

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 14TH DAY OF FEBRUARY, 2001

PRESENT

THE HON'BLE MR. P.V. REDDI, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE K.L. MANJUNATH

WRIT PETITIONS No. 28528-529/2000

&

WRIT PETITIONS No. 32866-970/2000

BETWEEN:

1. Union of India,
Represented by Secretary to
Government of India,
Ministry of Information & Broadcasting,
NEW DELHI -110 001.

2. The Director General,
Doordarshan, Mandi House,
New Delhi -110 001.

3. The Director General,
All India Radio,
Parliament street,
New Delhi -1.

4. Chief Executive Officer,
Prasarbharathi,
(Broadcasting Corporation of India),
DD Bhavan,
New Delhi -2.

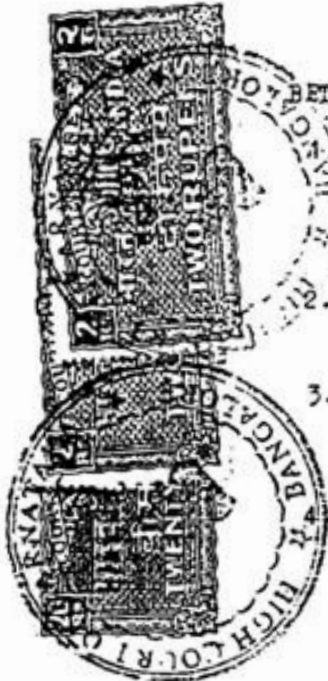
.. PETITIONERS
(common in all
the petitions)

(By Advocate Sri.D.Gangadhara)

AND:

1. Mrs.Sasikala Selvaraju
W/o Mr.Selvaraju, 36 years,
Working as Sr Engineering Assistant,
Doordarshan Kendra,
Bangalore -6.

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2. K.Rangaiiah S/o late Pullaiiah, 55 years, Asst. Engineer, Doordarshan, Bangalore-6.
3. H.S.Govindarajan S/o Rangachar, 55 years, Asst. Engineer, A.I.R. Bangalore-1.
4. K.R.Seetharama S/o K.S.Rajagopala Iyer, 55 years, Asst. Engineer, A.I.R., Bangalore-560 065.
5. D.Hariheran S/o Dharmarayan, 52 years, Asst. Engineer, Doordarshan, Bangalore-6.
6. K.B.Siddalingappa S/o K.T.Basavannaappa, 40 years, Asst. Engineer, Doordarshan, Bangalore-6.
7. Smt.Shakuntala N.Swamy W/o K.Narayanawamy, 49 years, Asst. Engineer, Doordarshan, Bangalore-6.

.. RESPONDENTS
(common in all
the petitions)

(Advocate Sri.T.R.Sridhar for R-2 to 7)
(R-1 .. service held sufficient)

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These W.Ps. are filed under Arts.226 & 227 of the Constitution of India to quash the impugned order dated 16.2.2000 passed by the Central Administrative Tribunal, Bangalore vide Annexure -A and to issue an order in favour of the petitioners against the respondents that the claim of the respondents are not reasonable and valid under the above mentioned facts of the case.

These petitions are coming on for orders this day, THE HON'BLE CHIEF JUSTICE made the following:



O R D E R

We are unable to find any illegality in the impugned order of the Central Administrative Tribunal which has allowed the applications filed by the respondent-employees who are working as Assistant Engineers and Senior Engineering Assistants in Doordarshan and AIR with the following directions:

"These applications are allowed in part directing the 1st respondent to revise the pay scale of Senior Engineering Assistants consequent to the revision of the pay scale of Engineering Assistants with effect from 1.1.1978, 1.1.1986 and upto 31.12.1995. Depending upon such revision the question of revising the pay scale of Assistant Engineers also as a consequence thereof shall be considered. The applicants shall be given the consequential benefits on such revision of the pay scales from appropriate dates. This shall be done within a period of 4 months from the date of receipt of a copy of this order."



The undisputed facts are these:

Prior to 1.1.1978, the pay scales of Engineering Assistants, Senior Engineering

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Assistants and Assistant Engineers were Rs.425-750; 550-900 and 650-1200 respectively. In pursuance of the recommendations of the Fourth ^{Pay} Commission, the said pay scales were revised w.e.f. 1.1.1986 at Rs.1400-2600; 1640-2900 and 2000-3500 respectively. On the application filed by the Engineering Assistants, the Madras Bench of the Tribunal held, by its order dated 29.6.1990 that Engineering Assistants were entitled to get the pay scale at Rs.550-900 w.e.f. 1.1.1978. That order was affirmed by the Supreme Court. Thereafter, on ~~4.8.1995~~ ^{15.5.1995}, Government of India revised the pay scale of Engineering Assistants to Rs.2000-3200 w.e.f. 1.1.1986 (Rs.550-900 w.e.f. 1.1.1978). It was also ordered that the ~~scale~~ ^{of} Senior Engineering Assistants should be allowed the same pay scale as personal to them on provisional basis. The respondents herein then moved the Tribunal by filing O.A.203/1996 etc.. The applicants sought for the upgradation of scales of pay in the promotional posts of Senior Assistants and Assistant Engineers. In the course of hearing, respondents brought to the notice of the Tribunal that the Director General, All India Radio, by his letter dated 19.9.1996 addressed to the Station Director, All India Radio, Bangalore stated that the Ministry of I & B have sent up a proposal to



