

SYNOPSIS OF CASE

THE ENGINEERING Assistants are promoted to Senior Engineering Assistants and then to Assistant Engineers and further to ASE/SE etc in engineering hierarchy of All India Radio & Doordarshan.

THE POSTS of Sr. Engineering Assistant and Assistant Engineer are **higher post with higher rank and pay involving higher duties and responsibilities**. They had, therefore, had always **different and distinct** pay scales as recommended by successive Pay Commissions and accepted by the government.

THE PAY Scale of Engineering Assistants got **Revised Upward** by order of Hon'ble Supreme Court in 1994 on the principle of **Equal Pay for Equal Work** with effect from 1.1.1978 till 31.12.1995 which was implemented by the government in 1995.

THE REVISION of pay scale of Engineering Assistant created an **ANOMALY** in as much as the pay scale of Senior Engineering Assistant, which is **promotional post** for Engineering Assistant, became **at par** for period from 1.1.1978 to 31.12.1985 and **even lower** for the period from 1.1.1986 to 31.12.1995 than the pay scale of feeder post.

Posts	Pay Scale wef 1.1.1978 to 31.12.1985	Pay Scale wef 1.1.1986 to 31.12.1995	Remarks
Engineering Assistant	550-900	2000 - 3200	Feeder Post
Sr.Engineering Assistant	550 - 900	1640 - 2900	Promoted Post
Assistant Engineer	650 - 1200	2000 - 3500	Prc moted Post

The govt did nothing to remove this **anomaly** in the pay structure and implemented mechanically the revision of pay scale of Engineering Assistant **without thinking** of revising the pay scale of higher promoted posts of Senior Engineering Assistant and Assistant Engineer. **What govt did was only it allowed the pay scale of feeder post of Engineering Assistant to affected Senior Engineering Assistant also as personal to them on provisional basis in order to protect their pay.** Govt claims that having done so, it has removed the anomaly in the pay scales.

The CAT, Bangalore directed the govt on 3.12.1996 to **take a decision as to higher pay scales to be given to higher posts of Senior Engineering Assistant & Assistant Engineer** with the concurrence of ministry of Finance.

The Govt informed the CAT through MA that it had decided **not to revise the pay scale of Senior Engineering Assistant & Assistant Engineer**. The CAT **disposed** of the MA on 24.7.98 observing that the order passed is implemented. The CAT **however gave liberty to the respondents to take further action if they are aggrieved.**

The ~~CAT~~ Bangalore ordered on 16.02.2000 to revise the pay scale of higher posts of Senior Engineering, Assistant & Assistant Engineer wef 1.1.1978 and 1.1.186 and upto 31.12.1995 within 3 months.

The ~~Karnataka~~ High Court **UPHELD** on 14.02.2001 the order passed by CAT, Bangalore on 16.02.2000.

GOVT'S RELIANCE

1. **That it had removed the anomaly in pay scales and protected the pay by allowing same revised pay scale of Engineering Assistant to affected Senior Engineering Assistant also as personal to them on provisional basis.**
2. **That the ministry of Finance did not agree to the proposal of ministry of I&B to grant higher pay scales to Senior Engineering Assistant and Assistant Engineer.**
3. **That decision of CAT, Bangalore for revision of pay scale of Senior Engineering Assistant/Assistant Engineer is wrong in the context of observation of Hon'ble Supreme Court of India in UOI & Others v/s P.V.Hariharan and Others [1997 (2) Scale-618].**
4. **That the Govt. has reached an agreement on 07.11.1997 with the Associations of employees in the matter**

GROUNDS FOR DEMANDS

1. **That the anomaly in the pay scales for the period from 1.1.78 to 31.12.1995 is not removed, only by putting feeder and promoted posts in the same pay scales. The promotional posts of Senior Engineering Assistant and Assistant Engineer had always higher pay scales than that of the feeder post of Engineering Assistant.**
2. **That the promoted posts of Senior Engineering Assistant and Assistant Engineer must have higher pay scales & higher ranks in the light of decisions of Hon'ble Supreme Court of India in the matters of Tarsem Singh and another v/s State of Punjab and others [1995 (1) SLJ-187 (S)] and Lalit Mohan Deb and others v/s UOI and others (AIR 1972 S.C.-1995) at Para 7.**
3. **That the vertical relativity in pay scales of feeder post & promoted post is still maintained by the 5th Pay Commission effective from 1.1.1996.**
4. **That the revision of pay scale of Engineering Assistant is now NON-REVERSIONARY. The only alternative left is to revise the pay scales of promotional posts of Senior Engineering Assistant and Assistant Engineer above the pay scale of feeder post of Engineering Assistant to remove the ANOMALY.**

Ram Shanker