

**CENTRAL ADMINISTRATIVE TRIBUNAL MADRAS BENCH**

Thursday, the Tenth day of July, Two Thousand Eight

P R E S E N T

THE HON'BLE MR. K. ELANGO, JUDICIAL MEMBER AND  
THE HON'BLE MRS. O.P. SOSAMMA, ADMINISTRATIVE MEMBER

**ORIGINAL APPLICATION NO.390 OF 2006**

1. A.I.R. And D.D. Technical Employees Association,  
(Reg.No.2298/63)  
rep. by its Zonal Secretary, South Zone,  
P.O. Box. No.2995, Triplicane PO., Chennai.
2. T.Vijaya Kumaran,  
S/o (late) t. Thangaiyan  
Technician, Doordarshan Kendra,  
Swami Sivananda Salai, Chennai. .. Applicants

Vs.

1. Union of India rep. by Secretary,  
Ministry of Information and Broadcasting,  
Shastri Bhavan, New Delhi.
2. Director General, Doordarshan,  
Copernicus Marg, New Delhi.
3. The Chief Executive Officer, Prasar Bharati,  
PTI Buildings,  
Parliament Street, New Delhi.
4. Director General, All India Radio  
Akashvani Bhavan  
Sansad Marg, New Delhi.
5. Deputy Director of Administrator(E),  
O/o Director General, All India Radio,  
Akashvani Bhavan, Sansad Marg,  
New Delhi.
6. The Chief Engineer(SZ),  
O/o Chief Engineer(SZ), AIR & TV  
Swami Sivananda Salai, Chennai. .. Respondents

M/s Balan Haridas .. Counsel for the applicants  
Mr. R. Priyakumar .. Counsel for the respondents

## **ORDER**

(Pronounced by The Hon'ble Mr. K. Elango, Judicial Member)

Claiming notional fixation of pay scale with effect from 1.7.1983 for Technicians and Senior Technicians on par with Lighting Assistants, this application has been filed by A.I.R. and D.D. Technical Employees Association represented by its Zonal Secretary, South Zone and one T. Vijaya Kumar a member in the said Association.

2. Brief facts of the case are as follows: It is stated in the application that till 1983 there had been pay parity in the pay scale of Technician and Senior Technician with that of Lighting Assistant and on the basis of the recommendations of the Third Pay Commission, they were given the pay scale of Rs.330-480. The Assistant Cameraman working in the same Ministry were given the pay scale of Rs.425-700. The pay scale of Technicians were further revised on the basis of the Fourth Pay Commission's recommendations in the pay scale of Rs.1200-1800. The said scale was granted to Lighting Assistants. However, the Assistant Cameraman working in Film Division under the same Ministry was given the pay scale of Rs.1400-2300. The Lighting Assistants filed a Writ Petition before the Supreme Court claiming the said scale of pay i.e. Rs.1400-2300 on the ground of equal of pay for equal work. The said Writ Petition was allowed in favour of the Lighting Assistants. The applicants represented to the respondents stating that since they were shouldering more responsibility, their pay should be on par with the pay scale of Lighting Assistants. Though the pay scale of Technician and Senior Technicians were brought on par with the Lighting Assistants, the respondents failed to give the notional fixation with retrospective effect from 1.7.1983 being the date when the scale of Lighting Assistants were revised. Hence this O.A.

3. In the reply by the respondents, they raised a preliminary objection that this Tribunal should not interfere with the pay scales fixed on the recommendations of the Pay Commission. In support of this they have cited the judgments of the Hon'ble Supreme court in the case of Union of India Vs. P.S. Hariharan (1977 (3) SCC 568) and Union of India Vs. Pradip Kr. Dey (JT 2000 supp (2) 448) for the proposition that Tribunal should exercise restraint in fixation of pay scales, which is the job of the Government, which normally acts on the recommendations of the Pay Commission, an expert body specially appointed to look into the matter of fixation of pay scales. Re-fixation of pay scales has wide ramifications and hence ought not to be done very lightly. They have also stated that since the Sixth Pay Commission has already been constituted, they would definitely look into the aspect of parity.

4. The respondents have further stated that the demands for up-gradation of pay scales in respect of Technicians along with some other categories of staff in AIR/Doordarshan were under consideration of the Government for quite sometime. The matter was referred to the Fifth Pay Commission and since the applicants' Association was not happy over the recommendations made by the Fifth Pay Commission, the matter was referred to the Fast Track Committee. According to them, the posts and salaries of the post of Technicians and Lighting Assistants are not comparable since the duties and responsibilities are entirely different and the qualifications for the two posts are also different and hence they denied the contention of the applicants that they have been treated equally. However, Ministry of I & B vide O.M. No.310/173/97-B(D) dated 5.12.1997 granted an ad hoc increase in salaries of Technicians. This ad hoc increase was granted on the basis of agreement between the Government and Sanyukta Sangharsh Samiti representing ARTEE & ADTEA, the

applicants herein. Subsequent to the agreement, the Technicians were given the pay scale of Rs.4500-7000 with effect from 1.1.1996 and they were also entitled for arrears with effect from that date. The applicants' Association had given an undertaking to the effect that they would not put any demand for enhancement of their pay and allowances for a period of succeeding five years. The respondents also pointed out that similar case (O.A.164 of 1996) has been filed before the Principal Bench of this Tribunal by the Association of Radio & Television Engineering Employees (ARTEE) in which the Tribunal held that "we are not inclined to consider the argument that applicants revision of pay should be with retrospective effect." Against the said order, the ARTEE filed a Writ Petition No.3787 of 2000 before the Delhi High Court which is still pending. In view of the above facts, they prayed for dismissal of the O.A.

5. A rejoinder has been filed by the applicants reiterating the contentions made in the O.A.

6. We have heard the learned counsel for the applicants as well as the respondents and perused the pleadings and the materials on record.

7. We have also gone through the judgment of the Principal Bench relied on by the learned counsel for the respondents. The issue raised by the applicants herein has already been discussed in detail in the judgment dated 14.12.1999 in O.A.164 of 1999 by the Principal Bench of this Tribunal. Though the similarly placed applicants in the said O.A. have filed a Writ Petition before the High Court of Delhi against the judgment of the Principal Bench, no stay has been granted by the Delhi High Court and the matter is still pending. In view of this and following the judgment of the Principal Bench, we are of the view that the applicants are not entitled for revision of pay with retrospective effect from 1.7.1983. The O.A. is dismissed accordingly. No order as to costs.

10.7.2008

(O.P. SOSAMMA)  
MEMBER(A)

(K. ELANGO)  
MEMBER(J)