

Doordarshan Cameramen's Welfare Association (Regd.)

Vs

Union of India and Another

Writ Petition (Civil) No. 240 of 1989

(Smt. M. S. Fathima Beevi, K. Jagannatha Shetty JJ)

12.04.1990

JUDGMENT

K. JAGANNATHA SHETTY, J. –

1. The staff Artistes of Doordarshan are again before this Court. This writ petition under Article 32 of the Constitution has been filed by the Union representing the members of the staff working in the Camera Section of the Doordarshan Kendra. The Camera Section is said to consist of a number of posts including Cameramen Grade II and lighting Assistants working in various Doordarshan Kendras in the country. Earlier there were three writ petitions from three categories of Staff Artistes of Doordarshan. Writ petition (C) No. 974 of 1978 was filed by Sound Recordists. Writ petition (C) No 1239 of 1979 was by Cameramen Grade II and Writ Petition (c) No. 1756 of 1986 was the Lighting Assistants/ lightmen. The Sound Recordist of Doordarshan claimed the pay scale admissible to the Recordist of the Films Division. Cameramen Grade II demanded pay scale allowed to Cameramen of the Films Division. The Lighting Assistants/lightmen claimed the pay scale entitled to the Assistant Cameramen in the Films Division. they contended that they were performing same or similar duties as their counterparts in the Films Division.

2. The said writ petitions were disposed of by the common order dated August 26, 1986. there this Court held : (i) that the Staff Artists of Doordarshan including the petitioners therein are government servants like their counterparts in the Films Division; (ii) they performed the same duties as those of their counterparts in the Films Division; (iii) the Sound Recordists in Doordarshan are equivalents to Recordists in the Film Division; (iv) the Cameramen Grade II in Doordarshan are similar to Cameramen in Films Division; and (v) the Lighting Assistants/ Lightmen in Doordarshan are comparable with Assistant Cameramen in Films Division.

3. It was further observed that it would be unreasonable and unjust to discriminate against the said Artistes of the Doordarshan in the matter of pay scale. The conclusion was rounded off in the following terms :

"In the circumstances, all these writ petitions are allowed. The Sound Recordists, who are the petitioners in Writ Petition (C) No. 974 of 1978, shall be given the pay scale of the Recordist/ Sound Recordist in the Films Division i. e. Rs. 550-900 with effect from January 1, 1978. The Cameramen Grade II, who are the petitioners in Writ Petition (C) No. 1239 of 1979, shall be given the pay scale of the Cameramen of the Films Division i. e. Rs. 650-960 with effect form August 1, 1979. The Lighting Assistants /Lightmen, who are the petitioners in Writ Petition (C) No. 1756 of 1986, shall be given the scale of pay of Assistant Cameramen in the Film Division

i. e. Rs. 425-700 with effect from December 1, 1983. The petitioners in all these writ petitions will also be entitled to the substituted scales of pay and consequential benefits. The respondents are directed to disburse to the petitioners the arrears amounts being the difference in the pay scales within four months from today."

As per the said decision, those who filed the writ petitions were given the pay scale of their counterparts with the arrears as indicated from the respective dates. But other persons who claim that they also belong to the same categories or similarly situated have not been extended the benefits of the. The persons who have been denied such benefits moved the court to initiate contempt proceedings against the authorities. The Contempt Petition No. 811 of 1989 was filed. On that application, the court remarked :

"The petitioners may file a fresh writ petition under Article 32 of the Constitution before this Court after serving a copy on the Central Agency. It shall be posted along with this contempt petition. The matter is adjourned by three weeks."

Accordingly, the present writ petition has been preferred seeking the reliefs :

"(a) to treat Lighting Assistants, Cameramen Grade Ii and Sound Recordists as regular government servants w. e. f. the date of their joining the Doordarshan Departments; (b) to remove the disparity in the scales of pay of Lighting Assistance of Doordarshan vis-a-vis Assistant Cameramen of Film Division, Cameramen Grade II of Doordarshan vis-a-vis Cameramen of films Division and Sound Recordists of Doordarshan vis-a-vis Recordists of Films Division w. e. f. January 1, 1973 and in the case of those Lighting Assistants or Cameramen Grade II or sound Recordists of Doordarshan who joined the Doordarshan on any subsequent date other than January 1, 1973 then the disparity is be removed form the respective dates of their appointment; (c) to extend all the other benefits to the Lighting Assistants, Cameramen Grade II and Sound Recordists of Doordarshan as are available to the Assistant Cameramen, Cameramen and Recordists of Films Division."

The respondent in the counter-affidavit raises contentions in the alternative; firstly it is inter alia alleged :

"... that the benefit of order dated August 26, 1988 need not be extended to all persons suo motu who were no petitioners in the writ petitions in question. However, government is prepared to extend the benefit to such of those persons who were in position on the dates of filing of writ petitions by holders of three categories of posts or alternatively to such to them who possessed at the time of appointment in the said posts in the Doordarshan qualifications prescribe for comparable post of Assistant Cameramen/Cameramen and Recordist in Film Division."

