

14

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH: DELHI

O.A.NO. 1161 OF 1987

DATE OF DECISION: 7-8-1991

The Rural Programme Broadcasting
Staff Association of India and
another,

.. Applicants.

v.

Union of India and another.

.. Respondents.

CORAM:

Hon'ble Mr. G. Sreedharan Nair, .. Vice-Chairman.

Hon'ble Mr. S. Gurusankaran, .. Member(A)

Shri S.C. Gupta, Senior Advocate for the applicants.

Shri P.H. Ramchandani, Senior Advocate for respondents.

G. SREEDHARAN NAIR, VICE-CHAIRMAN:

J U D G M E N T

This application is filed by the Rural Programme Broadcasting Staff Association of India along with three Farm Radio Officers. The association is of the Farm Radio Officers, who belong to a cadre called the programme cadre of the All India radio. It is stated that there are about 70 officers in this cadre appointed on different dates from 1971 onwards. Their grievance is that when other categories of staff of the All India Radio are provided with regular channel of promotion and have also been allowed promotions from time to time, the Farm Radio Officers are not provided with any such channel of promotion. They have prayed for a direction to the respondents to provide them regular channels of promotion as has been given to other equivalent categories. It is also prayed that they should be given seniority from the dates of their join-ing and in any event not later than the dates on which the juniors in equivalent cadres were provided in the higher posts. It is stated in the application that repeated representations made by them

2

in this respect have not been of avail.

2. In the reply filed on behalf of the respondents, it is stated that the Farm Radio Officers are a specialised category distinct and separate from the regular programme cadre and are not part of the regular programme cadre. They have separate Recruitment Rules and promotion channels. The post of Farm Radio Officer is a Group-B gazetted post. 50 per cent of the posts are filled by direct recruitment by the Union Public Service Commission and the remaining 50 per cent from amongst Farm Radio Reporters who are Group-C officers. For coordinating the working of these Farm and Home units a post of Joint Director and of Director were created in the Headquarters office which are filled up by promotion from among the Farm Radio Officers and the Joint Director respectively.

^{Further}
3. It is stated in the reply that Government have assured that promotional avenues to Farm Radio Officers have been provided in the proposed new Indian Broadcasting Programme service and necessary action will be taken as soon as the new service becomes operative.

4. Subsequent to the filing of the application, Government have notified the Indian Broadcasting (Programme) Service Rules, 1990 (for short 'the Rules'). These Rules have come into force on 5-11-1990, the date on which they were published in the official gazette. According to these Rules, Farm Radio Officers regularly appointed in the pay scale of Rs.2,000-3,500, are included among programme executives and the departmental candidates are deemed to have been appointed to the corresponding posts and grades on the initial constitution of the service. In view of these Rules channels of promotion have been opened for the erstwhile Farm Radio Officers, which substantially redresses the grievance of the applicants. However, Sri S.C. Gupta,

2

counsel of the applicants submitted that by reckoning the respective dates of regular appointments in the grade of Farm Radio Officer, they should be allowed retrospective promotions and seniority in the higher grades. In this context, he invited our attention to the interim relief allowed by this Tribunal by the orders dated 25-8-1987 and 8-9-87 that any promotion made from the cadre of Programme Executive and Programme Assistant will be subject to the outcome of this application. We are unable to agree with this submission.

5. The Rules under which the Farm Radio Officers have been integrated with the Programme Executives have effect only from 5-11-1990. ~~But~~ No doubt, many of the Farm Radio Officers were regularly appointed to that grade prior to the coming into force of these Rules, and after their appointment many a Programme Assistant or Programme Executive has been promoted to the higher cadre of Assistant Station Director. The Rules do not spell out any intent to upset such promotions or to confer benefit on the Farm Radio Officers with retrospective effect. So much so, unless it is held that the denial of promotion to the Farm Radio Officers prior to 5-11-1990 is illegal, the status quo as on that day cannot be set at naught. In this respect, the interim relief allowed by the Tribunal cannot also be of assistance to the applicants. Actually the interim relief prayed for by the applicants in paragraph 10 of the application was to stay the meetings of the Departmental Promotion Committee to be held for promotion to the senior posts in respect of the other categories. Of course, it was ordered that any promotion made from the cadre of Programme Executive and Programme Assistant will be subject to the outcome of this application. Unless it is held that even prior to 5-11-1990, the applicants were entitled to be considered for promotion to the higher cadre, as in the case of other categories, by allowing the relief to this effect prayed for in the application, the promotions made during the operation of the interim relief

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cannot be disturbed. In other words, only if a direction is given to the respondents to implement the integration given effect to from 5-11-1990, with effect from prior dates on which promotions were made from among the other categories, can the promotions that fall within the later category be disturbed.

6. After hearing counsel on either side and on examination of the records, we are not satisfied that the relief as claimed in the application deserves to be allowed. It was for giving a new thrust to the rural broadcasting that the Farm Radio Officers, Farm Radio Reporters and supporting staff were appointed. Their function was to prepare and broadcast programmes relating to rural development, agriculture and related issues. The Farm Radio Officers formed a specialised category distinct and separate from the regular programme cadre and were not part of the regular programme cadre. They were governed by the separate Recruitment Rules and promotional avenues. The nature of their functions was different from regular programme cadre. As such, it cannot be successfully contended that there has been any infringement of their legal rights in not considering them for promotion to the cadre of Assistant Director. As regards the Farm Unit, there was the promotional post of Joint Director (Farm and Home) and of Director (Farm and Home) to be filled up on promotion from the Farm Radio Officers.

7. A study team was constituted by Government of India regarding the cadre structure of the programme service of the All India Radio. Considerable reliance was placed by the counsel of the applicants ^{on} the report of the Study team. It is stated in the reply filed by the respondents that the recommendations of the study team was not accepted by the Government. As such, it is not open to us to arrive at a conclusion based on the recommendations of the study team.

2

18

Suffice to state that in view of the repeated representations made by the Association of the Farm Radio Officers, Government took the decision to integrate them with Programme Executives in the proposed Indian Programme Broadcasting Service. By the letter of the Director General dated 26-6-1986 (Annexure-A14) the President of the 1st applicant Association was intimated that in the proposed Indian Broadcasting Programme Service a provision in the draft Rules have been made to place the Farm Radio Officers along with the Programme Executives and place them in the feeder cadre for the junior time scale. Again while the applicants took up the matter to the Ministry through a Member of Parliament, the latter was also informed by the Honourable Minister of State for Information and Broadcasting by the letter dated 16-10-1986 (Annexure-A18) that a provision in this behalf has already been made in the draft Rules. It is after these assurances that the present application has been filed. That these assurances were seriously made is evident from the issue of the notification under which the Rules were notified.

8. In view of what is stated above, the reliefs as prayed for in the application cannot be allowed. The application is dismissed.

h. parkar
7/8/1991
MEMBER(A)

R. S. Singh
7.8.1991
VICE-CHAIRMAN