



Central Administrative Tribunal
Madras Bench

O.A.No.691/2013

Dated Monday the 9th day of January Two Thousand Seventeen

P R E S E N T

Hon'ble Mr.Justice A.Arumughaswamy, Member(J)

&

Hon'ble Mr.R.Ramanujam, Member(A)

1. L.Umamageswaran
2. R.Ganesan
3. A.Natarajan
4. P.Vijayasaradhi
5. V.Alexander
6. V.Anandhi
7. V.Viswanath

.. Applicants

Handwritten notes and signatures: "TA HLC" and "17/2/2017".

By Advocate M/s.K.M.Ramesh

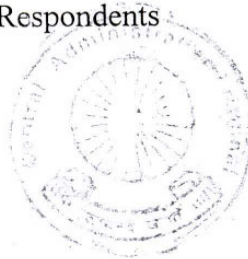
Vs.

1. Union of India, rep by the
Secretary,
M/o Information & Broadcasting,
Sasthri Bhavan, New Delhi 110 001.
2. The Chief Executive Officer,
Prasar Bharati,
PTI Building, Parliament Street,
New Delhi 110 001.
3. The Director General,
All India Radio, Prasar Bharati,
(Broadcasting Corporation of India),
Akashvani Bhawan,
Parliament Street, New Delhi 110 001.
4. Additional Director General(P/I/C),
Prasar Bharati,
All India Radio,
Chennai 600 004.

.. Respondents

By Advocate Mr.K.Ramasamy

Handwritten signature of Mr.K.Ramasamy.

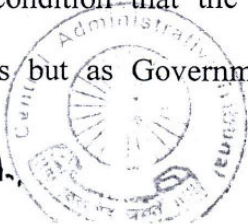


ORAL ORDER(OA 691/2013)
(Pronounced by Hon'ble Mr.Justice A.Arumughaswamy, Member(J))

The applicants have filed this OA seeking to quash the order of the 3rd respondent dated 26.3.2013 and to consequently direct the respondents to grant upgraded pay scales to the applicants as has been granted to 11 categories of employees working in All India Radio and Doordharshan retrospectively from the date those 11 categories were granted upgraded pay scale and pay the arrears arising there from within a time frame or in the alternative direct the respondents to withdraw the higher pay scale granted to the 11 categories forthwith.

2. The applicants are working in various capacities such as UDCs, Assistants and LDCs in various offices of the Prasar Bharati. The applicants are aggrieved in granting higher pay scale to 11 categories of Technical staff working in Prasar Bharati by the respondents and the said benefit was not extended to them. Therefore, they made representation to the respondents which was rejected by the 4th respondent by speaking order dated 26.3.2013 which is impugned in this OA. Challenging the said impugned order, they are before us OA seeking the above mentioned relief.

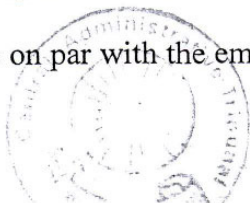
3. The contention of the applicants is that when All India Radio was converted into an Autonomous Body namely, Prasar Bharati (Broadcasting Corporation of India) in 1997, certain categories of employees were granted pay scales over and above the recommendation of V CPC. This benefit was granted to them with the specific condition that the pay scales are granted to them not as Government employees but as Government employees in the service of Prasar Bharati and



whenever options are called for they will opt for Prasar Bharati and in the event of their refusing to opt, they will refund all the benefits arising out of the higher scales. Since the conditions based on which the upgraded scales have been granted to these categories equally apply to the applicants and the same has been granted by invoking the name of Prasar Bharati, the applicants demanded that they too be extended the benefit and they are more than willing to get absorbed in Prasar Bharati. As a result of unilateral up-gradation of the pay of these sections of employees alone, the service interests of cadres in the administrative side such as LDC, UDC, Head Clerk/Assistant and the Administrative Officer were adversely affected as their status and pay scales were downgraded vis-a-vis the engineering and programme cadres and the traditional inter cadre relatively was disturbed.

4. The grounds taken by the applicants are that the respondents ought to have seen that when Section 11(3) of the Prasar Bharati (Broadcasting Corporation of India) Amendment Act, 2011 (Act No.6/2012) has been notified w.e.f. 09.1.2012, which prescribes that "the officers and employees referred to in sub-section (1) and sub-section (2) shall be entitled to the pay and all other benefits as admissible to an employee of the Central Government, the Technical staff belonging to 11 categories are entitled to only the pay and allowances as admissible to the employee of the Central Government and they are not entitled to any higher pay scale. In the event of the respondents refusing to consider the demand of the applicants for the grant of high pay scale as has been granted to 11 categories, the pay scales of the said 11 categories ought to be made on par with the employees of the Central Government as

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they are not entitled to any higher pay scale. There could not be two sets of employees in the same organization one getting pay and other benefits of the Central Government employees and the other getting higher pay scale which is unique and exclusive to the All India Radio and Doordharshan.

5. The respondents have filed the reply statement, wherein para 9, 10 and 11 reads as follows:-

(9) The demands of various employees Associations including that of ADASA to which the applicants belong was placed before the GOM in the meeting held on 17.6.2010, which considered the same and directed the constitution of a Committee of Joint Secretaries (COJS) consisting of Departments of Expenditure, Legal Affairs, Personnel and Training and Information and Broadcasting to look into the specific issues relating to disparity in pay scales and other related issues arising out of upgraded pay scales granted to certain categories. The GOM further observed that issues relating to disparities in the pay scales of common administrative categories would not be considered by the Committee as this would have wide ranging ramifications.

(10) The COJS submitted its report on 3.2.2011 in which it recommended that the upgraded pay scales granted to 11 categories may be withdrawn, in consonance with the spirit of the Cabinet decision, according to which the employees would not be entitled to upgraded pay scales in the event of their not getting absorbed in Prasar Bharati. It also recommended that since it is proposed to withdraw the higher scales granted to 11 categories there was no need to extend the same to other categories.

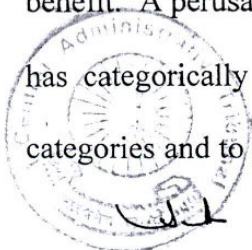
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(11) Taking cognizance of the recommendations of COJS the GOM in its meeting held on 23.6.2011 directed that the views of all concerned employees Associations be ascertained and placed before the GOM for taking a decision. Accordingly the views were obtained and the COJS after analyzing the same reiterated the earlier recommendation of withdrawing the upgraded pay scales of 11 categories.

Accordingly prayed for dismissal of the OA.

6. Heard the learned counsels for both sides and perused the material available on record.

7. On perusal of the records and from the narration of the facts, it is seen that the pay scales of certain categories of Engineering and Programme employees working in AIR and Doordarshan of Prasar Bharati was upgraded in terms of OM dated 25.2.1999 with certain conditions. As this equally apply to the applicants they sought to extend the said benefit to them and they were willing to get absorbed in Prasar Bharati. Accordingly the 3rd respondent has sent a proposal recommending Rs.4000-6000 scale for LDCs, Rs.5000-8000 for UDCs, Rs.6500-10500 scale for Head Clerks/Assistants and Rs.7500-12000 for Administrative officers from 1.1.96 in accordance with the principles adopted in the case of the 11 categories of engineering and programme employees and also recommended their case for extension of the benefit. 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.

8. 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.

ORDER

"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."



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