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आकाशवाणी एवं दूरदर्शन तकनीकी कर्मचारी संघ A.I.R. & D.D. Technical Employees Association

(भारत सरकार द्वारा पंजीकृत एवम् मान्यता प्राप्त)
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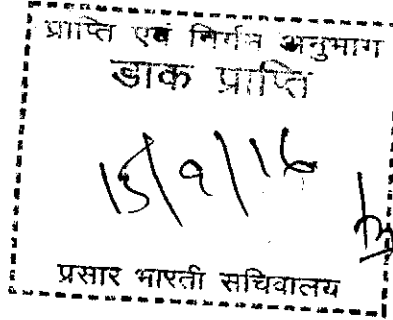
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Dated: 15/09/2016

Sub:- Comments on draft notification regarding merger of EA & SEA.

Sir,

At the outset it may be clarified that our association is not opposed to the merger of EA & SEA in the larger interest of the employees and our organization. However the proposed draft of merger would create more problems than it would solve if the following points are not considered in their right perspective:

1. We are totally opposed to the nomenclature assigned to the post after merger of EA & SEA. In this context, the points given hereunder are worthwhile to consider:
 - a) At present the designation of Sr. Engineering Assistant carries the word "senior" in it whereas on its merger with EA the post will be called Junior Engineer, as proposed in the draft. In such a situation, what degrading and demoralising effect it will produce in the minds of the present incumbents and their social milieu can be well imagined. It will definitely signify and convey the sense of 'demotion' without any apparent benefit to the incumbent SEAs.
 - b) If the two posts proposed to be merged are designated as 'Junior Engineer (Broadcast)' it would open a Pandora's Box because Jr. Engineers working in other departments like MCD, NDMC, PWD & CPWD would also clamour for grant of higher Grade pay of Rs. 4600 who are presently drawing Rs. 4200. Neither DOPT nor Ministry of Finance would ever agree to such a proposal on the point of its feasibility. Therefore, the proposed merger would suffer a setback in future merely on account of its nomenclature if we do not act with far-sightedness at present. Hallmark of administrative acumen lies in overseeing the future repercussions of a decision taken today.
 - c) Close on its heels to the preceding para, next point to assail the renaming of merged post of 'Jr. Engineer' is that such a post, as pointed out

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above, already exists in many wings of various departments with a variety of jobs mainly in the field of mechanical, electrical and civil engineering and nature of their jobs is peculiar and restricted to their respective fields without shouldering the onerous complex duties & responsibilities which the present EAs and SEAs are supposed to perform. For duties and responsibilities of the merged posts, we can fall back on the recommendations of RK Singh's Committee's Cadre Review Report and later Sh. M.C. Agarwal Committee's suggestion of 23 duties for the post of 'Broadcast Engineer' subsequent to merger.

In such a scenario, it can be easily discerned that EAs & SEAs working in National Broadcaster are far more superior in their abilities, technical expertise, experience and wide varieties of jobs they are entrusted with and more often than not they transcend the barriers of diverse and varied fields of technical/ engineering disciplines, they are inducted into service from. Therefore, by no stretch of imagination, the proposed Jr. Engineers of AIR & DD can be compared and equated with their contemporaneous Jr. Engineers employed in other departments.

- d) Another point that decries the unacceptable designation which finds place in the draft recruitment rules is the essential qualification proposed for post of Jr. Engineer which has been kept as Bachelor's degree in various fields of Engineering or M.Sc (Electronics) or M. Sc (Physics) with Electronics as a special subject. As a matter of fact, the qualification Jr. Engineers in other departments under State or Union Govt are getting Grade Pay Rs. 4200 with essential qualification of a Diploma in their respective field of Engineering based on the requirements of the department they join in. Therefore, the basic chord that runs through this analogy is that Grade Pay of Rs. 4600 can be given only to those recruits who possess degree qualifications.
- e) As such a degree-holder Jr. Engineer, though enjoying higher Grade Pay as most of the EAs and SEAs are, would feel scourge of the name-tag and get disheartened on being called as such because a less qualified diploma-holder with lower GP of Rs. 4200 will also be known by the same post (Jr. Engineer) in some other departments. Such an impractical approach would tend to hurt sentiments and self-respect of the incumbents working in Public Service Broadcaster besides raising a debatable and contentious issue of HRD because to boost the morale and keep the team-spirit of its employees high are the qualities which an organization must strive for to achieve. Such qualities are vital and of paramount importance to the smooth and efficient working of an organization. Moreover, the proposed merger at the post of Jr. Engineer smacks of regressive mindset and is most likely to result in stigmatization and ostracization of the present incumbents within the department and outside. Most of the employees, other than EAs & SEAs have already started calling them as 'Jr. Engineers' ever since date of putting the draft notification in public domain, therefore, the EAs & SEAs are bearing the brunt of retrograde proposal.

