

CENTRAL ADMINISTRATIVE TRIBUNAL

MADRAS BENCH.

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FRIDAY, THE TWENTYNINTH DAY OF JUNE,
ONE THOUSAND NINE HUNDRED AND NINETY.

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P R E S E N T

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The Hon'ble Justice Dr. Davind Annoussamy,
Vice Chairman,

and

The Hon'ble Smt. J. Anjani Dayanand,
Administrative Member.

O.A. No. 654/89.

A. Rajasekaran

... Applicant

Vs.

1. Secretary to Government
Govt. of India,
Ministry of Information and
Broadcasting,
Shastri Bhavan
New Delhi - 110 001.

2. The Director General of
Doordharshan,
Doordharsan Bhavan,
Mandi House,
New Delhi,

... Respondents

Mrs. A. Sambandam,
S. Klem Valudhi and
L.L. Namasivayas

... Counsel for
the applicant

Mr. Peter Gunasekaran

... Counsel for
the respondents.

ORDER : Pronounced by the Hon'ble Shrimathy
J. Anjani Dayanand; Administrative Member.

The applicant is a Sr. Engineering Assistant in the Doordharshan Kendra, Madras. He has approached the Tribunal for relief by way of a direction to the respondents to revise the scale of pay of his post of his post of Engineering Assistant from Rs.425-15-500-EB-15-560-20-640-EB-20-700-25-750 to Rs.550-25-750-EB-30-900 from 1-1-1978 the date from which the Supreme Court allowed the revision to the Sound Recordist and to allow him the corresponding revised Time Scale of Rs.2000-60-2300-EB-75-3200 as per Fourth Central Pay Commission recommendation from 1-1-1986.

It is the case of the applicant that he has been attached to the Doordharshan Kendra, Madras from 10-4-1981 and was promoted as Senior Engineering Assistant on 7-6-1986 in which post he has been continuing. It was argued on behalf of the applicant that the Engineering Assistants and Sound Recordists in Doordharshan were on the same time scale of pay namely Rs.425-15-500-EB-15-560-20-640-EB-20-700-25-750 from the year 1973, as per the recommendations of the Third Central Pay Commission. There were Sound Recordists in the Film Division which is an another Wing of the Ministry of Information and Broadcasting. The Sound Recordists in the Film Division

were given the pay scale of Rs.550-25-750-EB-30-900. The Sound Recordists of the Doordarshan filed a Writ Petition (Civil) No. 974/ 978 before the Supreme Court of India claiming that they should be allowed the same pay scale as given to their counterparts, Sound Recordists in the Film Division under the same Ministry of Information and Broadcasting. The Hon'ble Supreme Court vide their judgment dated 26-8-1988, held that when two posts under two different wings of the same Ministry are identical and involve the performance of the same nature of duties, it will be unreasonable and unjust to discriminate between the two in the matter of pay and have ordered that the petitioner-Sound Recordists of Doordharshan shall be given the same pay scale as was given to the Recordists in the Film Division i.e. Rs. 550-25-750-EB-30-900. This has now been allowed by the Government of India, in Ministry of Information and Broadcasting reference No. A-140111/1/30-SI/TV(A) dated 21-12-1988. On behalf of the applicant the learned counsel made available the recruitment rules for the posts of Sound Recordist and Engineering Assistant in Doordarshan as also their duties and responsibilities. It was argued on behalf of the applicant that both as regards qualifications and duties, the Engineering Assistants were better qualified and have more

onerous duties to perform. The learned counsel for the applicant while arguing, stated that even in the counter this fact had not been rebutted. They had only stated that the matter is under consideration of the that the Sound Recordist was a dying cadre and the Engineering Assistants are, therefore, being used to perform the duties of the Sound Recordist. He stated that the respondents have taken a curious line of argument in the counter that normally higher pay scales are given to isolated posts to compensate them for less promotional avenues and since the Engineering Assistants are in a normalised cadre having adequate promotional avenues, they have to be considered separately on a separate footing. He stated that the ratio enunciated by the Supreme Court in their judgment was that when two posts under two different wings of the same Ministry are not only identical, but also involve the performance of the same nature of duties, it will be unreasonable and unjust to discriminate between the two in the matter of pay. He stated that this would be even more so when the two posts belong to the same Wing of the same Ministry and who are performing the same duties if not more. In this view, he prayed that the application desolves to be allowed.

The learned counsel for the respondents argued on the lines of the reply already filed, and stated that in pursuance of the Supreme Court judgment orders were issued on 21-12-1988 granting a higher scale of pay to the Sound Recordists in the Doordarshan. The case of the Engineering Assistants was under consideration. No order rejecting their representation had been issued so far. On our specific questioning on the averments made regarding the recruitment rules as well as the duties and responsibilities attached to the posts of Sound Recordist and Engineering Assistant, the learned counsel for the respondents agreed that the qualifications prescribed for the Engineering Assistant were higher and that their duties and responsibilities were also larger. However, since the Sound Recordist is a dying cadre, Engineering Assistants were being used to perform the same duties. Their representation for a higher pay scale was under consideration of the Ministry.

We have carefully studied the recruitment rules and duties and responsibilities attached to the two posts. We have also studied carefully the judgment of the Hon'ble Supreme Court in the Writ Petition (Civil) No. 974 of 1978 dated 26-8-1988 and the ratio enunciated by them.

Following the Supreme Court judgment, we consider that in the context of ^{the} qualifications prescribed as also the nature of duties and responsibilities of the Engineering Assistants, the benefit of the order passed by the Ministry of Information and Broadcasting vide their Reference No. A-14011/1/80-SI/TV(A) dated 21-12-1988, should be extended to the Engineering Assistants also.

The application is allowed as above.

/ True copy /

DEPUTY REGISTRAR