

Lighting Asset vs Sr Technician

**PRASAR BHARATI  
(INDIA'S PUBLIC SERVICE BROADCASTER)  
DIRECTORATE GENERAL: ALL INDIA RADIO  
S-IV(A) SECTION**

Subject:-Representation of ARTEE regarding implementation of the order of Hon'ble Supreme Court dated 10.01.2013 in SLP (C) No. 33048/2011 filed by UOI Vs. AIR & DDn Technical Employees Association (ADTEA).

Ministry of I&B may please refer to their letters No. 515/09/2011-BA(E) dated 18.02.2014 & 07.03.2014 and DG:AIR's letter of even number dated 26.02.2014 and order dated 11.03.2014 (copies enclosed) issued subsequently on the above quoted subject.

2. It is stated that the Association of Radio & Television Engineering Employees (ARTEE) has raised several objections on the above quoted order issued by this Directorate in pursuance of Ministry of I&B's letters in order to implement the judgement the Hon'ble High Court of Chennai upheld by the Apex Court. A copy of representation dated 14.02.2014 submitted by the Association is also enclosed.

3. This Directorate's response to each of the demand of the Association are as under:-

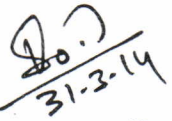
Sl. No.	Association's contention	DG:AIR's response
1	Senior Technician should not be included with the Technicians in the aforesaid Order dated 11.3.2014 issued by DG:AIR.	i) Sr. Tech. were also party in case hence they have also been included. ii) Further, M/o I&B in their clarification dated 7.3.2014 on the DG:AIR's query raised dated 26.2.2014 clarified to include the post of Sr. Technician also.
2	Arrear also accrues to Technician w.e.f. 01.01.1996 as per court judgment. Also benefit of arrear w.e.f. 01.01.1996 as per para No.2 (iv) of Ministry of I&B order dated 25.02.1999 for up-gradation of pay scales.	(i) Hon'ble High Court of Chennai (upheld by the Apex Court) had directed to extend the benefit of notional fixation of pay scale to the petitioners from 01.07.1983 without award of any arrears. (ii) Ministry of I&B after consultation with Ministry of Law and Department of Expenditure have clearly directed vide letter dated 18.02.2014 & 07.03.2014 that there should be no financial outgo on account of payment of arrears. On specific query of DG:AIR vide letter dated 26.02.2014, MIB has reiterated the same. (iii) Paragraph 2 (iv) of the order dated 25.02.1999 to the post of TRES does not permit any arrears as contended by the ARTEE in their letter. In fact the 1 <sup>st</sup> Para and Para2 (ii) & 2(iii) of the said order stipulate for the arrears in upgraded scales which have not been invoked by Hon'ble Court in the judgement.
3.	DG:AIR should upgrade the pay scale of Technician w.e.f. 01.01.1996 to Rs.5000-8000/-	This demand is a separate issue and does not cover under the judgement. Moreover, it is stated that the upgradation/ enhancement of pay scales of any category of employees is the subject matter of Department of Expenditure (MOF) and does not come under the purview of cadre controlling authority in the instant case DG:AIR/ PB Sectt. Therefore, any order on such matters can be issued only on the direction/advice of MIB/Department of Expenditure.

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4. However, as the Ministry of I&B has consulted Department of Expenditure and Ministry of Law on the order of Hon'ble Supreme Court and Madras High Court, they may kindly clarify on the above mentioned points if the order issued by this Directorate is in conformity with the direction of the Hon'ble Courts.

Encl:- As above.

  
31-3-14  
(Vanita Sood)  
Director (Admn.)

The Secretary, (Kind attn:- Ms. Harcharan Kaur, DS BA(E), Ministry of I&B, Shastri Bhawan, New Delhi.

DG:AIR, Akashwani Bhawan, New Delhi, IDNO. 14/9/2014-SIV(A) dated 31.03.2014.

Copy to:- The Director (Pers), Prasar Bharati sectt.  
2<sup>nd</sup> Floor, PT1 Building, New Delhi.