

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

1/9
2/13

Original Application No. 272/2002 &
Misc. Application No. 126/2002 in OA 272/02
Date of Decision : this the 16th day of August, 2004.

Hon'ble Mr. J.K. Kaushik, Judicial Member
Hon'ble Mr. G.R. Patwardhan, Administrative Member

P.N.Joshi s/o Sh. Narain Joshi
Aged about 56 years, R/o Quarter No.2,
Aakashvani colony, Churu (Raj).
Presently working on the post of
Assistant Station Director (ASD)
All India Radio (AIR), Churu (Raj).

.....Applicant.

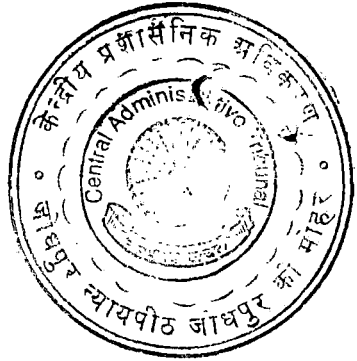
[By Mr. S.K.Malik, Advocate, for applicant]

versus

1. Union of India through the Secretary
Government of India, Ministry of
Information and Broadcasting,
New Delhi.
2. Deputy Director General,
Western Region II, All India Radio
Broadcasting House, Mumbai.
3. Chief Executive Officer (CEO),
Prashar Bharti, New Delhi.
4. Smt. Indira Mathur, Station Director,
Commercial Broadcasting Services,
New Delhi.

.....Respondents.

[By Mr. Kuldeep Mathur, Advocate, for respondents]



Order

[By G.R.Patwardhan]

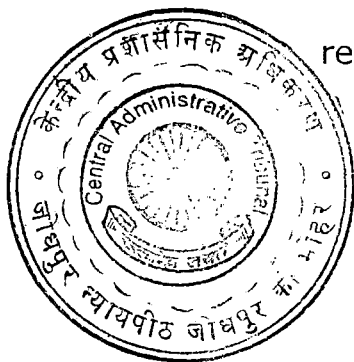
This O.A. has been filed by P.N. Joshi, presently posted as
Assistant Station Director, All India Radio, Churu, against the
Union of India through the Secretary, Ministry of Information
and Broadcasting, Dy. Director General, Western Region II,

[Signature]

Mumbai, Chief Executive Officer, New Delhi and Smt. Indira Mathur, Station Director, Commercial Broadcasting Services, New Delhi. It is expressly mentioned in paragraph 1 that this application is directed against the order dated 31.7.2002 placed at Annex.A/1 issued under the signature of Dy. Director of Administration, Director General, All India Radio. Through this order along with the applicant, 14 other officers have been informed that their representations regarding their reversion from Senior Time Scale (STS) to Programme Execution Scale (PES) have been examined and it is not possible to accede to the same.

2. Learned counsels for both the parties have been heard and detailed reply filed by the respondents along with copies of orders of O.As disposed of by Jabalpur and Gauhati Benches appended thereto, have been perused. The learned counsel for the applicant has also made available a copy of order passed on 27.3.2001 of C.A.T. Ernakulam Bench.

3. Paragraph 8 of the prayer of the application relating to the reliefs seeks following orders :-



- (a) Quashing of Annexure A/1.
- (b) Direction that the applicant be promoted to STS scale from January 1999 i.e. the date from which respondent No. 4 Smt. Indira Mathur, was so promoted.
- (c) The allotment of Doordarshan Cadre be set aside and the respondents be directed to allot All India Radio Production Cadre to the applicant.
- (d) Exemplary cost be imposed on respondents for causing undue harassment etc.

4. Some essential dates need to be noted first.

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- 14.03.1983 Applicant appointed as Producer at All India Radio, Suratgarh.
- 05.01.1990 The Ministry of Information & Broadcasting publishes - Indian Broadcasting (Programme) Service Rules, 1990.
- Applicant gives first option for Doordarshan Production Cadre and second option for All India Radio Production Cadre.
- 27.07.1995 Some 80 Producers allotted All India Radio and 66 Producers kept in Doordarshan.
- 31.07.1995 Despite allocation of cadres, some Producers of All India Radio were allowed to remain in Doordarshan.
- 30.07.1999 Hon'ble the Supreme Court holds in UOI Vs. Chetan S. Naik [99 SCC (L&S) 1148 that the method of promotion of JTS of IB (P) S, is on the basis of seniority cum fitness and not by selection.
- 05.10.2000 Respondents in pursuance of Apex Court order held a Review D.P.C. of 1995 and ordered promotion / reversion of Officers who were earlier rejected/selected by following the selection criteria.
- Applicant promoted in the Production Cadre of Doordarshan w.e.f. 14.6.1993.
- Applicant ordered to be posted at Doordarshan Kendra Patna, by transferring him from All India Radio, Churu.
- 02.11.2000 Applicant represents to the Director General, All India Radio, to allow him to stay at Churu and the Director General, gives no objection for posting of the applicant at Churu by informing the Director General, Doordarshan.
- 12.07.2001
- 07.08.2001



