

## Real Facts about EA- SEA Merger Issue

As you are aware, the merger of the cadres carrying the pay scales of Rs.6500-10500 & Rs.7450-11500 was also a part of recommendations of the 6th CPC.

As per DoEXP OM dated 13.11.2009, revised grade pay of 4600/- 2 has been granted to the posts that existed in the pre-revised scale of Rs.6500/--10500 as on 01.01.2006 and which were granted the grade pay of Rs.4200/.

Due to the persuasion of ARTEE this OM Dated 13.11.2009 was executed and all incumbent EAs working in the scale Rs. 6500- 10500 were granted GP 4600 at par with the SEAs working in the scale of Rs. 7450-11500.

DOP&T, vide its order dated 24.03.2009 directed all Ministries to complete the formalities of framing Recruitment Rules of merged within six months of the notification of the order.

In 2010 when SEA to AE Exam was declared, Sh. Praveen Kumar and eight other EAs filed OA 2940/2010 in Delhi CAT, with the prayer to allow them to appear in the SEA to AE Exam. Hon'ble CAT through the order dated 30.11.2010, directed finalization of the merger and also the Recruitment Rules for the merged cadre.

After this our sister Association also approached CAT. **Hence the issue of EA –SEA Merger becomes subjudice in the year 2010 itself due to the Court cases filed by few individuals and our sister Association. Hence the allegation by some anti-employee elements that EA-SEA merger issue becomes Subjudice due to ARTEE is totally baseless.**

After the CAT order in OA 2940/2010, DG (AIR) cancelled the EA to SEA examination in 2010. After this, DG AIR had forwarded a proposal for Merging EA and SEA in Grade Pay Rs. 4600/- but Ministry was not ready to merge EA and SEA in the GP 4600/-.

*Subsequently in the year 2012 itself, Ministry had taken approval for EA-SEA merger in Rs.4200/- GP from DoPT and DoEXP.*

In the hearing of contempt petition in Praveen Kumar case Ministry informed the court that merger in 4200 GP is over and the remaining task is only for framing amended RR for the merged cadre of SEA and EA. Unfortunately, in 2012, Associations were not able to prevent the merger of EA with SEA in GP 4200/-.

But after the ARTRE Election 2013, the efforts by the new Central team of ARTEE successfully in prevented Ministry to do further damage and ARTEE NOT allowed MIB to proceed further with the finalization of Recruitment Rules with Grade Pay of Rs.4200/- for the merged cadre of EA and SEA.

*On 08.07.2014, DG AIR issued a speaking order in suppression of all earlier communications and declared that the Pay of the Engineering Assistant is in Pay Band II with GP 4200/- only. And as per para 11, DG AIR instructed zonal heads adhere to the pay fixation in GP 4200/- ( re-fixation o EA in GP 4200/-). The main reason quoted by DG AIR in the speaking order was that merger of the posts of EA and SEA is complete as per MIB Letter dated 13.04.2012*

ARTEE Central Office again retaliated in strong manner and Management was compelled to withdraw the order in a day. *It should be remembered that it was only due to the effective and able intervention of ARTEE Central Office that authorities were forced to withdraw the order on same day itself.*

*The existence EAs with Central Government status in two pay scale was the main obstacle for merger of EA with SEA in 4600/GP. After this we tried our best to get the verdict in EA(5K) in scale Rs. 6500-10500 Implemented to all EAs so that root cause is removed and when all EA and SEA are in GP 4600, department cannot execute their sinister plan to merge in 4200/-GP. *We succeeded and all EAs(5K) were granted scale of Rs. 6500-10500.**

Hence on 16.08.16 Prasar Bharati published a draft RR (with GP of the merged cadre as Rs.4600/-) for the post of AE and for the merged cadre of SEA and EA.

Due to the active persuasion of ARTEE on 17.02.2017, Prasar Bharati send the finalized "Recruitment Rules" after the approval of Prasar Bharati Board to MIB for consideration and notification of modified Recruitment Rules. But Ministry was not ready to take any action on the issue, since MIB was not ready to accept Rs.4600/- as the Grade Pay of the merged cadre of EA with SEA.

