

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1989/1997

New Delhi, this 17th day of July, 2000

Hon'ble Justice Shri V.Rajagopala Reddy, VC(J)
Hon'ble Smt. Shanta Shastri, Member(A)

S.M. Haider
H-230, Sarojini Nagar
New Delhi-110 023 .. Applicant

(By Shri T.C.Aggarwal, Advocate)

versus

Union of India, through

1. Director General
Doordarshan, Mandi House
New Delhi
2. Director
Doordarshan Kendra
Akashvani Bhavan, New Delhi .. Respondents

(By Shri Rajeev Bansal, Advocate, not present)

ORDER(oral)

By Reddy, J. -

It is the case of the applicant that he was working as Producer Grade II in Doordarshan in 1986 and that he has been continuing till today in that post. Applicant has filed certain documents to show that he has been working in the capacity of Producer. The grievance of the applicant in this OA is that though he has been working as Producer since 1986, he has not been regularly promoted as such. No DPC has been held till today to consider his promotion. The present OA is filed for convening DPC and consider the applicant's case for promotion as Producer Grade II with effect from 26.5.1986.

2. In the reply it was stated that in AIR/DD a large number of staff artists were employed on contract basis in addition to those regular government employees. It was considered subsequently to introduce a scheme for converting all staff artists into government servants

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and a decision to that effect was taken vide order dated 3.5.82 that the staff artists holding the posts of Production Assistant/Producer Grade II etc. who opted to become government servants were treated as government servants. Thereafter the post of Producer Grade II was equated with Programme Executive of AIR/DD and AIR Grade B Recruitment Rules 1962 were amended accordingly by a notification dated 23.10.84. As per the amended Rules, the post of Producer forms part of the cadre of Programme Executive and no further recruitment was made as Producer.

3. It was further averred that as the applicant was holding the post of Production Assistant he is governed by the 1984 amended Rules. Hence applicant's next higher grade is Programme Executive and he should be considered for promotion to the said higher grade in his turn. It was also asserted that he was never appointed/recruited as Producer and that he was holding only the post of Production Assistant.

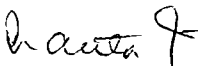
4. Heard the learned counsel for the applicant. None appeared for the respondents. We have given careful consideration to the contentions raised by the learned counsel for the applicant. The contention of the learned counsel that as the applicant has been working as Producer since 1986 he is entitled for promotion as Producer cannot be accepted. The description of the applicant in various proceedings cannot be taken to show that he has been appointed as Producer on ad hoc basis. Nothing is brought to our notice that the applicant has been appointed as Producer on ad hoc basis. Hence the question of considering the applicant will not arise.

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5. Further, it is not disputed that the applicant has been appointed as Production Assistant. As per the amended AIR Group B R/Rules of 1984, the applicant's next higher grade is Producer Grade II. It is also stated that there was no further recruitment as Production Assistant. In the circumstances the relief claimed by the applicant cannot be granted. The applicant is only entitled for consideration for promotion to the next higher grade i.e. in the post of Programme Executive.

6. It is however the plea of the applicant that as he has been working as Producer with effect from 26.5.86 he was entitled for difference of pay. It is however not shown that the applicant has made any representation in this regard. We therefore direct that if any representation is made by the applicant in this regard within four weeks from today, the second respondent shall consider the same and pass appropriate orders. If the applicant is found to be discharging the duties of Producer Grade II, which do not form part of the duties of Production Assistant, he is entitled for additional emoluments as admissible under rules.

7. The OA is accordingly disposed of. No costs.


(Smt. Shanta Shastri)
Member(A)


(V. Rajagopala Reddy)
Vice-Chairman(J)

/gtv/