2. On considering the recommendations of 6th CPC by the Government of India & consequent to notifying of CCS (Revised Pay) Rules, 2008 the DOPT released an O.M. vide F.No. 1/1/2008-IC dated 13.11.2009 wherein it was stipulated that

pre-revised pay-scale of Rs. 6500-10500 should be merged with the post in the scale of Rs. 7450-11500 with a Grade Pay of Rs. 4600 in the PB-2. Such a merger was to take place w.e.f. 01.01.2006 and the Recruitment Rules/ Service Rules for the re-designated merged post were to be framed and notified within 6 months in view of O.M. No. AB.14017/61/2008-Estt. (RR) dt. 24.03.2009. Later on, in consequent thereto, our department granted the benefit of Grade pay of Rs. 4600 to both the cadres of EAs and SEAs, however the long pending merger of the two posts is yet to be made w.e.f. 01/01/2006.

Therefore, in view of Clause (I)(V) of O.M. dated 24.03.2009 regarding regulation of regular service rendered in pre-revised scales, a note to this effect may be inserted under Column 12 of the Schedule of RRs.

3. Earlier, on the issue of merger of the posts of EA and SEA, DG: AIR had formed a committee under the auspices of the then CE(D) to suggest the action to be taken in this regard. The said committee in its meeting held on dated 19.04.2014 interalia recommended that:
(1) The posts of EA & SEA should be re-designated as "Broadcast Engineer" (2) They will be in the scale of Rs. 9300-34800 with Grade Pay of Rs. 4600 in PB-2 (3) Intake qualification for direct recruitment should be Degree in Engineering field specified therein (4) 23 duties/ responsibilities of the Broadcast Engineer were also suggested vide Annex. - I vide letter no. DDE/EPM/EA-SEA/2010 dated 23.04.2010. However, subsequently, such a proposal on being sent to MIB and Prasar Bharati by the Cadre Controlling Authority, did not see the light of the day. The fact of the matter remains that the recommendations made by the aforesaid expert committee, on the four issues agreed upon by all the stakeholders, cannot be brushed aside and must be taken into consideration before formulating & undertaking any such exercise of merger.
4. Further, it is pertinent to mention here that in response to Ministerial communications dated 13.04.2012 and 07.05.2012 vide letter No. 501/ 02/2011-BA(E), an ID Note No. 1/7/2010 - SIV(B)424 dt. 09.08.2012 by the Cadre Controlling Authority (DG: AIR) giving justification for the merger of EA & SEA as 'Broadcast Engineer' is another writing on the wall which cannot be swept under the carpet. The simple reason being that the DG: AIR and officers working under him are the only persons who are competent and well qualified to know and assess the functional requirements of the various cadres employed under them.
5. The basic principle of merger is that a lower post is invariably merged with a higher post and applying this analogy to the issue in hand, it must not be lost sight of that we are going to merge EA with SEA and not SEA into EA. If we are raising the intake qualification to degree, under such circumstances, the merged post cannot be redesignated as JE because it is universally acknowledged that for a JE essential qualification is diploma in the relevant field of engineering. This fact also prominently emerges from Pay Commissions' recommendations as well as DOPT's norms which cannot be sidetracked while framing RRs on merger.
6. Another important aspect of the matter of merger is that all EAs and SEAs are already drawing GP of Rs. 4600 or more, hence there will be no financial implication in the matter. However, the incumbents will draw some consolation after working on the same post for 15 to 30 years of service or more.
7. Another important aspect intimately connected with the issue of merger is the landmark judgement of ACP(Patna). The basic facts of the case are that prior to

the date 01.01.1996, before the recommendations of 5th CPC were given effect to, the posts of EA, SEA & AE were carrying almost identical pay scales of Rs. 2000-3200, Rs. 2000 – 3275 and Rs. 2000-3500 respectively w.e.f. 01.01.1986 to 31.12.1995. 5th CPC had suggested a single scale to twin pay-scales of Rs. 6500 – 10500. Thereupon, an OA No. 514/2002 was filed in CAT, Patna whereby the court on examining the question of grant of ACP on the basis of scheme & clarifications issued by DOPT thereunder, granted the pay – scale of Rs. 8000 – 13500 (belonging to Asstt. Executive Engineer) to the applicants vide its order dated 07.09.2009 as first financial upgradation notwithstanding the demand of Rs. 10000 – 15200 in the O.A. Subsequently, the aforesaid decision was also upheld by High Court of Patna as well as by Hon'ble Apex Court vide their judgements dated 25.08.2010 and 10.01.2011 respectively. Therefore, the issue having attained finality at the doorstep of highest court of the land, necessitated the merger of all the three cadres of EA/SEA/AE into a single cadre. However, due to apathy of the authorities, want of administrative will and determination to act, the order was implemented on a few handful of individuals by ignoring the cardinal principles of service jurisprudence settled by Apex Court that all similarly and equally placed persons were also entitled to reap the same benefit as accorded to their counterparts / applicants. Latest judgement on the issue is (2015) 1 SCC 327. Moreover as per settled law, when an issue is decided by Apex Court once for all and no longer remains *res integra*, the same cannot be re-agitated before any other judicial forum, much less on any administrative platform. Therefore, under compulsion, technically speaking, the Govt. of India is left with no other legal option but to merge the three cadres of EA/SEA/AE by renaming the trinity as Sr. Broadcast Engineer, especially in view of the fact that proposed Broadcast Engineer (EA & SEA) can be further merged with AE. Otherwise, in the times to come, in case anybody approaches Apex Court and the issue already settled is re-opened, the authorities may become vulnerable and exposed to contempt action by the court. However, the fact of the matter remains that strong administrative will and iron determination is required to do it so that it does not end up as a matter of academic interest only.