In the meantime, in 2018 few Engineering Assistants including Sh. Vijay Haror approached the Delhi CAT against the delay in notifying the modified Recruitment Rules for the merged cadre of EA with SEA.

The Delhi CAT through its order dated 08.02.2018 directed Ministry of I&B to notify the modified recruitment rules within a period of three months from the date of receipt of certified copy of the CAT order.

Since the government was not taking any action as directed by the Honorable CAT, the applicants filed Contempt Petition in CAT Delhi with CP 100/18 in OA 282/18.

During the pendency of the Contempt Petition in Delhi CAT, Government filed the Writ petition WPC 8712/18 to challenge the CAT Order in OA 282/18 and the first hearing held on 20.08.18.

Then as per the request from Sh. Vijay Haror and others, ARTEE took over the case with all in Delhi High Court and ARTEE hired the services of an eminent lawyer Dr. Ashwani Bhardwaj for the first hearing of the case on 20.08.20.

On 20.08.20, Hon'ble High Court had asked Government to file an Affidavit by an officer not bellow the rank of Joint Secretary to explain the inaction for Seven years in the matter of notification of revised Recruitment Rules for the merged cadre of EA with SEA.

The case WPC 8712/18 was further listed on the following dates also

- 1).22.10.18
- 2).12.11.18
- 3).06.12.18,
- 4) 20.05.19
- 5).03.07.19
- 6).15.10.19

In the above listing dates both sides submitted affidavits and counter affidavits and all the procedures were completed and final hearing of the case was scheduled to take place 30.01.20

Our advocates Sh. Ashwani Bhardwaj ji and Sh. Manish Bisnoi ji were present in the Court on 30.01.20 and were ready for arguments. But AADEE through Sh. Ashwani Dagar filed an Interim Application, requesting the Court to allow them to intervene in the case.

Unfortunately, Hon'ble Court allowed the demand of AADEE despite strong opposition by our Advocates. *But instead of arguing the case, advocate for Sh. Ashwani Dagar (AADEE) as intervener demanded for next date. It is to be mentioned that government advocate also was in favour of advocate of AADEE in demanding next date.*

Our advocate strongly opposed it and informed the Court that for the last ten years this issue is pending. But advocate of Sh. Ashwani Dagar (AADEE) insisted for next date together with government advocate. Our advocate opposed the demand of advocate of Sh. Ashwani Dagar and request to go for arguments. But Court gave 28.04.2020 as next date of hearing which is being extended due to COVID-19 pandemic.

*All the affected parties can join in any case in any court in issues related to them. We respect their freedom to do so. But why AADEE, waited for the*

*final hearing date to join as party. Because, from the first hearing date (ie from 20.08.18), AADEE had the opportunity to join the case in Delhi High Court, but they waited till the final hearing date to join in the case. This is very suspicious. The efforts by AADEE to delay the possibility of a favorable decision on 30.01.20 was not in the interest of employees.*

On 30.01.20, there was a fair chance of the case to be decided positively, but AADEE's suspicious move spoiled this. And now due to the pandemic scenario, the case is delayed indefinitely.

Now these enemies of employee welfare have started a totally baseless propaganda that ARTEE made the EA-SEA merger issue Sub-judice. As we explained above the first case in the entire issue was filed in 2010 itself by few individuals and by our sister Association and in that case itself Delhi CAT had directed the department to notify the recruitment rules for the merged cadre of EA with SEA.

Since the Ministry was not making any efforts for notifying the recruitment rules, even after Prasar Bharati forwarded the Draft recruitment rules to Ministry on 17.02.17, it was some of the EAS from different Association filed OA in Delhi CAT in the year 2018.

When the department filed appeal in the case in Delhi High Court in year 2018, then only ARTEE taken over the case for effective management of the court case. And now AADEE itself joined the case at Delhi High Court only to delay the final hearing on the matter. And now AADEE is accusing ARTEE in this matter baselessly. These false propagandas very clearly establish their wrong intentions and motives. Welfare of employees is not included in their agendas. Their real agenda is the personnel glorification of one individual. It also exposes their double standard in the issue & their political propaganda is like "ULTA CHOR KOTWAL KO DATEN" only.

**ARTEE Central Office**