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the Ministry of Finance recommending higher pay-scales for Senior Engineering Assistants and Assistant Engineers and that proposal is under consideration in the Ministry of Finance. Having noted this letter, the Tribunal observed and directed as follows:

"3. In the light of the letter of the Directorate General, All India Radio cited above, we find that the Government is conscious of the existence of anomalies which have crept in as a result of the upward revision of the scale of pay of the posts of Engineering Assistant and it is because of this that the Ministry of Information & Broadcasting has sent a proposal to the Ministry of Finance for upward revision of the scales of pay of the posts of Senior Engineering Assistants and Assistant Engineers.

In view of the foregoing, we consider it appropriate to direct the sixth respondent to take a decision as to the higher pay scales to be given to the higher posts, namely, Senior Engineering Assistant and Assistant Engineer with the concurrence of the Ministry of Finance within a period of 3 months from the date of receipt of a copy of this order."



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After the disposal of the O.A., it appears that the proposal of I & B Ministry has been turned down by the Ministry of Finance mainly on the ground that the upward revision would amount to interference with the payscales fixed by the Pay Commission and that it would give rise to similar demands from various other categories of employees. Again, the respondents herein approached the Tribunal seeking for a direction to grant higher payscales to the Senior Engineering Assistants and Assistant Engineers retrospectively till 31.12.1995. It may be stated that from 1.1.1996, payscales have undergone change and there is no dispute for the period subsequent thereto. The tribunal, by the impugned order dated 16.2.2000, allowed the applications in part and issued the directions which are extracted supra. The Tribunal observed that the earlier order of the Tribunal has been misconstrued as though the tribunal gave liberty to the Government to reject the request altogether on a consideration of the ^{issue} ~~matter~~. The Tribunal observed that the direction ^R given in the earlier order of the tribunal necessarily meant that a decision had to be taken as to the higher payscale in which the applicants had to be fitted into. Secondly,

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the Tribunal took note of the fact that the Government itself was conscious of the anomaly and sent up proposals for stepping up the pay-scale of the Senior Engineering Assistants and Assistant Engineers. Thirdly, the Tribunal took the view that the promotion meant higher pay and higher rank, as per the decision of the Supreme Court in TARSEM SINGH AND ANOTHER Vs. STATE OF PUNJAB AND OTHERS (1995(1) SLJ - 167(SC)) and LALIT MOHAN DEB AND OTHERS Vs. UNION OF INDIA AND OTHERS (A.I.R. 1972 S.C.-995). and therefore the pay-scales of the promotional post should necessarily be higher.

3. We are unable to say that the order of the Tribunal is vitiated any error of law or an erroneous ^{legal} approach to the issue involved. The reasons given by the tribunal are relevant and cogent. Despite the leading observations made by the tribunal in the earlier order, based on the proposals sent up by the Department itself, no additional benefit was given to the applicants (respondents herein). If the grant of same pay-scale to the Senior Engineering Assistants satisfied the requirements of law, there was no purpose in the tribunal remitting the matter



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to the Government for consideration on the question of pay-scale to be granted to the Senior Engineering Assistants. The decision cited by the learned Standing Counsel for the petitioners reported in UNION OF INDIA AND ANOTHER Vs. P.V. HARIHARAN AND ANOTHER (1997 (2) SCALE-618) has been rightly distinguished by the tribunal. We are therefore of the view that the order of the Tribunal is in accordance with law, just and reasonable and it calls for no interference. We however make it clear that it is left to the Government to decide to what extent the pay-scale of Senior Engineering Assistants should be brought to a higher level.



4. For the above reasons, writ petitions are dismissed. It is open to the petitioners to request the Tribunal to grant reasonable time for the implementation of the order.

- (a) The date on which the application was made 16-2-01
- (d) The date on which charges and additional charges, if any, were called for 5-3-01
- (c) The date on which charges and additional charges, if any, were called for 7-3-01
- (f) The date on which charges and additional charges, if any, were called for 9-3-01
- (e) The date of 9-3-01
- (f) The date of 9-3-01
- (g) The date of 12-3-01
- (c) The date of 13/3/01
- (b) Examined by Annapurna Reddy

Sd/-
Chief Justice

Sd/- JUDGE

"TRUE COPY"
T. G. V. Anurag 9/3/21
Section Officer
High Court of Karnataka
Bangalore-550 001.



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