

**Central Administrative Tribunal
Principal Bench**

OA No. 1400/2014

New Delhi, this the 12th day of March, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**



1. Vijay Kumar Sambyal
A-303, M.S. Apartments
Curzon Road, New Delhi-110001.
2. Danish Iqbal
R/o B-501, Prasar Kunj
Sector P1-51, greater NOIDA, UP.
3. Amrit Jyoti Mahanta
R/o 564, Sector-3
R.K. Puram, New Delhi.
4. Anoop Khajuria
R/o C-32, Parivahan Apartments
Sector-5, Vasundhara
Ghaziabad, UP.
5. M.Y. Shamshad
R/o Kralawari, Tehsil Chadoora
District Badgam, Kashmir.
6. Dr. Geeta Bakshi
D-I/20, Model Town-II, Delhi-110009.
7. Sh. R. Ramchandra Rao
R/o 6, Block C-8, Radio Colony
Kingsway Camp, GTB Nagar
Delhi-110009. ...Applicants

(By Advocate : Sh. Bharat Sangal, Sr. Adv. with Ms. Babita Kushwaha and Ms. Anindita Diba)

Versus

1. Union of India
Through Secretary
Ministry of Information & Broadcastings
Shastri Bhawan, New Delhi-110001.
2. Director General
All India Radio, Sansad Marg, New Delhi-1.
3. Director General
Doordarshan, Doordarshan Bhawan
Mandi House, Copernicus Marg
New Delhi.
4. Chief Executive Officer
Prasar Bharti, PTI Building, Sansad Marg
New Delhi-1.
5. Secretary, UPSC
Dholpur House, Shahjahan Road, New Delhi.
6. Secretary, DOP&T
North Block, New Delhi.
7. Doordarshan Programme Professional's Association
Through its Secretary Shri P.N. Singh
(erstwhile Contractual Staff Artist)
Dy. Director, Doordarshan
Copernicus Marg, New Delhi.
8. Smt. B.D. Mohanty
(erstwhile Contractual Staff Artist)
DDG, I/C Doordarshan
Copernicus Marg, New Delhi.
9. Smt. Rashmi Pradhan
(erstwhile Contractual Staff Artist)
DDG, I/C, All India Radio
Akashwani Bhawan, Parliament Street, New Delhi.
10. Sh. S.K.S. Tripathi
(erstwhile Contractual Staff Artist)
Dy. Director, Doordarshan
Doordarshan Bhawan, Copernicus Marg, New Delhi.





11. Sh. Rajeev Kumar Shukla
S/o Late Shri L.K. Shukla
R/o 1130, Type IV, Sector-12
R.K. Puram, New Delhi.
 12. K. Subramaniam
S/o Sh. K.V. Murthy
R/o 4/49, First Floor
WEA, Karol Bagh, New Delhi.
 13. Sh. Som Datt Sharma
S/o Shri Sohan Pal Sharma
R/o I-94, Govindpuram
Ghaziabad, UP.
 14. Sh. R. Srinivasan
S/o Sh. S. Ramanujam
President Programme Staff Assistant
Of AIR & Delhi Doordarshan
Room No. 1, Akaswani Bhawan
Sansad Marg, New Delhi.
 15. Sh. Kulwinder singh Kang
S/o Sh. Sucha Singh Kang
R/o 849, Laxmi Bai Nagar, New Delhi.
 16. Sh. Prithvi Raj Chauhan
S/o Sh. Sant Kumar
R/o F-1/42, Suraksha Bal
Endco-2, Raibareli Road
Lucknow, UP.
- ...Respondents

(By Advocate : Sh. Naresh Kaushik with Ms. Shriambhra for UPSC and Sh. Rajeev Sharma with Sh. Saket Chandra for R. Nos. 1-4)

ORDER (ORAL)**Justice L. Narasimha Reddy, Chairman :-**

In the Prasar Bharti under the Ministry of Information and Broadcasting, there used to be cadre of Programme Executives and Staff Artists. While the former is appointed on being selected by UPSC, the latter comprises of the employees engaged on contract basis. In the year 1982, a Scheme was evolved for regularization of the service of the Staff Artists. Rules were amended in the year 1984 providing for the appearance of the Staff Artists before the UPSC for selection and on their being regularized, if successful in that. The process continued and it is stated that almost all the Staff Artists were regularized and appointed as Programme Executives.

2. It is stated that the Rules specifically provided for placing the regularized Staff Artists below the Programme Executives and contrary to that, the Staff Artists were extended the benefit of seniority from the date of their initial engagement.

3. Earlier, the proceedings ensued before this Tribunal in OA No. 821/2001, in the context of fixation of seniority between the two separate streams. Relief was granted in a particular manner and the order passed therein in the OA, became subject matter of Writ Petition No. 2110/2003. Thereafter, the matter reached the Hon'ble Supreme Court in CA No. 4387/2007. On 18.01.2017,



the Hon'ble Supreme Court passed an order directing that the promotions which have already taken place to higher posts, shall remain, but the feasibility of considering the direct recruit Programme Executives, for promotion against existing vacancy shall be considered by the Hon'ble High Court and accordingly, the matter was remanded. In this OA, the applicants have claimed the relief in the form of a direction to the respondents to convene a review DPC for promotion to the post of JTS, duly taking into account the seniority as per the Rule 4 A of the Rules, amended in the year 1984 and to assign the relevant positions to the applicants. Other ancillary reliefs are also claimed.



4. The respondents have also filed counter affidavit dealing with the various contentions advanced by the applicants.

5. Today, we heard Sh. Bharat Sangal, learned senior advocate for the applicants, Sh. Naresh Kaushik, learned counsel for UPSC and Sh. Rajeev Sharma, learned counsel for respondent nos. 1-4 at length.

6. We are of the view that, it is not at all necessary and, in fact, not permissible, to deal with the issues at length in this OA. The reason is that, on remand made by the Hon'ble Supreme Court, the Hon'ble High Court is dealing with WP(C) No. 2110/2003 extensively on these very issues. As recently as on 03.02.2020, the Hon'ble High Court passed a detailed order and

required the respondents therein to furnish information on three important aspects. When such is the nature of consideration by the Hon'ble High Court, it is not advisable for us to deal with those very issues.

7. We, therefore, close the OA, leaving it open to the applicants to work out their remedies depending upon the outcome of the WP(C) No. 2110/2003.

There shall be no order as to costs.



(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ns/