

Association of Radio & Television Engineering Employees



Room 134, Tower-B, Doordarshan Bhawan, New Delhi – 110001.

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Affiliated To Bharatiya Mazdoor Sangh

Largest Employees Association of Electronic Media in India
(Recognition Under Process)

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Dated 19th Jan 2023

To,

The Chief Executive Officer,
Prasar Bharati,
Tower C, Doordarshan Bhawan
Copernicus Marg, Mandi House,
New Delhi - 110001

Subject: Anomalous situation due to official apathy on EA-SEA merger / regular promotion DPC - resulting in disparity among zones in SEA promotion– seeking immediate action – regarding.

Respected Sir,

We wish to draw your attention to the highly regrettable situation whereby merger of Engineering Assistant (EA) and Senior Engineering Assistant (SEA) which was supposed to happen way back in 2012 has not happened so far purely due to official apathy and indifference, nor are DPCs for promotion to the post of SEA being conducted uniformly in all zones, resulting in disparity among zones. This injustice has left hundreds of eligible staff, many of whom have completed more than 32 years of service, without a single promotion in their career.

As your kind self is aware, as per extant rules, SEA is the promotion post of EA. Until 2009 DPCs for SEA promotion used to happen every year. The next promotion post in the hierarchy is AE which is an all-India transfer liability post. As per extant rules, this post is filled entirely with SEAs on promotion on 75-25 basis (i.e. 75% of the posts through Limited Departmental Competitive Examination and 25% through all India seniority – cum – fitness as per roster maintained by DG-AIR). Many years ago, disputes arose among SEAs of various zones on all-India seniority / Seniority -cum – Fitness eligibility as different zones issued their SEA promotion orders on different dates. This dispute was resolved by mandating that all zones would release the SEA promotion list on same day and interleaving of seniority from all five zones would be done at All India level, to ensure justice to SEAs of all the zones.

Due to the dispute and non-resolution of EA-SEA merger, DPCs for promotion to SEA were totally stopped from 2010 onwards. Finally, North Zone issued an SEA promotion order in 2019. East Zone in 2021 and West and South zones issued promotion orders for SEA in 2022. North East Zone has not issued any order yet, matter being sub-judice. This has resulted in the revival of the old disputes on all-India level seniority/eligibility for AE promotions. That too, these orders were issued for vacancies up to 2017-18 only. As a result, hundreds of eligible EAs have been languishing without career progression. As mentioned above, there are some EAs who have completed 32 years or more of service without promotion!

Thus, the department, by totally neglecting its duty of either merging the EA-SEA post or issuing regular promotions, has compounded the misery of Engineering Assistants and Senior Engineering Assistants all over the department. If merger had happened in time, these staff would have become eligible for at least one promotion (to AE post) in their lifetime. Otherwise also, they would have become eligible for promotion to AE even if DPCs for EA to SEA promotion had been done regularly.

(A) In this context, we submit following few lines on merger of EA and SEA for your perusal:-

- (i) Subsequent to the Notification of CCS (Revised Pay) Rules, 2008, the Ministry of Finance (Dept Of Expenditure) issued OM dated 13.11.2009 reiterating the provisions at para (ii), Section-1, Part-B and Part-C of the First Schedule of those Rules that *inter alia* “ the posts in the pre-revised scale of Rs.6500-10500 should be upgraded to the next higher grade in the Pay Band-2 with Grade Pay of Rs.4600 corresponding to the pre-revised scale of Rs.7450-11500, and in case a post already exists in the scale of Rs.7450-11500, the post being upgraded from the scale of Rs.6500-10500 should be merged with the post in the scale of Rs.7450-11500”.
- (ii) In AIR & Doordarshan, the post of EA was in the pre-revised scale of Rs.6500-10500 and its promotional post SEA was in the scale of Rs.7450-11500 before 01.01.2006. It was therefore imperative to upgrade post of EA to GP of Rs.4600 in PB-2 and merge the post with that of SEA which existed in the pre-revised scale of Rs.7450-11500 (revised to GP Rs.4600 in PB-2).
- (iii) The Director General, AIR, vide Office Order F.No.3/20/2008-SIV(A) dated 16.01.2009, accordingly upgraded the post of EA to the next higher grade with Grade Pay of Rs.4600 in PB-2 w.e.f. 01.01.2006 pending the merger of two posts of EA & SEA which was otherwise mandatory.
- (iv) Though the payscale of EA was upgraded to the payscale of SEA with GP of Rs.4600 (PB-2) by the DG-AIR w.e.f 01.01.2006, the cadre controlling authority failed to initiate the mandatory process of merger of these two cadres. The undue delay in notifying the RR of merged post led to litigation. In OA No. 2940/2010, Ld. CAT, New Delhi, through judgment dated 30.11.2010, ordered the MIB for the merger of EA

