limited by *para-9* of the order in the OA. Copy of order dated 23.05.2012 of CAT in CCPA No. 22/2011 is annexed herewith as **Annexure-12**.
8. Nevertheless, out of **26** applicants whom the benefit of the judgment dated 07.09.2009 has been allowed by the Government till the date, albeit through different court orders, the Government has granted the benefits of the ACP Scheme in *correct way* and in accordance with the direction and order dated **23.05.2012** of Hon'ble CAT to only one applicant Shri B.K.Roy, SEA of CBS, AIR, Patna. Copy of pay refixation order dated 20.08.2013 issued in respect of Shri B.K.Roy is enclosed herewith as **Annexure-13**.

Sir, It is important to bring to your kind notice that although the **OA 514/2002** was filed by the Association of direct recruit EA, SEA and AE of AIR & Doordarshan under the name of "**Akashvani & Doordashan Diploma Engineers Association**", the government has considered granting the benefits of the order to individual petitioners only whose names appeared in the O.A., instead of extending the benefits of the order to all the members of the Association and others similarly placed engineering employees, which has lead to filing of multiple court cases by individuals and other Associations for extension of the benefits of the same order. More than **100** individuals have already approached court of law through following lawsuits known to us and many hundreds of eligible employees are on the way of filing of lawsuits for the extension of benefits of the same order dated **07.09.2009** passed by Hon'ble CAT, Patna Bench in **OA No. 514/2002:-**

1. OA No. 514/2002 in CAT, Patna Bench decided on 07.09.2009 (Total 12 applicants and a association named 'ADDEA')
2. OA No. 477/2011 in CAT, PB, New Delhi titled Praveen Kumar v/s UOI & Ors decided on 01.02.2011
3. OA No. 597/2011 in CAT, PB, New Delhi titled DEEWA & Ors v/s UOI & Ors. decided on 24.05.2011 (Total 23 applicants and a association named 'DEEWA')

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4. OA No. 3400/2012 in CAT, PB, New Delhi titled Vinod Kumar & Ors v/s UOI & Ors. decided on 09.10.2012 (Total 07 applicants)
5. OA No. 757/2013 in CAT, PB, New Delhi titled Umesh Sharma & Ors v/s UOI & Ors. decided on 04.03.2013 (Total 11 applicants)
6. OA No. 879/2013 in CAT, PB, New Delhi titled S.K.Mishra & Ors v/s UOI & Ors. decided on 13.03.2013 (Total 06 applicants)
7. OA No. 3106/2013 in CAT, PB, New Delhi titled Manoj Kumar Gupta & Ors v/s UOI & Ors. (Total 26 applicants)

It needs absolutely no emphasis that all the '*direct recruit*' incumbent Engineering Assistants and subsequently promoted to the grades of Sr. Engineering Assistant/ Assistant Engineer are similarly situated as those of the petitioners in **OA No. 514/2002**. The recruitment rules, procedure of recruitment, pay scale, designation, duties and responsibilities etc. etc. applicable to those of petitioners and others are same and all of them form single undivided cadres for all purposes whatsoever. The issue of uncertainty about the status of incumbent employees has already got settled by Prasar Bharat (BCI) Amendment Act, 2011 notified in Gazette of India on 09.01.2012 which has affirmed that they shall be Central Government employees till their retirement with all the pay, perks and facilities available to Central Government employees.

It is noteworthy to mention here that so far as the extension of the benefits of court's order to similarly placed persons is concerned, the law is well settled that the similarly placed persons should be treated alike, both in privileges conferred and liabilities imposed as equal laws would have to be applied to all in the same situation without any discrimination and the persons should not be forced to approach the Courts/Tribunals for the same relief and it should be granted as such.

Sir, although, the order and judgment dated 07.09.2009 passed by Hon'ble CAT, Patna Bench in OA No. 514/2002 had attained finality after it was upheld by Hon'ble Patna High Court and Supreme Court and the nodal Ministries of UOI had accordingly advised to the Ministry of I&B to implement the Order of CAT because there was no other option left, the Ministry of I&B had filed a Review Petition No. **141 of 2012** before Patna High Court in the matter which has to be withdrawn by the Government on 23.10.2013 basically on the ground of being non-maintainable. Now, there is no lawsuit pending before any court of law against the order and judgment dated 07.09.2009 passed by Hon'ble CAT, Patna Bench in OA No. 514/2002 and upheld by Hon'ble Patna High Court and Supreme Court. Copy of order dated 23.10.2013 passed by Patna High Court in RP No.141/2012 is annexed herewith as **Annexure-14**.

