

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

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REVIEW PETITION (C) NO. 2276 OF 2012INSPECIAL LEAVE PETITION (CIVIL) NO. 14381 OF 2012

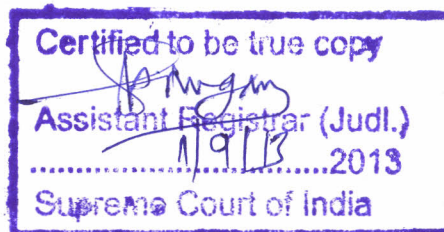
Association of Radio and Television
Engineering Employees and others

.....Petitioners

versus

Union of India and others

.....Respondents

O R D E RReview Petition (C) No. 2276 of 2012

Delay condoned.

In this petition filed under Order 40 read with Order 47 Rule 6 of the Supreme Court Rules, 1966, the petitioners have prayed for review of order dated 27.4.2012 by which SLP (C) No. 14381 of 2012 was dismissed.

We have heard learned counsel for the parties and perused the record.

While dismissing Special Leave Petition (Civil) No. 33048 of 2011 filed by the Union of India against the order of the Madras High Court this Court held that the direction given by the High Court for payment of salary to Staff Artists of Doordarshan at par with Lighting Assistants Grade-II and Grade-I was legally correct.

In view of the above, order dated 27.04.2012 passed in Special Leave Petition (Civil) No. 14381 of 2012 is

recalled and the special leave petition is restored to its original number.

SLP(C)No.14381 of 2012

Leave granted.

Learned counsel for the appellants submits that in view of order dated 10.1.2013 passed in Special Leave Petition (Civil) No.33048 of 2011, relief in similar terms may be granted to the members of appellant No.1 and other appellants.

Learned counsel for the respondents has not been able to put forward any tangible argument to controvert the submission of the appellants counsel.

We have considered the entire matter. Since similarly situated persons have been granted relief, this appeal is allowed in terms of order dated 24.11.2010 passed by the Division Bench of the Madras High Court in Writ Petition No.27155 of 2009 read with order dated 10.01.2013 passed in SLP(C)No.33048 of 2011.

The respondents are directed to give relief to the members of appellant No.1 and other appellants as also other similarly situated persons in terms of order dated 10.01.2013 passed by this Court in SLP(C)No. 33048/2011 approving the direction given by the Madras High Court. The needful must be done by the respondents within a period of three months from today.

.....J.
(G.S.SINGHVI)

.....J.
(SUDHANSU JYOTI MUKHOPADHAYA)

NEW DELHI;
SEPTEMBER 2, 2013.



SEALED IN MY PRESENCE

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Branch Officer
Supreme Court of India

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Largest Employees Association of Electronic Media in India

Ref. ...ARTEE/GS/MIB/2013/09

Dated. 06/09/2013

Shri. Manish Tewari
Hon'ble Minister for Information & Broadcasting
Ministry of Information & Broadcasting
New Delhi.

Subject: Request for Pay revision of Technician in parity with Lighting Assistant – Notional Fixation of Pay w.e.f. 01.07.1983 and with arrears from 1.1.1996 in the scale Rs 5000-8000

- Ref:
1. Verdict dated 02/09/2013 of Hon'ble Supreme Court in Review Petition (Civil) No.2276/2012 of SLP(C) No.14381/2012
 2. Letter No.ARTEE/GS/SIB/2013/07 dated 02/07/2013 submitted to Secretary, Ministry of I&B.
 3. Minutes of the meeting ARTEE & ADTEA held with DG: AIR on 18/6/2013 minutes dated 04/7/2013 & 05/07/2013.
 4. Recommendation dated 29/4/2013 from CEO, Prasar Bharati to Ministry of I&B for fixation of pay with arrears in the scale Rs.5000-8000 w.e.f. 1.1.1996.
 5. Verdict dated 10/01/2013 of Hon'ble Supreme Court in SLP (C) No.33048 of 2011
 6. Order No.2/18/2005-SI A dated 26/4/2012 issued by DG: Doordarshan with the approval of Ministry of I&B granting pay scale of Rs.5000-8000 to Lighting Assistant w.e.f.1.1.1996 with arrears.

