

CHRONOLOGICAL DEVELOPMENTS IN THE REVISION  
OF PAY SCALE OF ENGINEERING ASSISTANT

	<u>From 1.1.78</u>	<u>From 1.1.86</u>
(1) <u>Before Revision</u>	425 - 750	1400 - 2600
(2) <u>After Revision by Court</u>	550 - 900	2000 - 3200

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- (1) The RECORDIST in Film Division of Ministry of I&B got pay scale of 550-900 effective from 1.1.73 by the 3rd Central Pay Commission whereas the SOUND RECORDIST in Doordarshan of the same ministry was given pay scale of 425-750 by the government.
- (2) The SOUND RECORDIST of Doordarshan filed WP(C) NO.974 of 1978 in Supreme Court of India to claim pay scale of 550-900 admissible to the RECORDIST of Film Division on the principle of equal pay for equal work, the qualification and nature of work of two posts in same ministry(although different wings)being the same.
- (3) The 4th CPC recommended pay scales for posts in Film Division of ministry of I&B and suggested to prescribe pay scales for comparable posts in Doordarshan. However, the pay scales of Recordist(Film Division) and Sound Recordist(Doordarshan) remained different with effect from 1.1.86 also.
- (4) The WP(C) NO.974 of 1978 filed in the Supreme Court by Sound Recordist of Doordarshan was decided on 26.8.88 in favour of Sound Recordist. The court observed that,  
When two posts under two different wings of the same ministry are not only identical, but also involve the performance of same nature of duties, it will be unreasonable and unjust to discriminate between the two in the matter of pay"  
and ordered that the Sound Recordist of Doordarshan are entitled to the same scale of pay as their counterparts in the Film Division. Thus, the Sound Recordist of Doordarshan got pay scale of 550-900 from 1.1.78 and pay scale of 2000-3200 from 1.1.86.
- (5) Ministry of I&B revised pay scale of Sound Recordist of Doordarshan vide Order NO.A-14011/1/80-SI/TV(A), dated 21.12.88 as above.
- (6) The Engineering Assistant of AIR & Doordarshan filed WP OA NO. 654 of 1989 in Chennai Bench of CAT praying that pay scale of Engineering Assistant(EA) should be revised equal to pay scale of Sound Recordist of Doordarshan as the Engineering Assistants are better qualified and have more onerous duties to perform.  
The OA was allowed and the court held on 29.6.90 that,  
"We have carefully studied the recruitment rules and duties and responsibilities attached to the two posts. We have also studied carefully the judgement of Hon'ble Supreme Court in WP(C)NO. 974 Of 1978 dated 26.8.88 and the ratio enunciated by them. Following the Supreme Court judgement, we consider that in the context of the qualification prescribed as also the nature of duties and responsibilities of the Engineering Assistants, the Engineering Assistants are entitled to the same pay scales/benefits as given to Sound Recordists"
- (7) The government filed a SLP in Supreme Court on 10.9.90 against the judgement of CAT, Chennai Bench dated 29.6.90 in OA 654/1989.

The SLP was dismissed on merits on 7.1.91. Govt then filed Review Petition against dismissal of SLP which was also dismissed on 16.7.91.

- (8) Thus the case attained finality and the Engineering Assistants got pay scale 550-900 from 1.1.78 and 2000-3200 from 1.1.86 equal to that of Sound Recordists. It however could not be implemented as mentioned below:

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- (9) The government, through ministry of Finance, ministry of Personnel, Public Grievances and Pension, and Director General, All India Radio went back to Chennai Bench of CAT and filed a Review Petition NO.4 of 1992 in OA NO. 654 of 1989 on following grounds,
- (a) That, Union of India was not made respondent in OA NO. 654 of 1989 and therefore, the present petition is by third party.
  - (b) That, they came to know the judgement of CAT, Chennai Bench dated 29.6.90 in OA NO. 654 of 1989 for the first time in June, 1991.
  - (c) That, the judgement of CAT dated 29.6.90 in OA NO.654 of 1989 would have an effect of dislocating the pay structure of engineering hierarchy in Doordarshan. If the pay scale of Sound Recordist Rs 2000-3200 w.e.f. 1.1.86 is given to Engineering Assistant, then the promoted post of Senior Engineering Assistant would have a lower pay scale of 1640-2900 which constitutes an unacceptable anomaly. This point was not raised earlier in OA NO.654 of 1989.
  - (d) That, the Supreme Court has not given a speaking order on the matter while dismissing the SLP of Govt filed against the judgement of CAT. No conclusion can be drawn therefore that the decision has attained finality.
- (10) The Review Petition NO.4 of 1992 was decided by the CAT on 10.6.92 and the operative portion of the judgement dated 29.6.90 in OA NO.654 of 1989 to give pay scales of Sound Recordists to Engineering Assistants w.e.f. 1.1.78 & 1.1.86 was rescinded. The O.A. was therefore dismissed.

The court observed also,

" The Engineering Assistants have legitimate grievances for which relief should be afforded. The matter of revision of pay scale of Engg.Asstt. has to be considered by the department in totality which, in fact, the government had earlier accepted in its reply that the matter was under active consideration."

- (11) SLP(C) NO.15206-07 of 1992 was then filed in Supreme Court against order dated 10.6.92 of CAT, Chennai Bench in RP NO.4 of 1992 in OA NO.654/1989 rescinding the judgement of same CAT delivered on 29.6.90 having been upheld by the Supreme Court earlier.
- (12) The Supreme Court decided SLP(C) NO.15206-07 of 1992 along with SLP(C) NO.4307-08 of 1993 in the matter on 25.11.94 and set aside the impugned order of CAT, Chennai Bench dated 10.6.1992 in RP NO.4 (in OA NO.654/1989).  
The Supreme Court held that,  
" The Tribunal was in error in entertaining the Review Petition and then allowing it after the SLP and thereafter, the RP against the main judgement had been dismissed by this court. The grounds on which review was sought before

the Tribunal was a ground taken in the SLP as well as RP filed in this court. In such situation, it was to say the least, wholly inappropriate for the Tribunal to sit in judgement on the merit of this court's order dismissing the SLP giving finality to the Tribunal's main order dated 29.6.90. This alone is sufficient to set aside the impugned order dated 10.6.92 made by the Tribunal allowing the RP".

THUS THE CASE ATTAINED ITS FINALITY.

- (13) The Ministry of I & B revised and implemented the pay scale of Engineering Assistant of AIR and Doordarshan vide Order NO. 310/15/93-B(D), dated 15.5.95 allowing pay scales of Sound Recordist to Engineering Assistant as below:

<u>PERIOD</u>	<u>Old Pay Scale</u>	<u>Revised Pay Scale</u>
From 1.1.78 to 31.12.85	425-750	550-900
From 1.1.86 to 31.12.96	1400-2600	2000-3200

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