

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

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O.A. NO. 1005/92

DECIDED ON : 19.8.1992

N. Sikdar & Others Applicants

-Versus-

Union of India & Another Respondents

CORAM : THE HON'BLE MR. P. C. JAIN, MEMBER (A)
THE HON'BLE MR. J. P. SHARMA, MEMBER (J)

Applicants through Shri S. C. Gupta, Sr. Counsel
with Shri L. R. Goel, Counsel

Shri D. N. Dwivedi, Additional Solicitor General
with Shri S. N. Jha, Counsel for Respondent No.1.

Shri Gopal Subramani^{am}, Counsel with Mrs. B. Rana,
on behalf of Respondent No.2.

J U D G M E N T (ORAL)

Hon'ble Shri P. C. Jain, Member (A) :-

In this O.A. under Section 19 of the Administrative Tribunals Act, 1985, all the seven applicants who claim to be Deputy Director Generals either in the Doordarshan or in the All India Radio are aggrieved by their alleged non-consideration for selection to the two higher posts of (1) Director General, All India Radio, and (2) Director General, Doordarshan. As an interim measure, a Bench of this Tribunal by order dated 10.4.1992, directed the respondents to provisionally consider the applicants also subject to the outcome of this O.A. and further subject to the condition that the respondents shall not publish the results without further directions of the Tribunal. Though this interim order has continued since then, we are informed that as the selection for the post of Director General, All India Radio had been completed on 16.12.1991, i.e., much prior to the date on which the interim direction was given, the occasion for consideration of the applicants for selection for this post did not arise. For the post of Director General, Doordarshan, a selection is yet to be held/finalised.

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2. With the consent of both parties, it was decided to finally dispose of this O.A. at the admission stage itself. Accordingly, we have perused the material on record and also heard Shri S. C. Gupta, sr. counsel for the applicants and Shri D. N. Dwivedi, Additional Solicitor General for respondent No.1, viz., the Union of India and Shri Gopal Subramaniam, counsel for respondent No.2, i.e., the Union Public Service Commission.

3. The main contention put forward on behalf of the applicants is that after the amendment of the relevant recruitment rules was notified on 16.1.1992, the amended rules as notified on 12.5.1989 cease to have effect both legally as well as in fact, and, as such the applicants being members of the Indian Broadcasting Programme Service which came into effect as an organised service w.e.f. 5.11.1990 have a right to be considered for selection for the aforesaid two posts. On the other hand, the case of the respondents is that the post of Director General, All India Radio fell vacant on 30.6.1991 and that of Director General, Doordarshan on 31.8.1991, and as process of selection for both these posts had already been initiated and reached a fairly advanced stage before the amended rules were notified on 16.1.1992, these posts can be filled only on the basis of the rules notified on 12.5.1989 and which in fact were given retrospective effect from 4.10.1988.

4. We have given our careful consideration to the rival contentions on both sides but for the reasons to be stated hereinafter we do not consider it necessary to adjudicate on merits the aforesaid rival contentions.

5. It has been brought to our notice that for the post of Director General, All India Radio, the selection committee had met on 16.8.1991 and the Union Public Service Commission had

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sent its recommendations to the Ministry of Information and Broadcasting on 19.8.1991. We were further informed that the Ministry of Information and Broadcasting approved the UPSC's recommendation on 26.8.1991 and the proposal to appoint one Shri S. K. Kapoor as Director General, All India Radio was sent to the Appointments Committee of the Cabinet on 16.12.1991. It is also intimated that approval of the ACC was received on 4.2.1992. As regards the post of Director General, Doordarshan, the selection committee is yet to meet and the selection is thus yet to be finalised. The learned Additional Solicitor General appearing for the Union of India and the learned counsel for respondent No.2, the UPSC, stated at the bar that the post of Director General, Doordarshan is to be filled not only by the method of promotion but also by the method of selection by transfer on deputation in accordance with the 1989 rules, already referred to above. Such a proposition also appears to be logical inasmuch as only the Additional Director General is eligible under the 1989 rules for consideration for promotion to the post of Director General. Though earlier there were three incumbents of the three posts of Additional Director General in the All India Radio and the Doordarshan, it is not in dispute that as on date two of them have since retired and only one incumbent is in position. Obviously, in such a situation, one man cannot be appointed to the two posts. The statement made on behalf of both the respondents was that for selection to the post of Director General, Doordarshan, members in the senior administrative grade of the Indian Broadcasting Programme Service, including the applicants herein, shall also be considered if they are eligible in terms of the prescription in the 1989 rules, along with others similarly eligible while making selection for the above post. On the basis of this undertaking, the learned

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senior counsel for the applicants, under instructions from his clients, stated that in view of this undertaking which may be recorded, the applicants do not press this O.A.

6. In the light of the foregoing discussion, we record the undertaking of the respondents that for selection to the post of Director General, Doordarshan, members of the senior administrative grade of the Indian Broadcasting Programme Service, including the applicants in this O.A., if they are eligible in terms of the All India Radio (Recruitment of Director General, All India Radio and Doordarshan (Amendment) Rules, 1989, which were notified on 12.5.1989, shall be considered along with other eligible candidates. The O.A. is accordingly disposed of as not pressed. Needless to say that the interim order passed on 10.4.1992 also stands vacated.

No costs.

Sharma

(J. P. SHARMA)
MEMBER (J)

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(P. C. JAIN)
MEMBER (A)

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