Sir, I am constrained to invite your kind attention towards the partisan and discriminatory method being applied by the Ministry of I&B in the implementation of courts' orders. Recently, a case was filed in her *individual capacity* by one Smt Sadhana Kumar, Dir (Engg) before CAT, New Delhi through OA No 3622/2010 claiming parity of pay with I.A.S. cadre, which was decided on 01.11.2010 in her favour. Since the officer belonged to the IBES cadres of Organized Group 'A' Service, the Ministry of I&B **did not challenge** the order of CAT in higher courts and the benefit of the order of Tribunal dated

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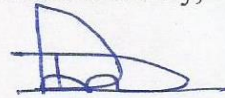
01.11.2010 was implemented expeditiously not only in case of the petitioner but also for entire cadres of IBES officers of Organized Group 'A' service (including the Chief Engineers also who happened to be members of the Screening Committee in ACPS case). The implementation of CAT's order dated 01.11.2010 involved payment of arrears of several crores along with recurring payment in form of monthly salary in crore to IBES officers. On the other hand, in cases of subordinate engineering employees, the Ministry adopts partisan methods and not only it challenges order of CAT passed in favour of employees before Higher Courts upto the Supreme Court, but also takes all routes to trivialize the implementation of order of CAT and duly upheld by High Courts and the Apex Court. Implementation of benefits of the ACP Scheme is one amongst the several cases, be it the revision of pay scale of Technician/ Sr.Tech, grant of one cadre one pay scale for EA, revision of pay scales of EA & SEA etc. etc.

Under these circumstances, I request your honour to kindly intervene in the matter and order the concerned authorities to comply with the order and judgment dated 07.09.2009 in OA No. 514 of 2002 read with the judgment dated 23.05.2012 in CCPA No. 22 of 2011 passed by Hon'ble Patna Bench of C.A.T., in correct way as per rules in case of the petitioners as well as all the similarly placed eligible, engineering employees as such. This will not only establish the rule of law but also enhance morale of the employees which is essential for a model employer and must in state policy. This will also save the employees from filing of plethora of court cases at the heavy cost of unnecessary litigation, to be borne by the employees and the Government as well.

With deep regards,

Dated: 07.11.2013

Yours sincerely,



(Debashis Chowdhury)
General Secretary

Copy for kind information and necessary action to ;

1. DG:AIR, Akashvani Bhawan, Sansad Marg, New Delhi-110 001.
2. DG:Doordarshan, DD Bhawan Phase-1, Copernicus Marg, New Delhi-110 001.

**Chronology of Developments in the Revision of Pay Scales of the Posts
'ENGINEERING ASSISTANT' & 'SR. ENGINEERING ASSISTANT'
of AIR & Doordarshan by orders of Courts.**

1. Following chart shows the pay scales of the posts of Engineering Assistant (EA), Senior Engineering Assistant (SEA) and Assistant Engineer (AE) of AIR & Doordarshan as recommended by the 3rd CPC and 4th CPC effective from 01.01.1973 and 01.01.1986 respectively. The pay scale of the post of Sound Recordist of Doordarshan which has parity with the pay scale of the post 'Engineering Assistant' is also mentioned :-

Posts	Pay Scale recommended by 3 rd CPC effective from 01.01.1973 to 31.12.1985 (Rs.)	Pay Scale recommended by 4 th CPC effective from 01.01.1986 to 31.12.1995 (Rs.)
Sound Recordist	425-750	1400-2600
Engineering Assistant	425-750	1400-2600
Sr. Engineering Assistant	550-900	1640-2900
Assistant Engineer	650-1200	2000-3500

