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The CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH-ALLAHABAD.

D.A. No. 278 of 1986.

Gauri Shanker Sinha..... Applicant.

Versus

Union of India & others..... Respondents..

Hon'ble Mr. Justice U.C. Srivastava- V.C.

Hon'ble Mr. K. Gbaya - A.M.

(By Hon'ble Mr. Justice U.C. Srivastava-V.C.)

The applicant has prayed that the selection of respondent no. 3 to the post of Drama Producer and that of respondent no. 4 as Producer Women & Children be quashed, which has been opposed by the respondents who have pointed out that the facts stated by the applicant are not correct. The applicant has come forward with the allegations that he was engaged in the All India Radio in the month of October, 1974 as Announcer on contract basis which was to be continued upto the age of 58 years and that in May, 1982 the Ministry of information and Broadcasting laid down that Staff Artists of 8 categories are to be treated as Artists, provided, they give their option in writing within a period of two months indicating their willing-ness or otherwise to be treated as Artist. The applicant did not give his option to become a Government servant and accordingly the respondent no. 3 and 4 who were also working in the same capacity like him gave their option to treat them as Govt Servants which was accepted and thereby they became Artists. Under the relevant rules the post of producer has to be filled-up by means of 100% by limited selection which has been defined in the rule itself. 13 persons including the respondent appeared before the selection committee to which apart from the other persons included one Sri Ram Kapeer who was local cloth dealer and was in no way connected with All India Radio and had no experience of Drama writing and Production and was afraid of respondent no. 3 and that is why respondent no. 3 according to him was selected. Prior to selection a circular was issued by the

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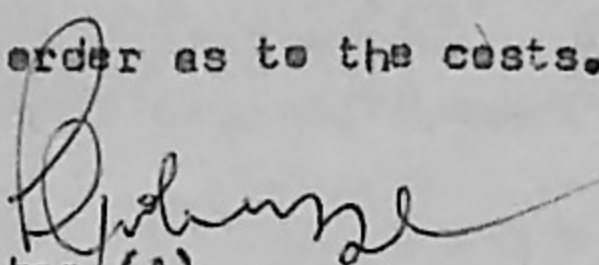
the staff of Artists to be considered for the post of Producer Drama, Music and women and children in which respondent no. 3 had declined to apply for the said post, yet his candidature was later on considered and he was selected. The selection according to the applicant is fully illegal and ⁱⁿ violation of the rules itself and was biased selection inasmuch as for a committee which was not duly constituted which included person who was favourable towards the respondent no. 3 and even otherwise could not have been included in the same. The respondent in the written statement have denied that they opted for becoming a Govt. servant, it has also been denied that said Ram Kapeer was a friend of respondent no. 3, so it was favourably disposed of towards him. It has been pointed out that said Ram Kapeer is a Graduate from the National School of Drama, New Delhi and was fully eligible to the Member of the selection committee. His appointment was strictly in accordance with the rules and not beyond it and further the applicant having participated in the selection committee and much after selection, it is not longer open for him to challenge the constitution of the selection committee itself. Regarding Sri Kapeer it has been further stated that he has also produced the principle of Radio plays and that he is a well-recognized figure in the Drama Training committee of Allahabad and the country and has worked for development of Indian theatre with important personalities who ~~were~~ worked in that line. Even the reference of said Kapeer finds place in the history of National School of Drama in the form of a Book-let in this behalf. From the facts it is clear that the applicant and respondent were similarly placed and it is not the case that one Government Servant and other is not and the selection was not properly made. As far as question of promotion is concerned that has been specifically denied, and there is no material to hold the same. As the said Kapeer was fully qualified to become a member of the selection committee and his candidature was obviously approved by the Director General


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for Constitution of Selection Committee was not defective at all. Even if it would have been defective it would not be open for the applicant who did not make any position at all till he was not selected and the Principle of Estoppel come in to an end.

In these circumstances, as has been observed by the Supreme Court in the case of Dr. G. Sarna Versus University Lucknow 1976 S.C.C. 585, there are no merits. The selection of the respondents cannot be said to be bad on the ground, and the application lacks merits and it is accordingly dismissed.

No order as to the costs.


Member (A)
Dt: Oct. 14, 1992..
(DPS)


Vice Chairman.