



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

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

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

UNITED WE STAND

[website: www.uadee.org](http://www.uadee.org)

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Date: 21-01-2011

Shri Raghu Menon, IAS,
Secretary to the Govt. of India,
Ministry of Information & Broadcasting,
Shastri Bhawan, Dr. R.P. Marg,
New Delhi-110001

Subject: Extension of benefits of the judgment dated 07.09.2009 in OA No. 514 of 2002 of Hon'ble Patna Bench of Central Administrative Tribunal, granting benefit of **ACP Scheme, 1999** for the petitioner Engineering Assistants, to all the similarly situated Engineering Assistants of AIR & Doordarshan -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 employees due to lack of adequate promotional avenues. The Union Government had accepted to introduce the ACP scheme recommended by the V-CPC and notified it vide GOI, DOP&T's OM No. 35034/1/97-Estt.(D), dated 09.08.1999. As 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 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.

The pay scale of the post 'Engineering Assistant' of AIR & Doordarshan was *inter-alia* revised to **Rs 2000-60-2300-75-3200** with effect from **01.01.1986** and upto 31.12.1995, vide Ministry of I&B's Order No. 310/15/93-B (D), dated 15.05.1995 in pursuance of the judgment dated 29.06.1990 of Hon'ble Madras Bench of CAT in OA No. 654 of 1989 as upheld by Hon'ble Supreme Court of India on 25.11.1994. The pay scale of the post of 'Sr. Engineering Assistant', the next promotional post, was also revised *upward* later on, by the Ministry of I&B to **Rs 2000-60-2300-75-3275** w.e.f. **01.01.1986** and upto **31.12.1995**, consequent upon order of Hon'ble Apex Court dated 07.12.2001. 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 with marginally higher ceiling before the implementation of 5th Pay Commission, as shown below:

Sr.No.	Name of Posts	Scale of Pay effective From 01.01.1986 and upto 31.12.1995	References of Courts' Judgments
1	Engineering Assistant (EA)	Rs 2000-3200	Order dated 29.06.1990 of Madras Bench of CAT in OA No.654/1989 as upheld by Apex Court dated 25.11.1994.
2	Sr. Engineering Assistant (SEA)	Rs 2000-3275	Order dated 16.02.2000 of Bangalore Bench of CAT in OA No. 983/98 & OA No.22/99 as upheld by Apex Court dated 07.12.2001.
3	Assistant Engineer (AE)	Rs 2000-3500	-----

The V-CPC revised the pay scale of the post 'Assistant Engineer' from **Rs 2000-3500** to **Rs 6500-10500** effective from 01.01.1996. The posts of Engineering Asstt. and the Sr. Engineering Assistant were also allowed the revised pay scale of **Rs 6500-10500** with effect from 01.01.1996 vide OM No. 310/173/97-B(D), dated 05.12.1997 of the Ministry of Information & Broadcasting.

Consequently, all the three posts in the hierarchy, the Engineering Assistant, the Sr. Engineering Assistant and the Assistant Engineer came to exist in identical pay scale of **Rs 6500-10500** of the V-CPC with effect from 01.01.1996 which lead to denial of the benefits of the ACP Scheme, 1999 by the Government to the employees of these cadres of AIR & Doordarshan.

Sir, the deprivation of legitimate benefits of the ACP Scheme lead few of the engineering employees of EA, SEA and AE cadres of AIR/ Doordarshan, Patna, filing of OA No. 514 of 2002 in the Central Administrative Tribunal, Patna Bench, Patna to seek legal justice in the matter. Hon'ble Central Administrative Tribunal, Patna Bench, allowed the OA and passed Order dated 7th September, 2009, directing the Government to grant the applicants therein the 1st ACP in the Pay Scale of **Rs 8000-275-13500** of the next higher post in the hierarchy, along with the consequential benefits, as and when they have completed 12 years of qualifying service in accordance with the ACP Scheme. The decision dated 7th September, 2009 of Hon'ble Central Administrative Tribunal, Patna had been duly **upheld by Hon'ble High Court, Patna by order dated 25th August, 2010 in CWJC No.6451 of 2010 and also by Hon'ble Supreme Court of India very recently by order dated 10.01.2011 in SLP(C) No. CC 20212 of 2010 giving finality to the case.** It is needless to mention here that the decision is lawfully applicable in case of all the similarly situated and direct recruit category of EA/SEA/AE of AIR & Doordarshan. The employees of AIR & Doordarshan holding the posts of Engineering Assistant, Sr. Engineering Assistant and/or the Assistant Engineer are thus eligible for the grant of 1st financial upgradation in the Pay Scales of **Rs 8000-275-13500** and thereafter, 2nd financial upgradation in the Pay Scale of **Rs 10000-325-15200** of the hierarchical posts under the **ACP scheme of 9th August, 1999** subject to fulfillment of conditions of the scheme.

I therefore, request your honour to kindly grant the benefits of the **ACP scheme** to all similarly placed Engineering Asstt. of AIR & Doordarshan with retrospective effect as per notification by the Government on 9th August, 1999, in pursuance of the decision of the courts as mentioned above.

With deep regards,

Yours Sincerely

Enclo: Chronology of developments as Annexure-I

(DEBASHIS CHOWDHURY)
General Secretary
Tel. No.: 9868924753 (Mob)

Copy for kind information & immediate necessary action to:

The **CEO** [Kind Attn.: **Sh. V. Shivkumar, Member (P)**], Prasar Bharati (BCI), PTI Building, Sansad Marg, New Delhi-110001- with a request to pass urgent instruction to DG: AIR/DDn to **upheld the Rules of Law.**

CHRONOLOGY OF DEVELOPMENTS IN REVISION OF PAY SCALES OF THE POSTS OF 'ENGINEERING ASSTT.' & 'SR. ENGINEERING ASSISTANT' BY COURTS' JUDGMENTS.

