



United We Stand

Union of Akashvani & Doordarshan (Prasar Bharati) Engineering Employees(UADEE)

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Ref. No. MIB/JS(B)/02/2012:

Dated:.. 21.12.2012

Shri R.K.Singh, I.A.S.,
The Joint Secretary (Broadcasting),
Ministry of Information & Broadcasting,
Shastri Bhawan, Dr. R.P.marg,
New Delhi-110 001.

Sub: Admissibility of benefits of **FR 22(I)(a)(1)** in the fixation of pay in the *revised pay scales* of the post of Senior Engineering Assistant(SEA) (i.e. **Rs 550-930** from 01.01.1978 to 31.12.1985 and **Rs 2000-3275** from 01.01.1986 to 31.12.1995 as revised by the Ministry of I&B vide order No. 310 / 50 / 99-B(D) / BA(E), dated **10.06.2002 & 03.09.2002**) on promotion from the *feeder post* of Engineering Assistant (EA) to the *higher post* of Senior Engineering Assistant (SEA) in AIR & Doordarshan during the period from **01.01.1978 to 31.12.1995**.

Ref: DG:Doordarshan's OM No. 10/17/2009-S.IV, dated **28.10.2009** in the matter. [*Annexure-1*]

Sir,

I am constrained to bring to your kind notice the catastrophic **clarification** of DG: Doordarshan on the above mentioned subject issued vide OM No. 10/17/2009-S.IV, dated **28.10.2009** (*Annexure-1*) (now kept in abeyance vide OM of even no. dated 05.02.2010: *Annexure-1A*) and circulated to all Kendras, Zonal Headquarters and Pay & Accounts Offices with the instructions **not to allow** the benefit of **FR 22(I)(a)(1)** in the fixation of pay in the revised *higher* pay scales of the post of SEA (i.e. **Rs 550-930** from 01.01.1978 to 31.12.1985 and **Rs 2000-3275** from 01.01.1986 to 31.12.1995 as revised *upward* by the Ministry of I&B vide order No.310/50/99-B(D)/BA(E), dated **10.06.2002**: *Annexure-4*), above and higher than the pay scales of the feeder post of EA) on their promotion from the *feeder* post of Engineering Assistant (EA) during the period from **01.01.1978 to 31.12.1995**. This unwarranted **clarification** is going to have devastating ramifications if not withdrawn, involving unnecessary huge office work and monetary losses to the promoted officers from the post of EA in AIR & Doordarshan in whose cases the pay on *promotion* has already been *refixed* with the benefits of **FR 22(I)(a)(1)** and the arrears of pay paid to them in accordance with the Ministry's OM dated **10.06.2002**. This unfortunate order has also stalled the long awaited *refixation* of pay in the revised pay scales of SEA under **FR 22(I)(a)(1)** in case of several SEAs promoted to the post after 01.01.1978 and before 31.12.1995 whose *refixation* of pay in the revised pay scales of SEA could not be done after Ministry of I&B's order dated **10.06.2002** because of administrative apathy at their stations, and thus causing to them huge recurring losses till the date. A case of one Shri M.G.Tamse, AE of DDK, Panaji (*Annexure-5*) is referred herewith as an example in the matter.

Interestingly, the DG:Doordarshan, in their OM dated **28.10.2009**, has mentioned to have derived the '**clarification**' from the Ministry of I&B's OM No. 310/46/95-B(D), dated **07.06.1996** vide **clarification No.6 (Annexure-3)** which was rendered infructuous and irrelevant with the issuance of Ministry of I&B's Order No. 310/50/99-B(D)/BA(E), dated **10.06.2002** revising *upward* the pay scales of the *promoted* post of SEA.

I may be permitted to bring forthwith the following facts for your kind perusal and the points leading to issuance of a wrong and misleading clarification dated **28.10.2009** by the DG:DD in the matter referred to:

1. That, the post of Senior Engineering Assistant (SEA) is a **promoted post** for the post of Engineering Assistant (EA) in the engineering hierarchy of AIR & Doordarshan, and carries duties and responsibilities of greater importance than that of EA. Both the posts had distinct pay scales as per recommendations of 3rd and 4th Central Pay Commissions as mentioned below and the benefits under **FR 22(I)(a)(1)** was fully admissible in the fixation of pay on promotion from the post of EA to SEA:

