

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.1977/88

New Delhi this the 27th Day of January, 1994.

Shri N.V. Krishnan, Vice-Chairman (A)
Shri B.S. Hegde, Member (J)

1. A.P. Sharma
2. P.P. Singh
3. R.K. Gupta
4. Virender Kumar
5. Ramesh Chand
6. Ram Singh
7. Prem Rishi Bhatnagar
8. Madan Sharma
9. Surinder Sharma
10. Rahul Tiwari
11. Om Parkash
12. S.K. Sharma
13. Jeet Singh
14. G.K. Sharma
15. Dibag Singh
16. A.K. Sehgal
17. Ravi Kumar
18. Shivji Mehto
19. V.K. Maini
20. Gyan Chand
21. M.S. Rawat
22. R.S. Rawat
23. R.S. Negi
24. Arun Sharma
25. Vinay Kumar
26. P.P. Pandey
27. Rupinder Roy
28. Kuldip Sangwan
29. T.S. Rawat
30. Bechu Ram

31. Neel Mani
32. Subash Yadav
33. Lal Man
34. Jai Raj
35. Rishi Kumar
36. Noor Al Afsar
37. Surender Kumar Mehta
38. Shombhu Bagchi

...Applicants
(All working as Floor Assistants as mentioned
in Annexure A-1)

(By Advocate Sh. T.C. Aggarwal, though none appeared).

Versus

1. Union of India through
Director General,
Doordarshan, Mandi House,
New Delhi.

...Respondents

(By Advocate Shri K.C. Mittal though none appeared).

ORDER (ORAL)
(Hon'ble Mr. N.V. Krishnan)

This case has been listed as srl. No.3 in regular matters in today's cause list with a note to the counsel that the first 10 cases are posted peremptorily for final hearing. None is present for either party. Hence we have perused the record and we are disposing of this OA by this order.

2. The applicants are Floor Assistants in the Doordarshan Kendra, Delhi. It is stated that the applicants have been kept in this position without any promotional avenues though the recruitment rules provide that 100% of the posts of Production Assistant shall be filled up by promotion from the grade of Floor Assistants who have three years' service in the grade vide Annexure A-3 recruitment rules, 1979 for Staff Artists in Doordarshan. The applicants have also a grievance that they have not been paid as Production

Assistants/Managers whenever they have been appointed to that post. In the circumstances they have sought the following reliefs:-

- "i) to allow this application of the applicants with costs.
- ii) Order respondent to pay for the period Floor Asstt. has worked as Production Asstt./Manager, the pay of the post fixed under FR 22(c) and regularise their services.
- iii) Order respondent to provide promotional avenues - 25% in the case of Production Asstt. and 100% in the cadre of Floor Manager."

3. The respondents have filed a reply stating that due to the abolition of 16 posts of Production Assistants by the Ministry of Information and Broadcasting by their letter dated 12.2.81 only six posts of Production Assistants were left for promotion for a large number of Floor Assistants. The incumbents who were holding the post of Production Assistants at the time of abolition were suitably adjusted as civil Government servants. However, with a view to protect the interests of the applicants, i.e., Floor Assistants a provision has been made in the new draft recruitment rules that 50% quota of the posts of Floor Manager which has also the same scale as Production Assistants should be reserved for the promotion of Floor Assistants. Pending notification of new rules 10 such Floor Assistants have already been appointed as Floor Managers against the available vacancies.

4. We notice that in the 1979 recruitment rules for Staff Artists of Doordarshan the posts of Floor Manager (Rs.425-700) is to be filled up entirely by direct recruitment. In other words Floor Assistants

cannot be promoted to this post. In regard to Production Assistants (Set Erection) which is also on the same pay scale the appointment is 100% by promotion of Floor Assistants with three years in the grade. There is a remark in column 12 of the recruitment rules that this should be treated as a dying cadre.

5. It is, therefore, understandable that as stated by the respondents 12 such posts were abolished by the order dated 19.2.81, referred to above, leaving only 6 posts of Production Assistants (Set Erection) available for promotion. In other words, the avenues of promotion have been drastically curtailed.

6. However, as the category of Production Assistants (Set Erection) is treated as a dying cadre one should not be surprised at this development. However, this has affected the promotional prospects of the Floor Assistants seriously. For, this is the only post to which they could have been promoted according to the 1979 recruitment rules.

7. Therefore, in order to restore the balance and safeguard the interest of the Floor Assistants like the applicants the respondents have taken steps to amend the recruitment rules by providing 50% quota in the cadre of Floor Assistants to be filled up by promotion as against the existing provision of 100% by direct recruitment. This should ameliorate the condition of the Floor Assistants.

8. We find from the record of this case which have been filed in 1988 that no other document has been filed after 27.2.1989. We are not quite sure whether the respondents have since notified the amended recruitment rules. The applicants have also not come forward with a prayer for a direction to the respondents to notify the amended recruitment rules at an early date.

9. In view of the fact that none has appeared on behalf of the applicants we have only to presume that perhaps their grievances have been remedied by the issue of new recruitment rules which give them sufficient scope for promotion to the grade of Floor Managers which is on the same pay scale as Production Assistants. In this view of the matter, we are of the view that at present this OA does not call for any direction and accordingly it is dismissed, as having possibly become infructuous. No costs.

B.S. Hegde
(B.S. Hegde)
Member (J)

San.

N.V. Krishnan
(N.V. Krishnan)
Vice-Chairman

27.1.99