2. The pay scale of **Sound Recordist** of *Doordarshan* was revised to Rs. 550-900 w.e.f. 01.01.1978 to 31.12.1985 and to Rs. 2000-3200 w.e.f. 01.01.1986 to 31.12.1995 on par with that of **Recordist** of *Films Division* in the same Ministry of I&B by the order of Hon'ble Supreme Court of India.
3. One Engineering Assistant, Shri A. Rajasekaran filed O.A. No. 654 of 1989 before Madras Bench of CAT for revision of pay scale of the post of **Engineering Assistant** equal to that of the Sound Recordist of Doordarshan as revised by the order of Hon'ble Supreme Court of India. He claimed that the pay scales of both the posts have been same as per recommendations of 3rd CPC and 4th CPC and the Engineering Assistants are better qualified and have more onerous duties to perform. Hon'ble Tribunal allowed the OA vide judgment dated 29.06.1990 and ordered to revise the pay scale of the post 'Engineering Assistant' on par with that of 'Sound Recordist'. The order of Tribunal was finally upheld by Hon'ble Supreme Court in SLP(C) No. 15206-07 of 1992 vide judgment and order dated 25.11.1994. The Ministry of I&B accordingly revised the pay scale of the post of **Engineering Assistant** in AIR & Doordarshan vide Order No.310/15/93-B(D), dated 15.05.1995 (*Annexure-9*).
4. With the upward revision of pay scale of the post 'Engineering Assistant' resulted into an anomaly in the hierarchy of pay scales to the extent that the pay scale of the next promotional post of Sr. Engineering Assistant became on par with that of feeder post of Engineering Assistant w.e.f. 01.01.1978 to 31.12.1985 and became even lower w.e.f. 01.01.1986 to 31.12.1995 as shown below :-

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Posts	Pay Scales after revision of pay scale of EA by Court order effective from 01.01.1978 to 31.12.1985 (Rs.)	Pay Scales after revision of pay scale of EA by Court order effective from 01.01.1986 to 31.12.1995 (Rs.)
Sound Recordist	550-900	2000-3200
Engineering Assistant	550-900	2000-3200
Sr. Engineering Assistant	550-900	1640-2900
Assistant Engineer	650-1200	2000-3500

5. Smt. Sasikala Selvaraju and Shri N.Rangaiah & others filed O.A. No. 983/1998 and O.A. No. 22/1999 before Bangalore Bench of CAT for revision of pay scale of the promoted post of **Sr. Engineering Assistant** in order to remove the above anomaly in the pay scale of the promoted post of Sr. Engineering Assistant *vis a vis* feeder post of Engineering Assistant. Hon'ble Tribunal allowed the OA vide single judgment dated 16.02.2000 and ordered to revise the pay scale of the post 'Sr. Engineering Assistant'. The order of Tribunal was upheld by Hon'ble Karnataka High Court vide judgment and order dated 16.02.2000 in CWP No. 28528 of 2000 and finally by Hon'ble Supreme Court of India vide judgment and order dated 14.02.2001 in SLP(C) No. CC5902-5908 of 2001. The Ministry of I&B then revised the pay scale of the post of **Sr. Engineering Assistant** in AIR & Doordarshan vide Order No.310/50/99-B(D)/BA(E), dated 10.06.2002 (**Annexure-10**) as below :-

Posts	Pay Scales after revision of pay scales of EA & SEA by Court order effective from 01.01.1978 to 31.12.1985 (Rs.)	Pay Scales after revision of pay scales of EA & SEA by Court order effective from 01.01.1986 to 31.12.1995 (Rs.)
Sound Recordist	550-900	2000-3200
Engineering Assistant	550-900	2000-3200
Sr. Engineering Assistant	550-930	2000-3275
Assistant Engineer	650-1200	2000-3500

6. Evidently, thus, the three posts in the hierarchy, the Engineering Assistant (EA), the Sr. Engineering Assistant (SEA) and the Assistant Engineer (AE) came to have virtually identical pay scales of Rs. 2000-3200, Rs. 2000-3275 and Rs. 2000-3500 respectively, with marginally higher ceiling, before the implementation of 5th Pay Commission. The V-CPC had recommended a *single revised pay scale* of **Rs. 6500-200-10500** for these existing pay scales during the course of *rationalization* of revised pay structure **effective from 01.01.1996**.