Date of Effect	Pay Scale of Engineering Assistant		Pay Scale of Sr. Engineering Assistant	
	Before Revision	After Revision by Court's Order	Before Revision	After Revision by Court's Order
From 01.01.1978 to 31.12.1985	Rs 425-750	Rs 550-900	Rs 550-900	Rs 550-930
From 01.01.1986 to 31.12.1995	Rs 1400-2600	Rs 2000-3200	Rs 1640-2900	Rs 2000-3275

1. The 3rd CPC revised the pay scale of the post **Recordist** in Film Division of the Ministry of I&B for **Rs 550-900** effective from 01.01.1973 whereas the pay scale of the post **Sound Recordist** in Doordarshan was revised for Rs 425-750. The pay scales of the posts were further revised to Rs 2000-3200 and Rs **1400-2600** respectively by the 4th CPC effective from 01.01.1986.
2. The **Sound Recordists** of Doordarshan filed WP(C) No.974 of 1978 in Apex Court to claim the pay scale of Rs 550-900 of *comparable* **Recordists** of Film Division. The Writ Petition was decided on 26.08.1988 in favour of the **Sound Recordists** and they were allowed the pay scale of their counterparts **Recordists** in Film Division.
3. The Ministry of I&B revised the pay scale of the post **Sound Recordist** in Doordarshan vide Order No.A-14011/1/80-SI/TV(A), dated 21.12.1988 as below:
From 01.01.1978 : **Rs 550-900**
From 01.01.1986 : **Rs 2000-3200**
4. The pay scale of the post **Engineering Assistant** in AIR & Doordarshan was the same as that of the post Sound Recordist in Doordarshan as per the recommendations of the Central Pay Commissions i.e. **Rs 425-750** effective from 01.01.1973 and **Rs 1400-2600** effective from 01.01.1986. The upward revision of the pay scale of the post Sound Recordist resulted into genuine disparity in the pay scales of the two comparable posts Sound Recordist *vis a vis* Engineering Assistant to the detriment for the latter.
5. One Engineering Assistant, Shri A. Rajasekaran filed OA No.654 of 1989 in Madras Bench of CAT to claim the pay scale of **Rs 550-900** (from 01.01.1978) and **Rs 2000-3200** (from 01.01.1986) of *comparable* **Sound Recordists** of Doordarshan. The OA was decided on 29.06.1990 in favour of the petitioner.
6. The Government filed SLP in the Apex Court against the judgment dated 29.06.1990 of Madras Bench of CAT which was dismissed on merits on 07.01.1991. Government's Review Petition in the Apex Court was also dismissed on 16.07.1991 giving finality to the case.
7. The UOI, thereafter, filed a Review Petition No.4 of 1992 in the OA No.654 of 1989 in Madras Bench of CAT for the review of the its original judgment dated 29.06.1990. Strangely enough, the Review Petition was allowed by the CAT on 10.06.1992, rescinding the operative part of its earlier judgment dated 29.06.1990.

8. Shri A. Rajasekaran, the petitioner in the OA No. 654 of 1989, filed SLP(C) No.15206-07 of 1992 in the Apex Court against the judgment dated 10.06.1992 of the Madras Bench of CAT by which the operative part of the original judgment dated 29.06.1990 was rescinded, even after it had attained finality from the Apex Court on 16.07.1991. The Apex Court, on 25.11.1994, set aside the impugned order dated 10.06.1992 of Madras Bench of CAT in RP No. 4 of 1992 in the OA No.654 of 1989.
9. The Ministry of I&B revised the pay scale of the post **Engineering Assistant** in AIR & Doordarshan vide Order No.310/15/93-B(D), dated 15.05.1995 as below:

From 01.01.1978 : **Rs 550-900**
From 01.01.1986 : **Rs 2000-3200**

10. The above revision of the pay scale of the post **Engineering Assistant** resulted into a peculiar anomaly in which the pay scale of the promoted post **Sr. Engineering Assistant** for the Engineering Assistants came at par with the feeder cadre with effect from 01.01.1978 and became lower than the feeder cadre with effect from 01.01.1986 as below:

Date of Effect	Pay Scale of Engineering Assistant after the Revision	Pay Scale of Sr. Engineering Assistant
From 01.01.1978 to 31.12.1985	Rs 550-900	Rs 550-900
From 01.01.1986 to 31.12.1995	Rs 2000-3200	Rs 1640-2900

11. Shri N.Rangaiah & others filed OA No. 22 of 1999 in Bangalore Bench of CAT for the removal of the above anomaly in the pay scale of the promoted post **Sr. Engineering Assistant** *vis a vis* feeder post **Engineering Assistant**. The OA No. 22/1999 was decided on 16.02.2000 along with the OA No. 983/1998 in the same matter, in favour of the petitioners.
12. The Government's Writ Petition No.28528 of 2000 filed in the High Court of Karnataka at Bangalore against the CAT's judgment dated 16.02.2000 was decided on 14.02.2001 in favour the employees.
13. The Government's SLP No. CC5902-5908 of 2001 filed in the Apex Court against the decision dated 14.02.2001 of the Karnataka High Court was decided on 07.12.2001 in favour of the employees giving finality to the case.
14. The Ministry of I&B revised the pay scale of the post **Sr. Engineering Assistant** in AIR & Doordarshan vide Order No.310/50/99-B(D)/BA(E), dated 10.06.2002 as below:

From 01.01.1978 : **Rs 550-930**
From 01.01.1986 : **Rs 2000-3275**