[Signature]

20.80.2001

Applicant represents to the authorities to give him the benefit of promotion to STS rank at par with his juniors.

31.07.2002

Representation of the applicant rejected.

5. It is admitted position that the applicant though belonging to Doordarshan cadre is continuing at All India Radio, Churu, on his own representation. However, this does not seem to have stopped him from comparing himself with his erstwhile colleagues who were allotted All India Radio cadre and were junior to him. He, therefore, prays that his seniority should be counted in respect of the cadre to which he earlier belonged and promotion given with respect to Smt. Indira Mathur, respondent No. 4, Station Director, New Delhi, and to convince us that this logic is correct he cites the following grounds :-

(a) The respondents themselves have not honoured the provisions relating to consideration and determination of option (meaning thereby choice of the cadre) and on the contrary have broken down the same vide orders of 31.1.1995 and 20.9.2000 and shifted the officers as per their will and wish without going into options.

(b) Though the applicant gave his option for Doordarshan but, till date he did not work even for a single day in Doordarshan cadre.

(c) As per his second option, he was allowed to work in the All India Radio.

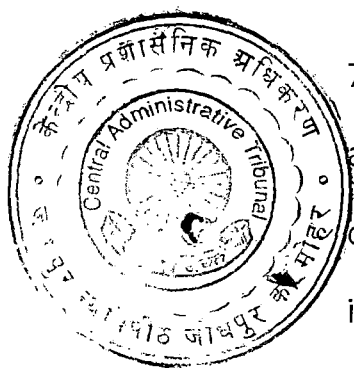
(d) Even after his promotion in JTS cadre, he was transferred to Doordarshan Kendra, Patna but, to adjust another person, he was posted as Assistant Station Director, All India Radio, Churu.



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(e) Thus, simply allotting the cadre of Doordarshan to the applicant is of no consequence and it should be declared invalid and deserves to be quashed.

6. There are three more grounds listed in paragraph 5 at B,C and D but, we do not consider it appropriate to travel beyond to that stage. The allotment of cadre, admittedly, was finalised some time in June 1993, if not earlier. That was the time when the question of alleged irregular allotment of cadre should have been agitated, but, nothing is shown to that effect. Further, the applicant seems to have opted to remain at Churu as is apparent through a communication referred to above and a copy of which is placed at Annex. A/9, despite his cadre being Doordarshan and he having been posted to Patna Doordarshan Kendra. He cannot, therefore, now take a position diametrically opposite to the stated one and allege bias and nepotism .



7. The third relief claimed as per paragraph 8 of the application relates to quashing the allotment of Doordarshan cadre to the applicant. His entire case is based on the alleged irregularity in allotment of cadre and consequent lack of transparency in postings of which he himself is alleged to be a victim. It is clear from the discussions so far that on both the counts the applicant is remiss. Allotment of cadre is an entirely different and one time exercise while posting of officers is a continuing process guided by administrative exigencies and public interest. It is not at all necessary to treat them as one and the same thing - especially when one finds that the applicant, knowing fully well that he belonged to Doordarshan cadre -

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willingly accepted posting in All India Radio and even tried for the same. As per Section 6 (d) of the Rules, Annex. A/6 allotment of cadre once made is irrevocable and on that count also the payer cannot be considered. It is also questionable if after so many years of enjoying the fruits of his choice posting, he can be allowed to make a somersault and criticize the very authorities who have been indulgent to him. The application is without merit and is, therefore, dismissed with no order as to costs.



[G.R.Patwardhan]
Administrative Member

[J.K.Kaushik]
Judl.Member

jrm

R/C
on 2/9/04

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DAYARAM
Adv

R/C
Suniti Kumar
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For - Kuldeep Mathur,
Adv.