

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. No.2728/1993

(11)

New Delhi, dated the 7th July, 1995

Hon'ble Shri N.V. Krishnan, Vice Chairman (A)  
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri Vinod Kumar Rawat  
R/o 459, Sector-IX,  
R.K.Puram,  
New Delhi-110022

.. Applicant

(By Advocate Shri B.R. Roy )

Vs.

1. Union of India,  
Through Secretary,  
Ministry of Information & Broadcasting,  
Sansad Marg, New Delhi-110001
2. Director General Doordarshan,  
Mandi House, New Delhi-1
3. Director,  
Delhi Doordarshan Kendra,  
Sansad Marg, New Delhi-1

.. Respondents

(By Advocate Shri B.Lall )

O R D E R (ORAL)

(Hon'ble Shri N.V.Krishnan, Vice Chairman (A))

The applicant is working as Floor Manager in the Delhi Doordarshan Kendra. His grievance is against the non regularisation of his services as Floor Manager by counting of service rendered on an ad hoc capacity and for declaration of the same in the seniority list.

2. The undisputed facts <sup>are</sup> as follows:-

(i) Statutory Rule regarding the promotion to the cadre of Floor Manager was notified in the Gazette dated 2-9-1989 (Ann.A-2/2) That provided 50% by promotion and 50% by Direct Recruitment. Before this date the applicant and 9 others were approved

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by the Director General, Doordarshan for appointment on ad hoc basis as Floor Manager in the various Kendras until further orders by the order dated 27.3.1986 (Annexure A-1). This order made it clear that the appointments of Floor Managers is purely a temporary arrangement of ad hoc nature and will not confer on them any claim for regular appointment or seniority in the post of Floor Manager.

(ii) The applicant joined on promotion on 5.4.86. On 1.8.86, Annexure A-2 & Office Memo. is issued which states that the draft Recruitment rules for the posts of Floor Manager provides for promotion from the feeder category of Floor Assistant. Pending the notification of the Recruitment Rules, the Floor Assistants have been promoted on ad hoc basis. Their pay may, therefore, be fixed under Rules FR 22 (C)

the recruitment

3. After rules came into force, the Departmental Promotion Committee met. On the basis of its recommendations, the Annexure A-4 order dated 30-10-1992 was passed giving regular promotion to 27 Floor Assistants to the post of Floor Manager. The applicant is at serial No.2 and he was posted to the Doordarshan Kendra, Bhopal (MP)

4. However, his superior was aggrieved by his transfer to Bhopal, took up the matter with the higher authorities on 12.11.1992 (Annexure A-10). The Annexure A-12 dated 17.11.1992 was passed by order which the earlier order dated 16.11.1992 transferring

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the applicant to Bhopal was cancelled and was allowed to continue at Doordarshan Kendra, New Delhi till further orders.

5. While the applicant was continued as such,

another order was issued by the Director General

on 23.5.94 (Annexure A-13) / posted the applicant on promotion as Floor Manager to the Doordarshan Kendra New Delhi from the date of taking over charge of the higher post. It also stated that he would be on probation from the date of his joining in the higher post.

6. In these circumstances, the applicant

has prayed for a direction to the respondents to regularise his service as Floor Manager from

5-4-1986 i.e. from the date of ad hoc appointment.

and give the benefit of seniority from that date

with all consequential benefits.

7. When the matter came up for hearing, learned

Counsel for the applicant submitted that the

Annexure A-13 order, in so far as it seems to indicate

that the applicant is yet to be promoted, as Floor

Manager is baseless, because the applicant had already

been promoted on regular basis by the Ann. A. 13 order

and his transfer to Bhopal has been cancelled, and he has

been allowed to be retained at the Delhi Doordarshan Kendra.

He, therefore, contends that in so far as regular

promotion is concerned the annexure-13 order is

misleading and has to be clarified.

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8. He also points out that by the Annexure A-14 order dated 20-2-1992 the applicant and three others have been confirmed on 1-4-1988 as Floor Manager on his promotion. Instead, he should be confirmed from 5-4-1986.

9. Learned counsel for the respondents submits that in so far as seniority of Floor Managers is concerned, particularly those promoted by issue of Annexure A-4 order is concerned, no seniority has been published so far. In the circumstances, the prayer of the applicant regarding seniority is premature. He also submits that in the Ann.A.14 order dated 22.2.1992 reference to confirmation as Floor Managers from 1.4.1988 is a mistake. It was intended to show confirmation as Floor Assistant. When we invited his attention to the Annexure A-13 order and the possible misinterpretation of that order, learned counsel for the respondents states that though Annexure A-3 might be misleading but, as far as the department is concerned, it is treating that the applicant as having joined Delhi Kendra on a regular basis on promotion from 17.11.1992 in respect of which the applicant has submitted his joining report.

10. Hence we are of the view that the OA can be disposed of with some directions/declaration as

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follows :-

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(i) We make it clear that in the circumstances of the case, the Annexure A-13 order dated 23.5.94 cannot be construed to mean that the applicant was promoted for the first time only from that date. We declare, that in view of the cancellation of the order of his transfer to Bhopal, he joined on promotion as <sup>as on</sup> Floor Manager in the Delhi Doordarshan Kendra, regular basis on 17.11.1992.

(i.e Floor  
Assistant)

(ii) In so far as the Annexure A-14 order is concerned we accept the statement of the respondents that it is by mistake that the description 'Manch Sanchalak' has been used in respect of the applicant and three other persons at Serial No 1 to 4 thereof and that it has to be read as 'Manch Sahayak'. We, therefore, declare that Annexure A-14 is not an authority to prove confirmation as Floor Manager from 1-4-1988.

(iii) In so far as regular promotion of the applicant is concerned, there is no doubt that he stands promoted only from 17.11.1992 and posted to Delhi Doordarshan Kendra as Floor Manager.

(iv) In view of the statement made by the learned counsel for the respondents at the Bar that no seniority list of the Floor Managers, particularly those who have been promoted by the Ann.A.4 order, has to be issued, we are of the view, that the question of seniority in the cadre of Floor Managers agitated in this application is premature. Respondents, no doubt would issue the seniority list in accordance with law in due course. In case, the applicant has any grievance about that seniority, it is open to him to seek such remedy as may be advised, in accordance with law.

11. O.A. is disposed of as above.

*Lakshmi Swaminathan*  
(Smt. Lakshmi Swaminathan)  
Member (J)

*N.V.Krishnan*  
7.7.85  
(N.V.Krishnan )  
Vice Chairman (A)