and SEA posts. Through an affidavit submitted by the MIB on 27.03.2012 before the Tribunal during the hearing in contempt petition, the MIB informed the court about the approval of the nodal ministries obtained for the merger of the posts, but prayed for **six months** more time for notifying the RR of the merged cadre. Unfortunately, the RR of the merged cadre could not be notified leading to filing of another OA No. 282/2018 before Ld. CAT, New Delhi. The Tribunal, through the judgment and order dated 08.02.2018, once again directed the MIB to merge the cadres of EA & SEA. Instead of complying with the order dated 08.02.2018 of Ld. Tribunal, the MIB preferred to move Hon. Delhi High Court, to challenge Ld. Tribunal's order dated 08.02.2018 through WP (C) 8712/2018. In an interim order passed on 20.08.2018, Hon'ble High Court expressed grave displeasure on inaction of the Respondents in issuing modified RR from the year 2012 onwards, and sought clarification through an affidavit to be signed by an officer of the petitioner/ Ministry not below the rank of a Joint Secretary. The case is still pending before Hon'ble Delhi High Court. **The respondents have themselves admitted before the Ld. Tribunal, Principal Bench, Delhi that with the approval of DoPT and Ministry of Finance, one action, i.e. merger of SEA and EA is complete.** The Ministry of I&B failed to notify RR even after submitting an affidavit in CP 297/2011 (in OA 2940/2010) in 2012 which has also been noted in interim order dated 20.08.2018 passed by Hon'ble High Court in WP(C) 8712/2018. **There has been undue delay on the part of authorities to notify the RR of merged post of EA and SEA for which employees cannot be made to suffer.**

- (v) **The main objection of the department in merging the EA and SEA post in Rs.4600/- Grade Pay seems to be that as per the department, Rs.7450-11500/- scale given to SEA was an upgraded scale. Hence, as per Ministry, merger cannot happen in this so called "upgraded" grade pay - it can only happen in Rs.4200/- Grade pay, as the scales recommended by the 5th CPC for EA was Rs.5000-8000 and for SEA it was Rs.5500-9000.**
- (vi) **This is a fallacious argument.** As per Clarification 35 issued by DOPT vide OM No. F. No. 35034/1/97-Estt(D) (Vol. IV) dated 18.07.2001 which provides that in case where all the posts are placed in higher pay scales without change in designation, without requirement of any new qualification for holding the post in higher Grades, not specified in RR for existing post and without involving any change in duties and responsibilities, then placement of all the incumbents against such up-gradated posts is not to be treated as promotion/ up-gradation. This issue has been decided in favour of employees by CAT, PB in OA No. 2293/2001 vide order dated 05.12.2002 which has been upheld by Hon'ble High Court, Delhi in WP(C) 4151/2003 vide judgment dated 13.07.2017. This issue was also decided by CAT, PB in case of Shyamali Biswas vs UOI in OA No. 1118/2015 vide order dated 31.03.2016 wherein Hon'ble Tribunal has upheld that 25.02.1999 scales are not up-graded scales.