Respected Sir

We are very happy to inform your good office that the Hon'ble Supreme Court has, in its verdict dated 02-09-2013, upheld the review petition filed by ARTEE and granted parity between the cadres of Lighting Assistant & Technician. The Hon'ble court has also called back its earlier verdict in the SLP(C) No.14381/2012 with a direction to the government to implement the verdict within three months.

Sir, in this matter I request your kind attention to the letters and representations through which we requested Ministry, Prasar Bharati & DG: AIR to grant the pay scale of Rs.5000-8000 to the Technicians of All India Radio & Doordarshan and to maintain the already accepted and declared parity of these cadres w.e.f.1.1.1996.

Parity in between the cadres of Technician of AIR & Doordarshan and the Lighting Assistant of Doordarshan has been proved beyond doubt by the judgments of various courts as well as the administrative orders issued by the Govt of India. Copies of some such documents were attached with earlier letters.

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It may kindly be noted that Hon'ble Supreme Court in the verdict dated 10.01.2013 in SLP (C) No. 33048 of 2011, while upholding the decision of Hon'ble High Court Chennai stated that **"In the absence of any cogent explanation for differentiating the two cadres in the matter of revision of pay scales, it is not possible to find any fault with the direction given by the Division Bench of the High Court. Rather, it must be held that by ordering revision of pay scales of the Technicians at par with the Lighting Assistants, the High Court has acted in consonance with the spirit of Articles 14 and 16 of the Constitution."**

In view of the categorical finding of the Hon'ble Supreme Court on parity and in the light of further pay revision of Lighting Assistant of Doordarshan w.e.f.1.1.1996, we requested the DG:AIR, Prasar Bharati and the Ministry to immediately implement the judgment of the Hon'ble Supreme Court and ***grant benefits of notional pay fixation to the Technicians for the period starting from 1.7.1983 to 31.12.1995 at par with the Lighting Assistants; And from 1.1.1996, the Technicians should be granted complete pay parity with the Lighting Assistants on the basis of the further revision of pay scale of Lighting Assistants along with arrears of pay and other consequential benefits.***


Further it is learnt that DG: AIR & Prasar Bharati have already recommended to Ministry of I&B for pay revision of Technician to maintain this parity. The obstacle pointed out by the Ministry was the pending Review Petition of ARTEE on the same subject.

We are very happy to inform your good office that Hon'ble Supreme Court has now settled the matter in its latest judgment, the technical and legal obstacles now stand removed. DG:AIR & Prasar Bharati have already recommended for the implementation of the pay parity, it is now upto the Ministry to take necessary steps to ensure long pending justice to the cadre of Technician of AIR&DD.

The employees all over the country felt agitated due to the extraordinary delay in grant of justice to the subordinate engineering cadres, who are working in 1800 stations of AIR&DD throughout the country for the interest of the Nation, inspite of the geographical & other difficulties.

Hence We request your good self to kindly take necessary steps for the implementation of the judgment of the Hon'ble Supreme Court at the earliest by granting Notional Fixation from 1.7.1983 to 31.12.1995 and fixation of pay in the pay scale of Rs.5000-8000 w.e.f. 1.1.1996 and PB II with GP of Rs.4200/- w.e.f. 1.1.2006 to the Technician at par with the Lighting Assistants and thereby to bring back the faith in the system.

With deep regards,


(Anilkumar S)
General Secretary
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Copy for kind information to:

1. Shri. Bimal Julka IAS, Secretary, Ministry of I&B
2. Shri. Jawhar Sircar, CEO, Prasar Bharati, New Delhi
3. Shri. L.D. Mandloi, IBPS, Director General, All India Radio, New Delhi