Sr.	Posts in the hierarchy in ascending order	Pay scales given by 3 rd CPC (01.01.1973 to 31.12.1985)	Pay scales given by 4 th CPC (01.01.1986 to 31.12.1995)
1	Engineering Assistant (EA) ↓	425 - 750 ↓	1400 - 2600 ↓
2	Senior Engineering Assistant (SEA)	550 - 900	1640 - 2900

2. That, the Ministry of I & B had revised the pay scale of the feeder post of EA from Rs 425-750 to **Rs 550-900** w.e.f. 01.01.1978 to 31.12.1985 and from Rs 1400-2600 to **Rs 2000-3200** w.e.f. 01.01.1986 to 31.12.1995 vide Order No. 310/15/93-B(D), dated **15.05.1995 (annexure-2)** as mentioned below, consequent upon order dated **29.06.1990** of Madras Bench of CAT in OA No.654/1989 and order dated 25.11.1994 of the Apex Court in SLP(C) No.15206-07 of 1992 & 4307-08 of 1993, revising the pay scales of Engineering Assistant(EA) **on par** with the pay scales of the *Sound Recordists* of Doordarshan who(latter) were earlier granted by the Apex Court's order the same pay scales as held by the *Recordists* of the Film Division, Ministry of I&B on the basis of parity:

Sr.	Posts in the hierarchy in ascending order	Pay scales after revision of pay scale of EA by Courts' order (01.01.1973 to 31.12.1985)	Pay scales after revision of pay scale of EA by Courts' order (01.01.1986 to 31.12.1995)
1	Engineering Assistant (EA) ↓	550 - 900	2000 - 3200
2	Senior Engineering Assistant (SEA)	550 - 900	1640 - 2900

3. That, this upward revision of pay scales of the post of EA, as shown above, had created an **anomaly** in the pay scales of the *feeder* post of EA *vis-à-vis* the pay scales of the *promoted* post of SEA insomuch as the revised pay scale of the *feeder* post of EA (Rs 550-900) became **on par** with the pay scale of the *promoted* post of SEA from 01.01.1978 to 31.12.1985 and became **even higher** (Rs2000-3200) than the pay scale of the *promoted* post of SEA (Rs1640-2900) from 01.01.1986 to 31.12.1995.

4. As a corrective but **temporary** measure, the Ministry of I&B then, by an order, **provisionally allowed the revised pay scale of EA (Rs2000-3200) to the SEAs also but as personal to them, during the period from 01.01.1986 to 31.12.1995** during which the pay scale of the *feeder* post of EA had **surpassed** the pay scale of the *promoted* post of SEA. As far the admissibility of benefits of **FR 22(I)(a)(1)** in the refixation of pay on promotion from EA to SEA in such a nasty circumstance was concerned, the DOP&T had advised the Ministry of I&B vide note 16th April, 1996 for not allowing it. Accordingly, the Ministry of I&B, vide OM No. 310/46/95-B(D), dated **07.06.1996 (annexure-3)**, had clarified (*clarification No. 6*) that, on promotion from the post of EA to the post of SEA during the period from 01.01.1978 to 31.12.1995, the pay should be fixed **without allowing** the benefits of **FR 22(I)(a)(1)** as per the advice of the DOP&T. It was also ordered to review all the pay fixation cases and taking remedial action for effecting recoveries.

By an another order of even number dated **19.06.1996**, the Ministry of I&B asked the DG:AIR & DG:DD **not to indulge** in refixation exercises or to effect recoveries in cases where pay has already been fixed by giving benefits under **FR 22(I)(a)(1)** till the matter is decided in consultation with the DOP&T.

By a further order No. 310/46/95-B(D), dated **22.07.1996 (annexure-3A)**, the Ministry of I&B had clarified (vide clarification No.3) that as regards to fresh cases, the fixation may be done **without allowing** the benefits of **FR 22(I)(a)(1)** till a final view is taken by the DOP&T.

