

ASSOCIATION OF RADIO & TELEVISION ENGINEERING EMPLOYEES



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To,

2/3/2023
CRU SECTION
Min. of Information & Broadcasting
Govt. of India, New Delhi
Tele. No. 23384994

Date 2/3/2023.....

The Secretary to Govt. of India,
Ministry of Information & Broadcasting,
Shastri Bhawan, Dr. R.P. Marg,
New Delhi-110 001.

Subject :- Merger of post of Engineering Assistant (EA) with Sr. Engineering Assistant (SEA) of AIR & Doordarshan in compliance with MOF(DoE) OM dated 13.11.2009-regarding.

Sir,

The issue of merger of post of EA with SEA of AIR & Doordarshan with effect from 01.01.2006 in PB-2 with GP Rs. 4600, consequent upon recommendations of 6th Central Pay Commission, is presently under litigation before Hon'ble Delhi High Court in WP 8712/2018 filed by the Ministry of I&B, which is listed for hearing on 20.03.2023. Following facts may kindly be considered in this regard.

2. That subsequent to the Notification of CCS(RP) Rules, 2008 vide F. No. 1/1/2008-IC dated 29.08.2008, Ministry of Finance (DOE), Implementation Cell, issued an OM vide F. No. 1/1/2008-IC, dated 13.11.2009 (Annexure-1), reiterating the provisions at Para (ii), Section-I in Parts B and C of the First Schedule of the CCS (Revised Pay) Rules, 2008 that, inter alia, the posts in the pre-revised scale of Rs.6500-10500 should be upgraded to the NEXT higher grade in the PB-2 with GP Rs.4600 corresponding to the pre-revised scale of Rs.7450-11500, and in case a post already existed 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.

3. That, in AIR & Doordarshan, the post of EA was in the pre-revised scale of Rs.6500-10500 and the SEA (the promotional post of EA), was in the scale of Rs.7450-11500. It was therefore imperative to upgrade post of EA in PB-2 with Grade pay of Rs.4600 and merge the post with that of SEA which existed in the pre-revised scale of Rs.7450-11500.
4. That, the DG AIR, vide Office Order F.No.3/20/2008-SIV(A) dated 16.01.2009 (**Annexure-2**), accordingly upgraded the post of EA to the next higher grade in PB-2 with Grade Pay of Rs.4600 w.e.f. 01.01.2006 pending the merger of two posts of EA & SEA which was otherwise mandatory as per Para (ii), Section-I in Parts B and C of the First Schedule of the CCS (Revised Pay) Rules, 2008 and also MOF(DoE) OM dated 13.11.2009. Surprisingly, the cadre controlling authority DG AIR did not take any action on merger of the post of Engineering Assistant with Senior Engineering Assistant in PB-2 with GP Rs.4600 which was required to be done simultaneously and compulsorily.
5. The inordinate delay in issuance of an order on merger of the posts of EA and SEA prompted Mr. Praveen Kumar and five other Engineering Assistants to file OA No. 2940/2010 before the Principal Bench of CAT, New Delhi for merger of the posts of EA & SEA in PB-2 with GP Rs. 4600, and for granting them permission to appear in the LDCE for promotion to the next post of Assistant Engineer which was allowed by Hon'ble CAT vide order dated 30.11.2010 in favour of the applicants.
6. When the respondents did nothing in compliance of the order dated 30.11.2010 of Hon'ble CAT within the stipulated time, the applicants filed Contempt Petition No.297/2011 in OA No. 2940/2010. During the course of contempt proceedings, the Secretary, Ministry of I&B submitted 'Progress Report' dated 27.03.2012 (**Annexure-3**) and made submissions vide Para 13 and Para 14 of the affidavit that the **concurrence of Department of Expenditure, Ministry of Finance for the merger of cadre of EA with SEA was received, and therefore, with the approval of DOP&T and Ministry Finance, one action i.e. "merger of SEA and EA" was complete.** Hon'ble CAT, New Delhi accepted the submission dated 27.03.2012 made by the Secretary, Ministry of I&B and disposed of the contempt petition CP No.297/2011 in OA No. 2940/2010 vide order dated

17.05.2012 with direction to finalize recruitment rules for the merged post of EA & SEA within a period of six months as prayed by the MIB.

7. However, from the communications dated 13.04.2012 (**Annexure-4**) and dated 07.05.2012 (**Annexure-5**) of the Ministry of I&B made with the DG:AIR, it appears that the Ministry of I&B envisaged to merge the posts of EA with SEA in PB-2 with **GP Rs. 4200** (*instead of GP Rs. 4600*) which was not only wrong but also out of context. The EA and the SEA, *interalia*, were granted pay scales of Rs.6500-10500 and Rs.7450-11500 respectively with effect from 01.01.1996 vide MIB order dated 25.02.1999(**Annexure-6**) under the condition of exercising of option for absorption in Prasar Bharati in future, failing which they will revert back to the scales as recommended by the 5th CPC. The condition of exercising of option for absorption in Prasar Bharati was completely done away by the Prasar Bharati (BCI) Amendment Act, 2011(**Annexure-7**). Vide sub-sections (1) and (2) of section-11 of the amended Prasar Bharati Act, 2011, the employees recruited till 05.10.2007 have been declared as *government employees* on deemed deputation to Prasar Bharati *till their retirement* and thus, they have not only been exempted from getting absorbed in Prasar Bharati, but also making the pay scales granted to them by MIB order dated 25.02.1999 as absolute and irreversible. It is thus quite evident that the post of EA has to be merged with the post of SEA in PB-2 with GP Rs.4600 as already initiated by the DG:AIR vide office order dated 16.01.2009 in compliance with MOF(DoE) OM dated 13.11.2009.

