

F. No. A-56013/21/2017-BAP
Government of India
Ministry of Information and Broadcasting
BA (P) Section, 'A' Wing, Shastri Bhawan,
New Delhi-110 001

Dated: 05.02.2018

SPEAKING ORDER

WHEREAS Shri L. Umamageswaran & others had filed OA No. 691/2013 and prayed before the Hon'ble CAT, Madras Bench, Madras for grant of upgraded pay scales to the applicants who are working as LDC, UDC, Assistants in the Prasar Bharati as granted to 11 categories of employees in Subordinate Engineering and Programme Cadre of Prasar Bharati vide MIB's order dated 25.02.1999.

2. WHEREAS the Hon'ble CAT vide its order dated 09.01.2017 has directed as under:

“ A perusal of the paragraphs 9, 10 & 11 of the reply discloses that the COJS has categorically recommended to withdraw the higher pay scales granted to 11 categories and to place in the pay scales applicable to direct recruits in order to avoid similar demand being made by other categories. However, the respondents have not yet implemented the recommendation of the COJS. In view of the above, the respondents are directed to take decision on the issue and pass a reasoned and speaking order within a period of six months from the date of receipt of a copy of this order. If the applicants are still aggrieved, they at liberty to approach this Tribunal, if so advised. The OA is disposed of accordingly. No order as to costs“.

3. WHEREAS with the approval of the Cabinet, Ministry of I&B issued an order No. 310/173/97-B(D) dated 25.02.1999 upgrading the pay scales of 11 categories of employees in Subordinate Engineering and Programme cadres of AIR & Doordarshan, one level above the scales as recommended by 5th CPC.

4. WHEREAS a Group of Ministers (GoM) was set up to look into the various issues of Prasar Bharati. The GoM in its meeting held on 17.06.2010 considered agenda Item no.-6 "*Demands of employees organizations of the National Federation of Akashwani and Doordarshan Employees (NFADE) and the Akashwani and Doordharshan Administrative Staff Association (ADASA)*". In the light of representations from employees organizations like NFADE, ADASA, Doordarshan Core Professionals representing Cameraman and other categories of employees, after due deliberations, GOM decided that a Committee of four Joint Secretaries, one each of the Ministry of Finance (Department of Expenditure), Ministry of Personnel (Department of Personnel & Training), Ministry of Information & Broadcasting and the Ministry of Law & Justice (Department of Legal Affairs) may be constituted to look into the specific issues relating to disparity in pay scales and other related issues for categories of employees that are exclusive to the Ministry of I&B/Prasar Bharati, arising out of upgraded pay scales granted to eleven categories of employees of Prasar Bharati as per the decision taken in 1999. GOM further decided that the issues relating to disparities in pay scales of common administrative categories of employees like LDCs, UDCs, and other ministerial cadres would **not** be considered by the Committee, as this would have wide ranging implications. As per directions of GOM, a Committee of Joint Secretaries (CoJS) was formally constituted by the Ministry of I&B.

5. WHEREAS CoJS made the following recommendations vide its report dated 03.02.2011:

i The upgraded pay scales granted to 11 categories vide orders dated 25.02.1999 may be withdrawn. This is in consonance with the spirit of the then Cabinet decision according to which the employees were not to be entitled to the upgraded pay scales in the event of their not getting absorbed in Prasar Bharati. It may also be mentioned in this context that new recruits were, in any case, not being granted the upgraded pay scales. These 11 categories would, therefore, be entitled to pay scales drawn by direct recruits.

ii As far as the other categories are concerned, they have been given the pay scales recommended by the Fifth Pay Commission and subsequent replacement scales recommended by the Sixth Pay Commission based on their qualifications and other criteria. Any disturbance of these pay scales may generate demands from various other categories in the Central Government which have similar qualifications. The demands for higher pay scale in the case of these categories has arisen due to the higher scales granted to the 11 categories and since, in the case of the 11 categories, it is proposed to withdraw the upgraded scales which was the basis of their demand for higher pay scales, this issue would be settled.

iii In view of the fact that the 11 categories which were granted higher pay scales have been drawing these pay scales for a long period and the sudden withdrawal of these scales would lead

to a drop in their emoluments, it is recommended that treating these as cases of hardship, their basis pay may be protected till their next promotion/retirement, whichever is earlier. Many of the employees may have already retired and recovery of pension would not be possible. This would also mean that no recoveries of any amount already paid due to grant of higher pay scales earlier would be required to be made.

iv Some of the Associations referred to stagnation in their cadres. The specific requirements of various cadres can be taken care of by cadre restructuring and better cadre management without altering the pay scales.

v Any other issues related to withdrawal of the higher scales can be examined on file by Ministry of I&B in consultation with DoPT/Ministry of Finance.

