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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)  
(Registered and Recognised by Govt. of India)

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To,

Shri M. Venkaiah Naidu,  
Hon'ble Minister for Information & Broadcasting  
Shastri Bhavan, New Delhi

*D*  
15/12

Sub:- Issuance of Corrigendum Letter in regards to MIB. Order dated  
29/02/1999 in light of MIB order dated 05/12/1997.

Respected Sir,

I would like to lay down following points to draw your kinds attention on above mentioned subject.-

- 1- Ministry of I & B given pay parity to Engineering Asst. at par with Sound Recordist in pay scale of 2000-3200 on the decision of Hon'ble Supreme court decision by letter no. 310/15/93-B(D) Dated 15/05/1995. (Enclosure No.-1)  
On the Hon'ble Supreme court decision the pay scale of Senior Engg. Asstt. was granted 2000-3275 vide Ministry of I & B letter No.-310/50/99-B(D)/BA(E) Dated 10/06/2002. (Enclosure no.-2).
- 2- As per Govt. of India resolution vide letter no. G.I. M.F. no.- 50 (1)/ IC/97, Dated 30/09/1997 on Para -2 It is stated that " The pay scale of Engineering Assistant in the Ministry of I & B has been referred to the committee of Secretaries to examine through fast track mechanism. The matter is under consideration of committee and separate orders will be issued in respect of these categories , pending which normal scale will apply. ( Enclosure no.3)
- 3- On the recommendation of Committee of Secretaries and Cabinet Approval of Govt. of India. Ministry of I & B has been authorized to remove anomalies arises due to recommendation of 5<sup>th</sup> Pay Commission. On that M.I.B. has issued an order dated 05/12/1997, letter no.-310/173/97-B (D), to give ad hoc increase in salaries of some grades that is E.A., S.E.A., Tech. and Sr. Tech. .In which for E.A. Cadre It is stated in para II that while fixing the pay, the pay of incumbent E.A. who were

*ac*

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drawing of pay scale 2000-3200 will be protected as recommended by 5<sup>th</sup> pay commission.

Here the view point of this association is that while granting this adhoc increase motto of ministry is very clear to extend the scale of 2000-3200 i.e. 6500-10500 in 5<sup>th</sup> pay commission.

More over this letter was issued with concurrence of Ministry of Finance, Deptt. of Expenditure vide Dy. No. 11159/JS (Pers)/97 dated 02/12/1997. ( Enclosure no.4)

- 4- On 25/02/1999 vide M.I.B. letter no.310/173/97-B(D) ,11 categories were upgraded. Where E.A., S.E.A., Tech, Sr. Tech was also included.

Here it is to be noted that E.A., S.E.A. were granted pay scale in continuation with 5<sup>th</sup> pay Commission, as mentioned in M.I.B. letter Dated 5/12/1997. But in order dated 25/02/1999 word up gradation has been introduced, which is not applicable to E.A. & S.E.A. ( Enclosure no.5).

- 5- In Our Association's view point of replacement scale instead of upgraded pay scale was endorsed by clarification of M.I.B. to Prasar Bharti vide M.I.B. Dy. No.-F-122/6-BA(E) Dated 22/12/2006 on audit objection related to upgraded pay scale. Where it is stated in para 3 that "that upgrading in pay scale was in continuation of recommendation made by 5<sup>th</sup> pay commission. These recommendation were made only after consultation with DOP&T & Ministry of Finance. ( Enclosure no.6).

- 6- In OA1867/1998 DEEWA Vs UOI , Principal bench Delhi directed respondent to fix the pay of applicant –incumbent EA- in scale of Rs2000-3200/- w.e.f 1-1-196 or from the date of joining and grant them the corresponding scale of Rs 6500-10500/- w.e.f 1-1-1996 with all consequential benefits. And this judgment attained finality from Apex court in civil appeal no 2855/2007 dated 22.07.2015(Enclosure no-7)

- 7- The department has issued offer of appointment to E.A. in pay scale Rs 2000-3200 i.e. 6500-10500 to all candidates of direct recruitment (DR-94 Batch) in East Zone after due clearance from all concerned authorities and many of them joined this Department by quitting their job only due to offered scale i.e Rs 2000-3200 and corresponding scale Rs 6500-10500 which is now being termed as upgraded pay scale and they are being denied consequential benefits on name of up gradation. ( Enclosure no.8).

- 8- In Association opinion if disparity described as above is not resolved at earliest, then this may lead to several court cases. The Supreme court in A. K. Srivastava case 2015(1) SCC 347 has held that "when a particular set of employee is given relief by court , all other identical persons need to be treated alike by extending that benefits. Not doing so would amount to discrimination and would be violation of Article 14 of

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the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisdiction evolved by this court from time to time postulates that all similarly situated persons should be treated similarly.”

**In the light of above, it is requested to your good office to issue corrigendum letter from Ministry of I & B that the scale of incumbent E.A. has never been upgraded and is drawing normal replacement scale from 01/01/1996.**

It is pertinent to mention here that the same order has also been issued to Sound Recordist vide ministry of I& B letter no. 508/4/98-TV(A).dated 04/04/2001.(Enclosure no.8-9).

Thanking you

Sincerely your's

*SVK*

(Shyam Vir Singh)

(President)

**Copy to-**

- 1- The Secretary, Ministry of I & B Shastri Bhawan New Delhi. *15/12*
- 2- CEO, PBB, Sansad Marg, New Delhi
- 3- The Director General All India Radio, Akashvani Bhawan, Sansad Marg New Delhi.
- 4- The Director General, Doordarshan, Mandi House, Copernicus Marg, New Delhi.
- 5- The Director General, AIR, Akashvani bhawan, New Delhi

*SVK*

(Shyam Vir Singh)