8. The CEO, Prasar Bharati issued Draft notification for amended Recruitment Rules for Assistant Engineer and Junior Engineer (Broadcast) (the merged cadre of erstwhile EA & SEA) vide Circular F.No.10/66/2010-PPC, dated 16.08.2016(**Annexure-8**) and asked for the comments of the stakeholders on proposed notification.

9. The CEO, Prasar Bharati referred the Draft notification for amended Recruitment Rules for Assistant Engineer and Junior Engineer (Broadcast) (the merged cadre of erstwhile EA & SEA) vide OM F.No. 10/66/2010-PPC, dated 09.01.2017 to the Ministry of I&B for approval.

10. The CEO, Prasar Bharati then sent proposal for merger of EA and SEA in the subordinate engineering cadre of AIR & Doordarshan in PB-2 with Grade Pay

of Rs. 4600 as per CCS (RP) Rules, 2008, vide OM issued from F. No. 10/66/2010-PPC, dated 20.01.2017 (**Annexure-9**) to the Ministry of I&B for approval. This OM was issued by Prasar Bharati to the Ministry of I&B for soliciting approval of merger of EA & SEA in PB-2 with GP 4600 in partial modification of MIB letter No. 501/02/2011-BA (E) dated 13.04.2012 in which merger of posts of EA and SEA was approved to be done in PB-2 with **Grade Pay of Rs. 4200.**

11. The CEO, Prasar Bharati sent Revised Draft Recruitment Rules for the post of Senior Broadcast Engineer (erstwhile Assistant Engineer) and Broadcast Engineer (merged cadre of erstwhile EA & SEA), after suitable modification, to the Ministry of I&B for approval and notification at the earliest, vide OM F. No. 10/66/2010-PPC(pt), dated 17.02.2017 (**Annexure-10**). **These Revised Draft Recruitment Rules were considered and approved by the Prasar Bharati Board in its 139th board meeting held on 14.01.2017.**

12. The CEO, Prasar Bharati sent a reminder to Ministry of I&B (By name: Sanjay Dhar, US) vide dated 24.11.2017 (**Annexure-11**) to expedite approval of merger of existing post of EA with SEA in PB-2 with Grade Pay Rs.4600 and consequent amendment of Recruitment Rules.

13. In the situation that no action was taken by the Ministry of I&B on finalization and notification of modified RR for the merged cadre of erstwhile EA and SEA, another set of 10 Engineering Assistants approached CAT, New Delhi with OA No. 282/2018 titled Vijay R. Haror & Others vs UOI & others, praying for a direction to the Ministry of I&B for notification of the modified Recruitment Rules which was approved by the Prasar Bharati Board in its 139th board meeting and the proposal forwarded thereafter to Ministry of I&B. Hon'ble CAT vide order dated 08.02.2018, has disposed of the OA with direction to MIB to notify the modified Recruitment Rules within a period of 3 months from the date of receipt of certified copy of this order.

14. Applicants then filed Contempt Petition No. 310/2018 in OA No. 282/2018 when the MIB did not comply with the order of Hon'ble Tribunal. The Ministry of I&B then moved to Delhi High Court, to challenge Hon'ble Tribunal's order dated 08.02.2018, by filing Writ Petition (C) No. 8712/2018. **In an interim order passed on 20.08.2018, Hon'ble High Courthas expressed grave displeasure on inaction of the MIB 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 (Annexure-12).**

15. It is pertinent to mention here that there is no stay on the issue of merger of EA and SEA from any court of law. The modified RR forwarded by the PB after approval of Board in its 139th meeting is yet to be notified. Besides, the DGAIR is holding DPCs and is making regular promotions from EA to SEA cadre in spite of the fact that the nodal ministries have already approved merger of these posts in 2012. Furthermore, the DGAIR is effecting reduction of pay and recovery thereof by treating the post of EA and SEA not-merged and thereby counting promotion from EA to SEA as one up-gradation under the MACP Scheme as is evident from DGAIR's order dated 30.06.2022(Annexure-13)

16. It is also pertinent to mention here that feeder cadres of Technician and Sr. Technician have been merged in the cadre of 'Senior Broadcast Technician' in PB-2 with grade pay 4200, with the approval of MF(DoE), vide DG:AIR order No. 14/12/2014-SIV(A)/290 dated 17.10.2022 (Annexure-14) as communicated vide Ministry of I&B I.D. No.V-13014/1219-BA(E) dated 19.09.2022 (Annexure-15). After the merger of feeder cadres in GP 4200, it is imperative that the merger of EA & SEA has to be done in GP 4600.

In view of the above submission, it is requested to kindly expedite the notification of Recruitment Rules for the merged post of EA & SEA in **PB-2 and GP Rs. 4600** with the nomenclature of **Broadcast Engineer** taking effect on **01.01.2006** in compliance with the MOF(DoE) OM dated 13.11.2009 and various court orders as mentioned above. After the proposed merger of feeder cadre of Technician & Sr. Technician in PB-2 with GP 4200, the only issue of merger of the posts of EA with SEA in PB-2 with GP 4600 will get resolved. It is further submitted that an early action is solicited in the matter before 20.03.2023 when this matter is listed for hearing in the Hon'ble High Court, Delhi in WP 8712/2018.

With warm regards,

Yours Sincerely,


(H.G.Sharma)

President, ARTEE

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