

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A.NO. 9 of 1991
T.A.NO.

DATE OF DECISION 27th Feb. 1997

Anant K. Sata

Petitioner

Mr. J. A. Adeshra, Mr. P. P. Bhatt

Advocate for the Petitioner [s]

Mr. M. S. Trivedi

Versus

The Union of India & others Respondent

Mr. Akil Kureshi

Advocate for the Respondent [s]

CORAM

The Hon'ble Mr. V. Ramakrishnan, Vice Chairman

The Hon'ble Mr. T. N. Bhat, Member (J)

JUDGMENT

1. Whether Reporters of Local papers may be allowed to see the Judgment ? No
2. To be referred to the Reporter or not ? As
3. Whether their Lerdships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ? No

*NP
21/2/97*

13
Anant K. Sata
Patrakar Colony
Naranpura
Ahmedabad

Applicant

Advocate: Mr. J. A. Adeshra
Mr. P. P. Bhatt
Mr. M. S. Trivedi

Versus

1. Union of India
Notice to be served through
The Secretary
Ministry of Information and
Broadcasting
Shastry Bhavan
New Delhi.

2. The Director General
Doordarshan
Mandi House
Copernicus Road
New Delhi.

3. The Director
Doordarshan Kendra
Thaltej Road
Ahmedabad.

Respondents

Advocate: Mr. Akil Kureshi

JUDGEMENT

IN

O.A. No. 9 of 1991

Dated 27th February 1997

Per Hon'ble Mr. V. Ramakrishnan, Vice Chairman:

The applicant who was selected as a "News Editor/News Correspondent" in Doordarshan Kendra Ahmedabad on contract basis contends that he was selected and appointed as News Editor and has prayed for a declaration that he ^{held} held the post of News Editor. He also wants the status of a regular Govt. servant from the date of his option, and consequential benefits such as seniority, promotion and all other benefits. The applicant

has since retired on superannuation from service w.e.f. 31.3.1996.

2. We have heard Mr. M.S.Trivedi counsel for the applicant and Mr. Akil Kureshi, counsel for the respondents.

3. In response to an advertisement inviting applications for the post of News Editor/News Correspondents in Doordarshan Kendra, Ahmedabad (DDK) A'BAD the applicant was selected for appointment as News Editor/News Correspondent. The advertisement as at Annexure A specifies the job requirements of a News Editor. These include editorial work in the T.V. News Room such as preparation of the news bulletins including content, treatment and style. As regards the News Correspondent, the job content includes reporting on location, interviewing and preparing the stories which are to be covered. The applicant was offered the post of News Editor/News Correspondent by order dated 24th June 1978 issued by D.D.K. Headquarters as at Annexure A-1.

4. Mr. Trivedi counsel for the applicant submits that he had been performing the duties of a News Editor. He refers in this connection to the representation of the applicant dated 7th July 1989 (Annexure A-2) in continuation of his earlier letters where he has asked for his designation as News Editor. He also draws attention to the agreement made in January 1990 as at Annexure A-4 where the applicant has been designated as News Correspondent which agreement the applicant has signed under protest claiming that he should be designated as News Editor. The local Director of the Kendra had

recommended by his letter dated 1st February 1990 (Annexure A-5) that the applicant may be designated as News Editor. The applicant has also filed a rejoinder to the reply statement of the respondents where he has enclosed copies of some letters of D.D.K. Ahmedabad where he was asked to work as News Editor for different periods from 7th July 1978 upto 31.12.79. According to Mr. Trivedi all these would show that the applicant in fact was functioning as News Editor and has a right to be declared as such. To our query as to what additional benefit the applicant would get by being designated as News Editor Mr. Trivedi states that the officials who function as News Editor are given credit in the T.V. Programmes and their names are flashed on the T.V. screen which is not available to the News Correspondent. He admits that there is no other benefit in the matter of seniority, promotion etc. available to a News ^{Editor} Reader as distinct from a News Correspondent.