Secondly, the correctness of the previous decisions of this Court is also sought to be challenged by these words :

"It is submitted that the pay scales, designation and qualification of Cameramen working in Films Division is different from those Working in Doordarshan. The working condition is also quite different. The Cameramen in Films Division are exclusively function in outdoor recordings with film cameras whereas those working

in Doordarshan normally function in studios and in case of their outdoor recordings they use ENG equipment. It is submitted that the cadre structure of the two organisation is also different in view of the organisational requirement.

It is submitted that the pay scales are also related to the promotional avenues normally higher pay scale is expected to compensate for limited promotional avenue."

A similar contention is raised with regard to Lighting Assistants of Doordarshan vis-a-vis Assistant Cameramen in Films Division :

"The job of Lighting Assistants in Doordarshan is limited to the holding light lamp on the object under directions of the cameraman in outdoor shooting alone. All other related functions including complete light arrangements in the studio in Doordarshan are performed by Sr. Engineering Assistants/Engineering Assistants, Technicians and helpers. In view of the above and with the introduction of ENG cameras the role of Lighting Assistants has come down to that of an unskilled labourer. Consequently, posts of Lighting Assistants in Doordarshan were abolished in July 1986 and their job entrusted to Helpers who are Group 'D' employees having Vth standard qualification."

As to Cameramen Grade II, Doordarshan/ Cameramen, Films Division, it is stated :

"ENG cameras no being used in Doordarshan have been provided with the facilities of zoom lens autofocus playback facility to see instant results etc. It is very simple in operation and functions on the principle of video cameras used commonly by photographers in the street for covering the marriage parties etc....

It being a matter of fact needs no explanation that in Films Division a Cameramen is required to have through knowledge and indepth experience of camera and various types of lenses and films before being allowed to handle a film camera which is more complicated top use by way of selection of appropriate lens filters and light intensity, delicate handling of films besides exact perception of the object as running of any film for a longer duration or without proper light, lens and focus would not give the desired results. Evidently, a Cameramen Grad II handling ENG camera in Doordarshan in not performing the same work as is being done by his counterpart on a complicated film camera in the Film Division. Least to talk of equality, many of Cameramen Grade II in Doordarshan due to lack of experience and qualification may not be able to handle even today film camera being used in Films Division."

As to Sound Recordists, Doordarshan/Recordists in Films Division, it is claimed :

"The induction of ENG in Doordarshan has equally affected the function of Sound Recordist by making his job much easier inasmuch as that audio recording in an ENG camera is done simultaneously with shooting of the programme. It does not require any more separate dubbing or post-synchronising etc. being done by Recordist in Films Division. This necessitated in declaring the Sound Recordists in films Division. This necessitated in declaring the Sound Recordists as dying cadre in Doordarshan and their job is now being done by Engineering Staff who have their

own line of promotion in their grade."

4. the issues raised in the counter-affidavit may be relevant to determine the comparable duties and responsibilities of the petitioners. But it is not for us to examine the same in these proceedings. The question is no longer res integra. It stands concluded by the previous judgment and is binding on the Doordarshan. The benefit of the judgment should be extended to all those who belong to the three categories.

5. This Court has ordered that the Sound Recordists in Doordarshan shall be given the pay scale of Rs. 550-900 with effect from January 1, 1978. The Cameramen Grade II shall be allowed the pay scale of Rs. 650-960 with effect from August 1, 1979. The Lighting Assistant/lightmen are held entitled to the pay scale of Rs. 425-700 with effect from December 1, 1983. It was also directed that they shall be given the "substituted scales of pay and consequential benefits with the arrears being the difference in the pay scales" In view of that conclusion reached and direction issued the respondent cannot now ask us to reconsider the same question.

6. We do not also consider it necessary to refer this matter to a larger bench because of the observation in Prahalad Singh v. Union of India. There is no laches on the part of the petitioners herein in approaching the court.

7. We direct that the petitioner who occupy the posts belonging to the categories of Sound Recordist, Cameraman Grade II, and Lighting Assistant/Lightman in Doordarshan, shall be given the pay scale admissible to their counterparts in the Films Division including the arrears as ordered in the previous decision.

8. Before parting with the case, we must say a word more. We have been referred to a chart showing the disparity in salary paid to some of the Artistes in Doordarshan as per the order of this Court in contrast with their counterparts in Films Division. We do not want to express any opinion for want of relevant material. We however, add that there shall not be any difference in the pay drawn while giving benefit of the respective pay scale to persons having the same length of service as their counterparts in the Films Division. To do otherwise, would be discriminatory. The respondent shall work out the Formula by placing the petitioners in the proper grade in the pay scale allowed to them.

9. We accordingly, allow this writ petition by giving three months to comply with these directions.

10. We make no order as to costs.

</html