

Central Administrative Tribunal, Principal Bench

Q.A. 1753/1998

New Delhi, this the 5th day of November, 2000

Hon'ble Mr. Kuldip Singh, Member (J)
Hon'ble Mr. M.P. Singh, Member (A)

N.K. Chaurasia S/o Late Shri Ganga Prasad
R/o 102-J, Aram Bagh, Delhi.

Applicant

(By Advocate: None for the applicant but, Shri M.K. Bhardwaj, proxy for Shri A.K. Bhardwaj, appeared)

Versus

1. Union of India

Through

The Secretary
Ministry of Information & Broadcasting,
Shastri Bhawan,
New Delhi-110 001.

2. The Director,
Song & Drama Division,
Ministry of Information & Broadcasting,
Soochna Bhawan, 10th & 11th Floor,
CGO Complex, Lodhi Road, New Delhi.

3. The Dy. Director (Admn.),
Song & Drama Division,
Ministry of Information & Broadcasting,
Soochna Bhawan, 10th & 11th Floor,
CGO Complex, Lodhi Road, New Delhi.

4. Shri Manohar
Light Operator,
Song & Drama Division,
C/o Dy. Director Kendriya Sadan, Ground Floor,
17, Main Road-II Block, KORMANGALA,
BANGALORE-560034.

.... Respondents

(By Advocate: Shri D.S. Mahendru)

ORDER

By Hon'ble Mr. Kuldip Singh, Member (J)

The applicant in this case is seeking promotion to the post of Stage Manager from the date when respondent No.4 was promoted to the said post along with consequential benefits. Besides that he has also prayed for quashing of Annexure A-3 vide which his request for

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quashing the Recruitment Rules had not been accepted and request for promotion to the post of Stage Manager was turned down.

2. Facts in brief are that the applicant was appointed as Stage Assistant in the Song & Drama Division in the Ministry of Information & Broadcasting in the year 1967 w.e.f. 23.8.1967 on contract basis. Later on this post was redesignated as Stage Decorator (Staff Artist) and alleges to have been regularised w.e.f. 13.5.1971 and since then he states that he has not been given even a single promotion and is still working as a Stage Decorator.

3. It is further stated that in terms of the various judgments given by the Apex Court where it is stated that reasonable promotional avenues/opportunities should be made available in every wing and as such the applicant should also be considered for promotion.

4. It is further pleaded that as and when the Stage Decorators/Staff Artists protested, they were told that they had promotional avenues for the post of Stage Manager. Recruitment to the post of Stage Manager is 100% by promotion on the basis of seniority-cum-fitness from amongst the Staff Artist with 5 years continuous service.

5. It is further pleaded that in the year 1982 respondents appointed S/Shri Manohar, Upadhyay & Ms. Rama Gopala Murti who were in the category of Staff

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Artists itself as Light Operator, Ward Robe & Green Room incharge and though the applicant was also working in the category of Staff Artist on regular basis and was senior to these persons, but still he was not appointed.

6. In the year 1993-95 three posts of Stage Managers also fell vacant and applicant along with one Shri Naresh Bajaj made a request for being considered for the said post but since the post of Stage Manager carried a pay scale of Rs.425-750, the respondents assured them that the applicant was eligible for the post which carried the pay scale of Rs.425-640 and since the feeder grade has been erroneously mentioned as Rs.425-750 and after the same is rectified, the applicant will be considered. The applicant had been awaiting, but no amendment was carried out and as such the applicant had not been considered.

7. It is further stated that in the year 1997, DPC was held for promotion/recruitment to the post of Stage Manager to fill up the three vacancies of Stage Managers and S/Shri Manohar, Upadhyay and Ms. Rama Gopala Murti were appointed as Stage Managers, thus this act is wholly illegal and liable to be quashed.

8. The OA is being contested by the respondents. The respondents pleaded that the applicant was working as Stage Decorator which carried the pay scale of Rs.425-640 as per the Recruitment Rules in vogue at the relevant point of time and the Staff Artist in the Song & Drama Division in the pay scale of Rs.425-750 were only eligible for promotion to the post of Stage Manager,

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therefore, the applicant who was working in the scale of Rs.425-640 was not at all in the feeder category for promotion to the the post of Stage Manager. The Recruitment Rules were revised and notified in the year 1996 in which the category of Staff Artist to which the applicant belongs is kept as the feeder category for the post of Junior Scene Designer (hereinafter referred to as JSD) and thereafter upto the level of Senior Scene Designer (hereinafter referred to as SSD), which is a Group 'B' post. Since the revised Recruitment Rules were duly framed in accordance with the norms fixed by the DOP&T, as such the same were legal and valid and the same cannot be challenged by the applicant without any solid grounds.

9. It is further submitted that since the cadre to which the applicant belongs is different from the cadre of Stage Manager hence the contention of the applicant to challenge the promotion of some other people to the post of Stage Manager has no locus standi. However, the case of the applicants for promotion to the post of JSD as well as SSD will be considered along with other eligible candidates as and when vacancies occurred subject to their fulfilling the other conditions as laid down in the Recruitment Rules. Thus it is stated that since the applicant is not in the feeder category for promotion to the post of Stage Manager, so he cannot have any grievance against respondent No.4 and the OA deserves to be dismissed.

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10. We have heard Shri D.S. Mahendru, counsel appearing for the respondents but no one turned up to argue the case on behalf of the applicant despite the fact that on previous hearing it was specifically notified to the counsel for the applicant that this case will be taken up as Item No.1 since counsel for the applicant was not appearing on the regular calls.

11. At the opening of the arguments the learned counsel for the respondents pointed out that the applicant's grievance that he has not been given promotion throughout his career of 31 years of service stands mitigated since by order dated July 30, 1999 the applicant has been promoted to the post of SSD in the pay scale of Rs.5500-9000, so he cannot have any grievance that no promotional avenue is available to his service.

12. As regards the plea of the applicant that he was entitled to the post of Stage Manager is concerned, the learned counsel for the respondents submitted that as per the Recruitment Rules the applicant who was working as a Stage Decorator in the pay scale of Rs.425-640 was not at all in the feeder category to the post of Stage Manager. He was only in the feeder category post of JSD and SSD, so he cannot claim the post of Stage Manager.


13. As regards the plea of the applicant that S/Shri Manohar, Upadhyay and Ms. Rama Gopala Murti who were in the same category as that of applicant but have been given promotion to the post of Stage Manager is concerned, the respondents have categorically denied and

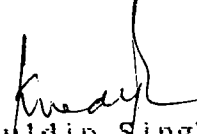
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stated that those persons belong to different cadres than the cadre to which the applicant belongs and the cadre of the applicant cannot be said to be a feeder cadre for the post of Stage Manager, so applicant's case was not considered for the said post. This stand of the respondents has not been controverted by the applicant by specifically denying the same in the rejoinder, so we have no reason to disbelieve the statement of the respondents that the applicant belong to a different cadre than those three persons, particularly respondent No.4, who had been granted promotion to the post of JSD and as Stage Manager, who belongs to a different cadre so the applicant cannot compete with persons who belong to a different cadre and for whom promotional avenues are different as compared to the applicant. As such, we feel that the OA of the applicant has no merit.

14. In view of the above, OA has no merit and the same is dismissed.


(M.P. Singh)
Member (A)


(Kuldip Singh)
Member (J)

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