8. One more issue that needs to be given a thoughtful consideration before the merger of EA/SEA sees the light of the day, is the merger of Tech./ Sr. Tech. because vide DG: AIR's order no. 8/8/2006 – S IV(A)/Part-4/107 dated 11.03.2014, the pay-scales of Tech. & Sr. Tech already stand merged w.e.f. 01.07.83 to 31.12.95. Thereafter, 21 Technicians have won their case in CAT, Delhi and their pay-scale has already been revised to Rs. 5000-8000 w.e.f. 01.01.96, which scale belongs to Sr. Techs. Furthermore, another batch of 74 Techs. have also conquered the legal battle and their case for grant of higher pay-scale jointly with the case of generalization of the pay – scale of Rs. 5000-8000 to all the Technicians working in AIR & Doordarshan is under active consideration of MIB and its allied departments, due to which there are no legal or administrative hurdles in getting the issue of merger through by re-designating the merged cadres as Jr. Broadcast Engineer in consonance with the spirit of next hierarchical post of Broadcast Engineer/ Sr. Broadcast Engineer. D. Tech. and M. Tech. be merged along with Tech./Sr. Tech.

However, our association is planning to give a detailed and all-inclusive representation with full justification for the merger of Techs. / Sr. Techs. within next few days.

9. Needless to say that the purpose sought to be achieved by the merger would be defeated if the quota of promotion from Broadcast Engineer to Sr. Broadcast Engineer is not fixed at 50 % on the basis of seniority-cum-fitness and 50% through departmental exam because the proposed merger is akin to cadre review exercise, through for a limited purpose. Likewise, promotional quota from Jr. Broadcast Engineer (after proposed merger of the relevant posts) should be fixed at 25%: 25% through SCF and LDCE so that the departmental employees no longer have to face the scourge of stagnation and consequential demoralization. Apart from above, it will also remove discrimination and put the promotional avenues for subordinate Engineering Cadres at par and in sync with the prevalent promotional structure of AE to ASE wherein quota of 50%: 50% is being presently followed.

One time exemption from qualification bar is also required to be given to the present incumbents for promotion of Broadcast Engineer to Sr. Broadcast Engineer to clear the backlog.

10. There is one mistake that needs to be pointed out in the draft notification on RRs. In clause 4 (Heading: AE) of Annexure No. III, it has been stated that "AE will be eligible for non-functional financial upgradation to Grade pay of Rs. 5400 (PB-2) on completion of 4 years in this grade as per the recommendations of 6th CPC.

However, as per Resolution No. 1/1/2008-IC dated 29/08/2008 issued by Ministry of Finance (DoE) (Page No. 28) in Part I (Sec.1) (x) (b), it has been stated that after 4 years of regular service in the Section Officer/Private Secretary/ equivalent grade of Rs. 4800 grade pay in PB-2, officers of Central Secretariat Service, Central Secretariat Stenographers Service and other similarly placed HQ services will also be granted the non-functional grade of Rs. 5400 In PB-3 and not in PB-2.

Likewise, in Clause-7 (page No. 31) of the Resolution, it has been stipulated that department specific recommendations which are not included in this Resolution shall be processed by the concerned Department/ Ministry and approvals of the Government obtained in consultation with the Ministry of Finance and/ or Department of Personnel and Training.

Now, the problem is, as is known to all and sundry, that due to status of AIR & DD employees in doldrums at the time of finalization of 6th CPC's report, an in-depth separate study of our cadres could not be carried out, therefore the benefit of favourable clauses of the Resolution under reference as granted to Section Officers/ Private Secretary & other equally placed cadres, may also be extended to the Assistant Engineers of AIR & DD by urging the MIB to grant non-functional upgradation with GP of Rs. 5400 in PB-3 on completion of 4 years in the GP of Rs. 4800 in PB-2.

In view of the above submissions, the necessary corrections in the draft RRs need to be carried out before proceeding further.

11. The proposed RRs for the merged post are required to be made effective retrospectively from the date of implementation of 6th CPC because it was one Key recommendation of the same that pay-scale of Rs. 6500-10500 be merged

with pay-scale of Rs. 7450-11500. If our establishment is doing it at this belated stage, the employees are not in any way responsible for the delay and cannot be made to suffer on this count.

At the time of consideration of aforesaid comments, a meeting may kindly be given to the representatives of our association.

Submitted with regards!



(PAWAN KUMAR KOHLI)
General Secretary