5. It is pertinent to mention here that the benefits of **FR 22(I)(a)(1)** *already availed* in the fixation of pay in all the cases of the promotions made from EA to SEA after **01.01.1978 and upto 31.12.195** (the end of the span of 4th CPC) in the *pre-revised* pay scales of EA & SEA [i.e.from EA(Rs 425-750) to SEA(Rs 550-900) w.e.f. 01.01.1978 onwards and from EA(Rs 1400-2600) to SEA(Rs 1640-2900) w.e.f. 01.01.1986 onwards] was **withdrawn** with the issuance of the OM No. 310/46/95-B(D), dated **07.06.1996** and OM of even number dated **22.07.1996** by the Ministry of I&B till a final view could be taken in consultation with the DOP&T. As per the FR&SR, the promoted post must have the higher pay scale besides carrying duties and responsibilities of greater importance than that of the feeder post for the admissibility of the benefits of **FR 22(I)(a)(1)** in the fixation of pay on promotion. The benefits of **FR 22(I)(a)(1)** was later on **restored** with the upward revision of pay scales of the *promoted* post of SEA, above and higher than that of the *feeder* post of EA, from 01.01.1978 to 31.12.1995 by the Ministry of I&B's order vide No. 310/50/99-B(D)/BA(E), dated **10.06.2002 (annexure-4)** laying the controversy on "admissibility of **FR 22(I)(a)(1)**" to rest once and for all as mentioned below at para-6.
6. That, the Ministry of I&B revised the pay scales of the *promoted* post of SEA from Rs 550-900 to **Rs 550-930** wef 01.01.1978 to 31.12.1985 and from Rs 1640-2900 to **Rs 2000-3275** wef 01.01.1986 to 31.12.1995 vide order No.310/50/99-B(D)/BA(E), dated **10.06.2002 (annexure-4)** and **03.09.2002 (annexure-4A)** as mentioned below, consequent upon order dated 16.02.2000 of Bangalore Bench of CAT in OA No. 983/98 & OA No.22/99, order dated 14.02.2001 of Karnataka High Court in Writ Petitions 28528-529 & 32866-870 of 2000 and order dated 07.12.2001 of the Apex Court in SLP No. CC5902-5908 of 2001, revising the pay scales of the post of SEA above and higher than that held by the *feeder* post of Engineering Assistant(EA):

Sr.	Posts in the hierarchy in ascending order	Pay scales after revision of pay scale of EA & SEA by Courts' order (01.01.1973 to 31.12.1985)	Pay scales after revision of pay scale of EA & SEA by Courts' order (01.01.1986 to 31.12.1995)
1	Engineering Assistant (EA) ↓	550 - 900	2000 - 3200
2	Senior Engineering Assistant (SEA)	550 - 930	2000 - 3275

7. (I) That, this upward revision of pay scales of the *promoted* post of SEA by the Ministry of I&B's said order dated 10.06.2002 & 03.09.2002, as shown above, had removed the said **anomaly** in the pay scales of the *promoted* post of SEA *vis-à-vis* the pay scales of the *feeder* post of EA with the *promoted* post of SEA, now, having distinct and higher pay scales than that held by the *feeder* post of EA during the entire period from 01.01.1978 to 31.12.1995 and thus restoring the impeccable admissibility criteria for availing of the benefits of **FR 22(I)(a)(1)** in the fixation of pay on promotion from EA to SEA.

(II) That, the Ministry of I&B vide *para-2* of the said order No.310/50/99-B(D)/BA(E), dated **10.06.2002** (*annexure-4*) had ordered that, "The officers who held the post of Senior Engineering Assistant(SEA) during the period from 01.01.1978 to 31.12.1995 are entitled to the benefits of arrears of pay as a result of this upgradation and refixation of their pay in the revised pay scale, as per relevant rules for this period". Obviously, the Ministry of I&B's clarification No.6 vide OM No. 310/46/95-B(D), dated **07.06.1996** (*annexure-3*) by which the benefits of **FR 22(I)(a)(1)** in the refixation of pay on promotion from EA to SEA was withdrawn on ground mentioned at *para-4*, had rendered infructuous and irrelevant now and the benefits of **FR 22(I)(a)(1)** in the refixation of pay was to be restored now. After the issue of Ministry of I&B's order dated **10.06.2002**, most of the Kendras of AIR & Doordarshan had carried out the refixation of pay of SEAs posted there, restoring the benefits of **FR 22(I)(a)(1)** on their promotion from EA to SEA and had paid them the resultant arrears of pay also as ordered by the Ministry of I&B vide order No.310/50/99-B(D)/BA(E), dated **10.06.2002**.

