

(22)

Central Administrative Tribunal
Principal Bench

OA-1033/90

New Delhi, the 22nd March, 1996.

Hon'ble Shri A.V. Haridasan, Vice Chairman(J)
Hon'ble Shri R.K. Ahooja, Member (A)

1. Arun Sharma
S/o Sh. N.L. Sharma
A-10, Sarodaya Enclave,
New Delhi.110017.
2. Arun Kumar Sehgal
S/o Sh. Hans Raj Sehgal
Sector VIII/N-662, RK Puram,
New Delhi.110022.
(Advocate: Sh. Jog Singh)

Applicants

versus

Union of India: through

1. Secretary,
Min. of Information and Broadcasting,
Shastri Bhawan, New Delhi.
2. Director,
Doordarshan,
Akashvani Bhawan,
Parliament Street,
New Delhi.110001.
3. Director General of
Doordarshan, Mandi House,
New Delhi.110001.

ORDER

Hon'ble Shri R.K. Ahooja, M(A)

The applicants are aggrieved that the respondents have been taking the work of Floor Manager w.e.f. 10.3.1987 on ad-hoc basis but they have been denied the pay scale of the said post as well as regular promotion.

2. The case of the applicants is that they were initially appointed as Floor Assistants in Doordarshan on 30.6.1973 in case of applicant No.1 and on 5.1.1976 in case of applicant No.2. Vide Orders ~~were~~ issued on 10.3.1987 by Dy. Director Programme, Doordarshan Kendra, New Delhi, they were asked to work as Floor Managers until further orders- (Annexure II). The orders also specified that the applicants would not be entitled to claim the salary of the Floor Managers or to stake any claim to the said post, the appointment being purely temporary to meet the immediate requirement of Doordarshan Kendra. The applicants point out that the Doordarshan Programme (Technical/Group 'C' Post) Recruitment Rules, 1987 prescribed the essential qualifications for the post of Floor Manager as Matriculation or equivalent as also a Diploma from a recognised institute in stage craft or three years' experience in Floor Management in stage, film or T.V. in lieu thereof. It is the claim of the applicant ~~that~~ that they possessed the necessary educational qualification and also the requisite experience on the date on which the orders were issued; that they have since been discharging the duties of the post and therefore they were entitled to the pay scale thereof. They also allege that in similar other cases of ad-hoc Floor Managers

or

pay scale of the post has been allowed. Copies of the relevant orders in respect of Shri Kimti Anand, Sh. Vijay Chand Bhatnagar and Shri V.K. Rawat have been annexed at Annexure V. It has also been submitted that certain persons S/Shri Om Prakash, Ravi Kumar and R.S. Rawat were also given the same ^{scale} even though they were appointed as Floor Managers well after the date of promotion of the applicants.

3. The respondents contest the claim of the applicants that the applicants have been promoted from the post of Floor Assistant to the post of Floor Managers. They submit that the applicants were initially appointed as artists on contract basis and not as Floor Assistants. At that time, the post of Floor Assistants as well as Floor Managers were required to be filled up by Direct Recruitment. Later in 1986, a decision was taken to fill up 1/3rd of the post of Floor Managers by promotion from amongst an Floor Assistants of combined seniority list on All India basis. Accordingly, ad-hoc promotion orders of 10 Senior Floor Assistants were issued on 27.3.86. Pending regular ^{Delhi} ^{Kendra} appointment, however/Dcordarshan/vide order dt. 10.3.87 appointed the applicants who were comparatively junior in seniority to act as Floor Managers on purely temporary basis making it clear to them that the same would not

✓

entitle them to claim the salary of the post of Floor Managers. ^{Re} The revised Recruitment Rules for the Floor Managers. The revised Recruitment Rules for the Floor Managers providing 50% promotion quota were notified only on 2.9.84 and hence no Floor Assistants including the applicants can claim for promotion to the grade of Floor Managers prior to that date.


4. When the matter came up before the Bench on 21.8.95, the ld. counsel for the respondents gave a statement that the Deptt. was ready to pay the wages for the period when the applicants discharged the duties of Floor Managers, the same being done when due verification of working period is made by the Department concerned or by the person In-charge.

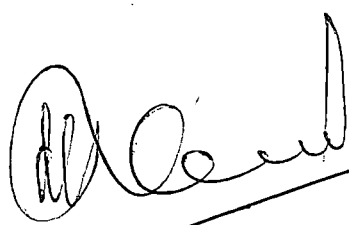
5. The ld. counsel for the applicant also brought to our notice during the course of the arguments the case of Sh. Trilok Singh Rawat vs. Doordarshan in OA.1734/89 wherein the petitioner, a Floor Assistant, was allowed the higher pay scale even when he was asked to look after the work of Floor Managers and the respondents were directed to fix the salary of the petitioner under Rule FR 35. We are of the view that the present case is also covered by the ratio of the order of the Tribunal in OA-1734/89. Accordingly, after having heard the ld. counsel on either side and having

perused the records, we direct that the Competent Authority should pass appropriate orders on the basis of FR 49(v) in this case as the applicants became entitled to higher pay scale having discharged the duties and functions of post of Floor Managers.

6. In the result, the application is allowed and the respondents are directed to fix the pay of the applicants in the scale of Floor Managers for the period they discharged the duties of Floor Manager. The arrears of pay of the applicants for the period will be calculated and paid within a period of three months from the date of receipt of this order.

No costs.


(R.K. AHOOJA)
MANAGER (A)


(A.V. HARIDASAN)
VICE-CHAIRMAN (J)

SCS