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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 557 of 1995

New Delhi this the 29th day of September 1999

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE CHAIRMAN
HON'BLE MRS. SHANTA SHASTRY, MEMBER (A)

1. Trilok Singh Rawat
Son of Shri Bachan Singh Rawat,
R/o 616/611, Sector II,
Rohini, New Delhi-110 085
2. Madan Sharma,
Son of Shri R.L. Sharma,
Pocket-A-4, Flat No. J-10,
Nava Bharat Apartment,
Paschim Vihar, New Delhi.
3. Shambhu Bagchi,
R/o B-180, Chittaranjan Park,
New Delhi.
4. Rahul Tiwari,
Son of Late Shri S.N. Tiwari,
318 Govt. Qrs. Mohammed Pur,
New Delhi.
5. Jeet Singh,
Son of Late Shri Jogender Singh,
H-191 Nanak Pura, Moti Bagh-II,
New Delhi.
6. G.K. Sharma,
Son of Shri L.K. Sharma,
GI-881, Sarojini Nagar,
New Delhi.
7. Dilbagh Rai,
Son of Late Shri Sikander Lal Chatwal,
568, Sector 12,
R.K. Puram, New Delhi.
8. Arun Kumar Sehgal,
Son of Shri M.K. Sehgal,
Sector-8/N-662 R.K.Puram,
New Delhi.
9. Ravi Kumar,
Son of Shri Dina Nath,
9635 Neem Street,
Nawab Ganj, Delhi.
10. V.K. Maini,
Son of Shri K.L. Maini,
C-5-C/36-C,
Janak Puri,
New Delhi.

11. Bechu Ram,
Son of Shri Jatu Ram,
RZ 325/I Durga Park,
Gali No. 5-A,
New Delhi-45.

12. R.S. Rawat,
Son of Shri Bishan Singh Rawat,
Q.No. 497, Sector II,
R.K. Puram
New Delhi.

13. S.K. Mehta,
Son of Late Shri Gosain Lal Mehta,
G-5/210, Sector 16,
Rohini,
Delhi-110 085.

14. P.P. Pandey,
Son of Late Shri M.D. Pandey,
Q.No. 70-A, Sector-IV, Pukshp Vihar,
New Delhi.

15. Vinay Kumar
Son of Late Shri S.R. Verma,
40 Jai Appts,
Plot No. 102, I.P. Extn.
Delhi-110 092.

16. Rupender Roy,
S/o Late Shri Gajender Lal Singh,
D-590, Type II,
DIZ Area, Gole Market,
New Delhi.

17. K.S. Sangwan,
Son of Shri Dharam Chand Sangwan,
Qr./ No. B-111, Moti Bagh I,
New Delhi.

18. Rishi Kumar,
Son of Shri Shankar Lal Garg,
A-3385, Gali No. 10, P.B.-11.,
Sanjay Gandhi Memorial Nagar,
N.I.T. Faridabad.

19. Jai Raj,
Son of Late Shri Kundan Lal,
A-120 WZ 283 Hari Nagar,
Ghanta Ghar, New Delhi-11064.

20. Lal Mal Bharmoria,
Son of Late Shri Chet Ram,
306-A, DDA Flats, Gazi Pur,
Dairy Farm, Delhi-110 091. ...Applicants

(By Advocate: Shri T.C. Aggarwal)

-Versus-

1. Secretary,
Ministry of Information and Broadcasting,
Shashtri Bhawan, New Delhi-110 001.

2. Director General,
Doordarshan, Mandi House,
New Delhi.

.. Respondents

(By Advocate: Shri S.M. Arif)

O R D E R (Oral)

By Reddy, J.

Heard the learned counsel for the applicants and the respondents.

2. The applicant had been appointed as Floor Assistant in Doordarshan in 1975. They have been working since then. The next higher post to the Floor Assistant is the post of Floor Manager. As per the Recruitment Rules of 1979, the appointment to the post of Floor Manager was 100% by way of direct recruitment. In 1982 the respondents took a decision declaring the Floor Assistant/Staff Artist as Government servants. It is the case of the applicants that no rules were in fact available for promotion to the post of Floor Manager. Hence promotion to the said post had been on the basis of administrative instructions. On 2.8.89 the new Recruitment Rules called the Doordarshan Programmer (Technical/Group 'C' posts) Recruitment Rules, 1987 came into force by which 50% of the posts of Floor Managers are made by way of promotion from the post of Floor Assistant and 50% was made by direct recruitment. The grievance of the applicants is that in view of the Recruitment Rules of 1989, the Floor Assistants could not be promoted and a large number of employees remained without any promotion causing stagnation in the post of Floor Assistant.

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It is the case of the applicants that ^{they} had been working as Floor Manager on ad hoc basis from 1975 onwards, but they were paid only the salary of Floor Assistant. It is their case that they are entitled for payment of salary of Floor Manager as they have been discharging the duties of Floor Manager.

3. This OA is filed seeking directions to the respondents to consider amending Recruitment Rules for filling up posts of Floor Manager by way of 100% by promotion from Floor Assistant and for payment of the salary in the grade of Floor Manager.

4. The learned counsel for the respondents submits that the question of amendment of Recruitment Rules of 1989 will not arise because as per the Recruitment Rules of 1979, the Floor Assistants are not entitled by way of promotion to the post of Floor Manager. All the posts are filled up by way of direct recruitment. It is also contended by the learned counsel for the respondents that the OA is barred by limitation.

5. Taking the last question first, it is the case of the respondents that as the Recruitment Rules had come into force in 1989, the cause of action for the applicants arose in 1989 itself. Hence the OA is barred by limitation. We do not agree. As the OA has already been admitted in 1995, we are not prepared, at this stage, to throw out the

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OA after four years of its admission. Further, though the Recruitment Rules had come into force in 1989, unless the respondents seek to promote Floor Assistants to the post of Floor Manager and there are sufficient vacancies for filling up the post, it cannot be said that the cause of action arose on the date when the Recruitment Rules came into force. It is the case of the applicants that they are entitled for promotion as and when vacancy arose. In the circumstances, we reject the objection as to limitation.

6. Learned counsel for the applicants brings to our notice, proceedings dated 15.12.1998 of the Doordarshan where it was stated that in view of the stagnation of the Floor Assistants who have been working for the last 25 years without getting any promotion the ratio of 1:1 between promotes and direct recruiters should not be implemented, but 100% promotion should be given to Floor Assistants. It is true that there is a genuine grievance for Floor Assistants in the matter of their promotion to the post of Floor Manager. But so long as the Recruitment Rules hold the field, we cannot give any relief to the applicants contrary to the rules. Further, in the above proceedings it was also stated that steps are being taken for urging the Government to amend the Rules.

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7. With regard to the second relief prayed for by the applicants for the payment of salary in grade of Floor Assistant, it may be noticed that the plea of the applicants are sought to be supported by a number of documents where several orders have been passed directing them to work in the post of Floor Manager from 1977 onwards. It is the case of the applicants that they have been working since 1975 till today in the post of Floor Manager, but they are paid only the salary of Floor Assistants. In the Counter, the allegation of the applicants that they were working as Floor Manager has been flatly denied.

8. We, therefore, direct the Director General, Doordarshan to enquire into the matter whether the applicants have been working in the post of Floor Manager and if it is found that the applicants have performed ^{or} performing the duties of Floor Manager for any period or periods, they should be paid the pay of the said post for the said periods.

9. The OA is disposed of as above. No order as to costs.

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(Mrs. Shanta Shastry)
Member(A)

V. Rajagopala Reddy

(V. Rajagopala Reddy)
Vice Chairman(J)