

ASSOCIATION OF RADIO & TELEVISION ENGINEERING EMPLOYEES



Office : Room No. 134, Tower-B, Doordarshan Bhawan,
Copernicus Marg, Mandi House, New Delhi - 110001

Largest Employee Welfare Association of Electronic Media in India

Web Site : www.arteeindia.org

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ARTEE/P/012/02/2019

11.02.19

Ref. No.

Date.....

The Director General,
All India Radio,
New Delhi 110 001

[Kind Attention : Dr. Shaillendra Kumar, ADG(A), DG(AIR)]

Subject : Conveying Resentment against DG-AIR order dated 7.02.2019 partially modifying the Order dated 11.03.2014.

- Ref. [1] Order No. 8/8/2006-S-IV(A)/Part.III/63, dated 07.02.2019.
[2] Order No. 8/8/2006-S-IV(A)/Pt.I/107 dated 11.03.2014
[3] Speaking order No. 8/8/2006-S-IV(A)/Vol.III, dated 09.04.2018
[4]. DG(AIR) Order dated 12/05/2017 for grant of 5000-8000 scale.

Respected sir,

We wish to bring to your kind notice that order issued by your office dated 07-02-19 (copy enclosed as Annexure I), about Tech/Sr. Tech is atrocious and not as per the court verdict. We want to bring some facts for your kind consideration :

The Technician Scale Re fixation Order cited in Ref. 1 totally negates the spirit of the 11.03.2014 (copy enclosed as Annexure II) Order in Ref.2. By changing the date of re-fixation from 01.07.1983 to 23. 01. 2011, it runs contempt to the Hon. Supreme Court Judgment dated 10.01.2014 in SLP 33048/2011 (arising out of Hon. Madras High Court judgment in WPC 27155/2009) on the Technician Pay Revision issue.

In the Contempt Petition CP 664/2015 in Hon. Madras High Court , the issue was not about date of re fixation. It was about the date of granting arrears. As you are aware, the Hon. Madras High Court judgment in WPC 27155/2009 was delivered on 24/11/2010. It states:

The respondents are directed to extend the benefit of notional fixation of pay scale with effect from 01.07.1983, conferred on the post of Transmission Executive, as evident from paragraph No. 2(iv) of the order dated 25.02.1999, to the petitioners also, within a period of eight weeks from the date of receipt of a copy of this order, without awarding any arrears, from 01.07.1983.

In simple words, it instructs the respondents to:

- a) Re fix the Tech / Sr Tech scale w.e.f. 01.07.1983 and
b) Comply with the judgment within 8 weeks from judgment date, i.e. 23.01.2011.

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The DG-AIR Order of 11.03.2014 in Ref.2 correctly interpreted the judgment and re-fixed the scales w.e.f. 01.07.1983. But unfortunately, because it was implemented 40 months after the judgment, the beneficiaries were deprived of monetary benefits for those many months. This Contempt Petition was to get those arrears of salary.

However, astonishingly, yesterday's DG-AIR Order totally misinterpreted the High Court judgment as meaning that re fixation itself should be done w.e.f. 23.01.2011.

THIS IS AN ILLOGICAL AND ATROCIOUS INTERPRETATION, MADE WITH MALAFIDE INTENT, DESIGNED TO UNDERMINE THE VERY CONCEPT OF HISTORICALLY UNBROKEN PAY PARITY OF TECHNICIANS WITH LIGHTING ASSISTANTS.

This Order runs counter to the spirit of the Govt's Speaking Order in the above-mentioned Contempt Case dated 09.04.2018 (cited in Ref.3), in which government agreed to grant arrears w.e.f. 23.01. 2011. (copy enclosed as Annexure III)

In this background, we request that:

The Order dated 11.03.2014 should be modified only to the extent that back arrears of the salary would be paid w.e.f. 23.01.2011. The date of re fixation must not be changed from 01.07.1983.

Therefore it is requested

- (1). That DG(AIR) order dated 07/02/19 be withdrawn.
- (2). A fresh Order modifying the Order of 11.03.2014 only to the extent that the re-fixation of pay of Technician / Sr Technician at par with Lighting Assistant shall be done in the pay scale of Rs 425-700/- / 1400-2300/- / 4500-7000/- on notional basis w.e.f. 01.07.1983 to 22.01.2011 and actual basis w.e.f. 23.01.2011.
- (3). While doing this the scale of 5000-8000 granted as per DG(AIR) order dated 12/05/2017 (copy enclosed as Annexure IV) may not be disturbed as stations may try to withdraw the scale of 5000-8000.

Till that time this order may be kept in abeyance.

Umesh Chandra

Yours faithfully

Umesh Chandra
Umesh Chandra
President, ARTEE

Umesh Chandra
Umesh Chandra
11/4/19

Enclosed as above

CC for information and necessary action to :

- [1]. CEO, PB, New Delhi - 11001
- [2]. DG (Doordarshan), New Delhi - 110001

3. office copy.