8. However, a few Kendra still continued to seek clarifications from DG:AIR & DG:Doordarshan on the admissibility of the benefits of **FR 22(I)(a)(1)** in the refixation of pay on promotion from EA to SEA in the revised pay scales of SEA, perhaps *because of the reason that Ministry of I&B's said clarification vide OM No. 310/46/95-B(D), dated 07.06.1996 (annexure-3) withdrawing the benefits of FR 22(I)(a)(1), was not withdrawn/ superseded by a specific and speaking order along with or after issuance of Ministry of I&B's order No.310/50/99-B(D)/BA(E), dated 10.06.2002 revising upward the pay scales of SEA from 01.01.1978 and 01.01.1986, although it was fully obvious from the Ministry's order dated 10.06.2002 on revision of pay scales of SEA.* Even the DG:Doordarshan seems to have been confused with the issue and issued catastrophic **clarification** in the matter vide OM No. 10/17/2009-S.IV, dated **28.10.2009** (*annexure-1*) reportedly based on the same (now infructuous) clarification No.6 contained in the Ministry of I&B's OM No. 310/46/95-B(D), dated **07.06.1996**, and circulated to all Kendras, Zonal Headquarters and Pay & Accounts Offices with the instructions **not to allow the benefits of FR 22(I)(a)(1)** in the refixation of pay in the revised *higher* pay scales of the post of SEA, and thus putting the cart before the horse once again in the refixation of pay of SEAs under **FR 22(I)(a)(1)**.

9. That, the said unfortunate **clarification** issued by the DG:DD vide OM No. 10/17/2009-S.IV, dated **28.10.2009** (*annexure-1*) [now kept in abeyance vide OM of even no. dated 05.02.2010 (*annexure-1A*)] in the matter is going to have devastating ramifications if not withdrawn, involving unnecessary office work and huge monetary losses to the promoted officers from the post of EA in AIR & Doordarshan in whose cases the pay on *promotion* has already been *refixed* with the benefits of **FR 22(I)(a)(1)** and the arrears of pay paid to them in accordance with the Ministry's OM dated **10.06.2002** (*annexure-4*). This unfortunate order has also stalled the long awaited *refixation* of pay in the revised pay scales of SEA under **FR 22(I)(a)(1)** in case of several SEAs promoted to the post after 01.01.1978 and before 31.12.1995 whose *refixation* of pay in the revised pay scales of SEA could not be done after Ministry of I&B's order dated **10.06.2002**

because of administrative apathy at their stations and thus causing to them recurring losses till the date.

I therefore humbly request your honour for the following directions to the authorities so as to clear all doubts in the matter of *admissibility of benefits of FR 22(I)(a)(1), during the period from 01.01.1978 to 31.12.1995*, in the refixation of pay in the revised pay scales of the post of SEA on promotion from EA, and *entitlement of arrears of pay* consequent upon this refixation of pay in the revised pay scales of SEA;

- (a) That, the DG:Doordarshan's *clarification* issued vide OM No. 10/17/2009-S.IV, dated **28.10.2009** (*Annexure-1*) in the matter of admissibility of benefits of **FR 22(I)(a)(1)** in the refixation of pay in the *revised pay scales* of the post of SEA on promotion from EA, **being wrong, is withdrawn.**
- (b) That, consequent upon upward revision of pay scales of the post of SEA vide Ministry of I&B's order No.310/50/99-B(D)/BA(E), dated **10.06.2002** (*annexure-4*), "*The officers who held the post of SEA during the period from 01.01.1978 to 31.12.1995 are entitled to the benefits of FR 22(I)(a)(1) in the refixation of their pay in the revised pay scales of SEA on promotion from EA and also the benefits of arrears of pay as a result of this revision of the pay scales of the post of SEA, as per relevant rules for this period*".
- (c) That, the Ministry of I&B's *clarification* vide OM No. 310/46/95-B(D), dated **07.06.1996** (*annexure-3*) and similar disallowing the benefits of **FR 22(I)(a)(1)** in the refixation of pay on promotion from EA to SEA during the period from 01.01.1978 to 31.12.1995, stood withdrawn with the upward revision of pay scales of the post of SEA by the Ministry of I&B's said order dated **10.06.2002** .

With deep regards,

Yours sincerely,

Dated: The 21st December, 2012.

Encl: As mentioned above.

(Hari Gopal Sharma)
President
Mob: 09462417843

Copy for kind information & urgent necessary action to:

1. The CEO, Prasar Bharati (BCI), PTI Building, Sansad Marg, New Delhi-110 001.
2. The DG:AIR, Akashvani Bhawan, Sansad Marg, New Delhi-110 001.
3. The DG:Doordarshan, DD Bhawan Phase-1, Copernicus Marg, New Delhi-110 001.

(Hari Gopal Sharma)
President