5. Mr. Kureshi counsel for the respondents resists the application. He says that there is a single cadre of News Editors/News Correspondent and in actual fact the applicant has performed the duties of a News Correspondent. He draws our attention to the letter dated 26.11.79 where the applicant was actually appointed as a News Correspondent at Ahmedabad w.e.f. 20.9.78 as at Annexure R-1. In pursuance of this letter, the local D.D.K. Ahmedabad also appointed him as Staff Artiste and as News Correspondent by their order dated 1.1.80 as at Annexure R-2. The applicant also has signed the agreement with effect from 20th September 1978 where

16

his designation has been clearly shown as News Correspondent as at Annexure R-3. Mr. Kureshi states that the orders issued by the D.D.K. Ahmedabad showing him as News Editor for some periods in 1978 and 1979 was erroneous and in any case it cannot override the orders of the Headquarters and the actual contract. The applicant nodoubt protested while signing the agreement in 1990 but Shri Kureshi says that this protest is only an after-thought. The applicant has since been given the status of Government servant from 1978 and he has superannuated from Government service from 31.3.96. According to the Standing Counsel the cadre of News Editor and the News Correspondent is one and the same and there is no difference in promotions etc. and as the applicant has since retired, the O.A. has become infructuous.

6. We have carefully considered the rival contentions. It is not in dispute that the applicant has been given ^{pa} status of a Government servant from 1978. There is some controversy regarding the actual date from which he has been declared as a Government servant which according to the Standing Counsel is 20th September 1978 whereas according to Mr.Trivedi it should be from 7th July 1978. However, we find from the contract as at Annexure R-3 to the reply statement and also the letter of appointment as at Annexure R-1 and R-2 that the appointment was to take effect from 20.9.78.

17

The applicant seems to have been asked to perform some functions as News Editor from 7th July '78 onwards and there is also a mention in the Memorandum dated 24th June 1978 as at Annexure A-1 that the applicant was asked to report not later than 7th July 1978. However, one of the reliefs sought for

1X

is to declare him as a regular Government servant and this has been done with effect from September '78. It does not revolve around the question whether he should be taken as a Government servant ~~only~~ from July 1978 or from September 1978. In any case the period involved is quite short.

The main thrust of the applicant's case is that he should be declared as a News Editor instead of a News Correspondent. From the relevant Manual shown to us by Mr. Trivedi it is clear that the post of News Editor/News Correspondent is a single cadre. It is further seen that the promotion to the higher level is from this cadre. Mr. Trivedi also does not dispute the fact that News Editors do not have any better promotional opportunities as compared to the News Correspondent as officer in the cadre of the News Editor/News Correspondent are equally eligible for the next higher level as per the relevant rules irrespective of their ~~designation~~ as News Editor or News Correspondent.

It is further urged that as a News Editor the official would be given credit and his name would be flashed on the T.V. screen which facility is not available to the News Correspondent. It has not been brought out by the applicant as to how this constitutes a service matter. In any case as the applicant has since retired w.e.f. 31.3.1996 this question has become purely academic. There is also force in the contention of Mr. Kureshi that even though the advertisement talks of News Editor/News Correspondent and the offer of appointment also gives the same designation, the order dated 26.11.79 as at Annexure R-1 makes it clear that the Director

1X

General's approval was for the applicant's appointment as News Correspondent in D.D.K. Ahmedabad and not as News Editor. The action of the local Kendra is apparently asking him to perform duties of News Editor for considerable period from July 1978 to December 1979 does not change this basic position. The applicant had signed the agreement in 1990 under protest, but he had signed an agreement in 1978 where his designation was clearly shown as News Correspondent. We also find force in the point raised by Mr. Kureshi that even according to the applicant's admission in his rejoinder he had not performed duties as News Editor after 1981. Part of Para 10 of the rejoinder is reproduced below:-

" I say that I was selected and appointed as News Editor and I was allowed to perform my duties as News Editor by the respondent authorities upto 31st December 1981 right from the date of joining the service. The respondents have arbitrarily snatched away my right of working as News Editor from the year 1982 onwards and thereafter I have made several representations to the authorities concerned for the redressal of my grievances but unfortunately, the respondent authorities have not considered my representations properly and without assigning any just and proper reasons, on flimsy grounds and on the basis of incorrect information, decided the representations".

This would show that even according to the applicant he had not performed the duties of

a News Editor from 1982 onwards i.e. for more than fourteen years prior to his superannuation from Government service.

7. In the light of the foregoing discussion, we hold that the present O.A. is devoid of merits and accordingly we dismiss the same with no orders as to costs.

hmm
(T.N.Bhat)
Member (J)

V.Ramkrishnan
27/11/1991
(V.Ramakrishnan)
Vice Chairman

pmr