- (vii) **More importantly, Ministry revised the 4th CPC pay scale of SEAs to Rs.2000-3275/- vide order No. 310/50/99-B(D)/BA(E) dated 10.06.2002, consequent to Hon. Supreme Court judgment in SLP No. CC 5902-5908/2001 dated 07.12.2001 (called Rangaiah / Sasikala case). Prior to this, Ministry revised the 4th CPC pay scale of EAs to Rs.2000-3200 vide order No. 310/15/93-B(D) dated 15.05.1995 consequent to Hon. Supreme Court judgment dated 25.11.1994 in SLP 4307-08/1993 and 15206-07/1992 (called Rajasekaran case).**
- (viii) **The 5th CPC replacement scale of these 2000-3200, 2000-3500 etc scales is Rs.6500-10500. The 6th CPC recommended this very scale to be granted Rs.4600/- GP in its recommendations which was implemented vide Do-Exp OM F. No. 1/1/2008-IC, dated 13/11/2009.**
- (ix) **Thus, the Ministry's argument that merger cannot happen in Rs.4600/- is totally untenable.**
- (x) **Another compelling argument for merging EA & SEA in Rs.4600/- GP is that now Tech, Sr Tech, DTech and MTech have been merged in the government grade pay of Rs.4200/-. Given this fact, it is inescapable that EA and SEA are merged in Rs.4600/- GP, or even in Rs.6500-10500 pay scale of 5th CPC.**

(B) Following few lines are submitted on EA to SEA promotion for your kind perusal: -

- (i) **As per Model Calendar issued by DoPT OMs dated 8th May 2017 and 23rd March 2018, DPC for each Calendar year (January to December) vacancies need to be completed by December month of previous year itself. But unfortunately, it has not happened in our department. Prasar Bharati made a serious attempt to address this issue by issuing the Letter dated 06 August 2020, seeking completion of DPCs from all zones by 28th August as per model calendar.**
- (ii) **Apart from the personal discouragement and trauma such lack of career progression engenders in an individual, the departmental hierarchy itself would suffer due to lack of manpower in key promotional posts. Such disregard to the genuine career aspirations of staff would inexorably lead to low morale, de-motivation, indifference, and poor work culture.**
- (iii) **Further, to add to the misery of these stagnation-affected staff, DG-AIR is contemplating to hold LDCE exam for promotion to AE in March 2023 for those SEAs who were incumbent as on 01/01/2022. If this condition is applied, all those SEAs who were promoted in 2022 would become ineligible to appear for the AE**

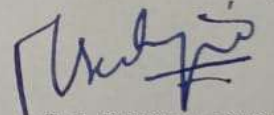
exam. This would be a cause of extreme injustice to SEAs of some Zones. The solution is to keep 01/01/2023 as the eligibility cut-off date for AE exam.

This regrettable state of affairs can only be ended by either merging the EA&SEA posts and notifying new RR immediately, or instructing all zones to release the simultaneous SEA promotion orders for panel years up to 2023 and maintain parity and interlacing.

Therefore, Recruitment Rules for the proposed post of 'Broadcast Engineer' consequent upon the merger of Engineering Assistant (EA) and Sr. Engineering Assistant (SEA) recruited till 05/10/2007, as approved by the Prasar Bharati Board in its 139th Board Meeting held on 14.01.2017, in PB-2 Grade Pay 4600/- may be immediately notified. If there is likely to be further delay in doing so, immediate instructions may kindly be issued to all the zones to hold simultaneous DPCs for promotion to SEA up to the panel year 2023, prior to holding LDCE for promotion to AE. There are around 1400 AE posts lying vacant as on date. Such large shortage of supervisory cadre in AIR & DD installations is not only having a very negative impact on the functioning of these installations, but the cascading effect of resulting stagnation in all the lower cadres in the hierarchy is damaging the morale of the staff. So an early conduct of AE exam is needed. It is requested that the eligibility cut-off date for LDCE may kindly be kept as 01.01.2023 instead of 01.01.2022.

Thanking you & with warm Regards,

Yours Sincerely



(M. SESHAGIRI)

General Secretary