6. WHEREAS the recommendation of CoJS could not be placed before the GoM, as it did not meet for a long time. However, all the existing GoMs/EGoMs were abolished vide Cabinet Secretariat OM No.1/11/3/2014-Cab. dated 04.06.2014. It was further stated that the Ministries/Departments may process the pending issue(s) referred to GOMs/EGOMs earlier and take appropriate decision(s) with the approval of the competent authority.

7. WHEREAS the matter was placed before Prasar Bharati Board. The Board stated that since the decision to pay upgraded pay scales to 11 categories of employees was taken by MIB vide order dated 25.02.1999, the matter be left to be decided by the Government of India.

8. WHEREAS it is pertinent to state that in another OA No. 3281/2002, full Bench of Hon'ble CAT, Principal Bench, New Delhi, vide its order dated 17.11.2003 had quashed the decision of CAT Bangalore in OA 1917/2000 regarding quashing of MIB order dated 25.02.1999 and had directed respondents not to withdraw the revised pay scales from the applicants granted by MIB order dated 25.02.1999.

9. WHEREAS many Production Assistants and Engineering Assistants, who were regularized/appointed after 25.02.1999 have also been granted upgraded pay scales for implementation of various CAT/High Court/Supreme Court orders.

10. WHEREAS upgraded pay scales have been granted to 18000 employees (approx.) in 11 categories of posts w.e.f. 01.01.1996.

11. WHEREAS the Hon'ble CAT Madras order dated 09.01.2017 in OA No. 691/2013 was linked with another OA No. 2479/2015 filed by ARTEE in Hon'ble CAT, PB, New Delhi regarding counting of upgraded pay scales given by MIB order dated 25.02.1999 for financial upgradation admissible under MACP Scheme, in which Hon'ble CAT, PB, New Delhi vide interim order dated 13.07.2015 had directed that

“the respondents shall not pass any adverse orders against the applicants”.

The stay was operative till 01.12.2017 i.e. the date of disposal of OA.

12. WHEREAS during this period, if any decision would have been taken on the instant order dated 09.01.2017 regarding decision on withdrawal of upgraded pay scales granted by MIB order 25.02.1999, it could have led to contempt of the Hon'ble CAT New Delhi's interim order in the case of ARTEE. Therefore,

this Ministry could not take any decision on this issue till 01.12.2017.

13. Now, therefore, in compliance of the order of Hon'ble CAT, Madras dated 09.01.2017 in No. 691/2013, the matter has been considered in the Ministry keeping in view above facts and circumstances and the competent authority has decided not to accept the recommendations of CoJS for withdrawal of the upgraded pay scales granted by MIB order No. 310/173/97-B(D) dated 25.02.1999. However, it has been decided in consultation with Department of Legal Affairs, Department of Personnel & Training and Department of Expenditure that the upgraded pay scales granted by MIB order dated 25.02.1999 will be counted as one financial upgradation against the three upgradations admissible under MACP Scheme.

14. Recovery of excess payment, if any, will be regulated by DOP&T OM No. F. No. 18/03/2015-Estt. (Pay-I) dated 02.03.2016 issued in pursuance of Hon'ble Supreme Court judgment 18.12.2014 in the case of State of Punjab & Ors vs Rafiq Masih etc. in CA No.11527 of 2014 (Arising out of SLP(C) No.11684 of 2012).

15. This issues with the approval of HMIB.


(Ranvir Singh)

Under Secretary to the Government of India

Tel. 2338 3646

Shri L Umamageswaran (through DG:AIR)

Copy to:

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2. DG: AIR, Akashvani Bhawan, Sansad Marg, New Delhi.
3. DG: Doordarshan, Doordarshan Bhawan, Mandi House, New Delhi.