

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO.219/06

FRIDAY this the 4th day of April, 2008

C O R A M

**HON'BLE MR GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE DR. K.S. SUGATHAN, ADMINISTRATIVE MEMBER**

- 1 Usha P. Kumar
Character Generator Operator
Doordarshan Kendra,
Thiruvananthapuram.
- 2 Antony Mathew,
Character Generator Operator
Doordarshan Kendra,
Thiruvananthapuram. Applicants

By advocate M/s P. Santhosh Kumar, TA Rajan, & Luiz Godwin D'couth

Vs.

- 1 Union of India represented by the
Secretary, Ministry of Information & Broadcasting
Government of India,
New Delhi
- 2 The Prasar Bharathi (Broadcasting Corporation of India)
New Delhi represented by the
Chief Executive Officer
- 3 The Director General
O/o the Director General
Doordarshan, Doordarshan Bhavan,
New Delhi.
- 4 The Director
Doordarshan Kendraa,
Kadappanakunnu
Thiruvananthapuram Respondents.

By Advocate Mr. N. N. Sugunapalan Sr. with Mr. S. Sujin

ORDER

HON'BLE DR. K.S. SUGATHAN, ADMINISTRATIVE MEMBER

The Applicants in this OA. are working as Character Generator Operator (CGO for short) in the office of the Doordarshan Kendra, Thiruvananthapuram, respondent No.4. They were initially recruited as Lower Division Clerks in the Central Secretariat and were working in Delhi. The applicants responded to a notification issued by the respondents in the year 1987 and they were selected and appointed as Clerk Grade-II (CGO) in the pay scale of Rs. 950-1500 by orders dated 27.8.1987 and 9.9.1987 respectively. In the year 2005 the applicants filed O.A. 558/2005 seeking promotion to the post of Transmission Executive. The said O.A. was disposed of with a direction the third respondent to consider and take a decision on the representations made by the applicants within a period of three months In accordance with the direction of the Tribunal the respondents issued a communication dated 26.12.2005 rejecting the demand of the applicants for creating separate cadre of CGOs. Aggrieved by the rejection of their representations, the applicants have filed this O.A. seeking the following reliefs:-

- (i) to set aside Annexure A-6 order
- (ii) to declare that the applicants are entitled for scale of pay of Rs. 1200-2040 from the date of their joining in the service and the pay scale of Rs. 4000-6000 with effect from 1.1.1996 with all consequential benefits.
- (iii) to declare that the applicants are entitled for promotion as Transmission Executives AND
- (iv) to grant such other further reliefs as this Hon'ble Tribunal may deem just, fit and proper in the circumstances of the case.

2 In support of their reliefs the applicants have contended that they have been working in the present post for the last 17 years. Both of them joined as LDC in the Central Secretariat, they came on inter-departmental transfer to the post of CGO in the office of the respondent No. 4. The work of the CGO is in the

Programme Wing of the Doordarshan Kendra. Their job involves giving captions for daily transmission of news bulletins, programme highlights and so on. Both the applicants have received training required for performing their job. There are no promotional opportunities for CGOs. Considering the nature of work and the responsibility attached to the posts, a CGO should be treated as a separate cadre and be made eligible for promotion as Transmission Executive. In a similar case of General Assistants working in the Doordarshan Kendra, Hyderabad, promotion has been given to the post of Transmission Executive. The applicants are working in a skilled post and they are doing professional work. Therefore they have to be considered for promotion in the Programme Wing and not in the ministerial wing.

3 The respondents have contested the O.A and filed a reply statement. It is contended in their reply statement that the post of Character Generator Operator was filled initially by transfer of Lower Division Clerk from Central Secretariat Clerical Service Cadre. The first applicant was working as a Lower Division Clerk in the Central Electricity Authority, Delhi and she was appointed w.e.f. 27.8.1987 as Clerk Grade-II (CGO). The second applicant was also similarly appointed by order dated 9.9.1987. The post of CGO is equivalent to the LDC (formerly known as Clerk Grade-II). Since the applicants are from the cadre of LDC, their next promotion will be to the post of UDC. Their seniority is maintained by the concerned Zonal station in the cadre of LDC. Since both the applicants are juniors their turn for promotion as UDC has not yet come. However, they have been given financial upgradation under the ACP Scheme in the pay scale of UDCs. The post of CGO cannot be equated with other cadres of Engineering and Programme Wings for which eligibility criteria and recruitment rules are different. The Recruitment Rules for Typists (CGOs) are governed by notification dated 23.9.87, The pay scale applicable as per Recruitment Rule is Rs. 950-1500, the same as that of LDC. The mode of recruitment is by transfer on deputation from Clerk Grade-II/General Assistant of Doordarshan and All

India Radio. Merely because the applicants have undergone the training required for the specific job to be performed, they do not become eligible for promotion to the post of Transmission Executive.

4 We have heard learned counsel for the applicant Shri Luiz Godwin and the learned counsel for the respondents Shri M.C. Gopi for Shri N.N. Sugunapalan, Senior.

5 The limited issue for consideration in this O.A is whether the rejection of the representation made by the applicants is illegal or arbitrary or in violation of Article 14 and 16 of the Constitution. It is an admitted fact that both the applicants were originally recruited as LDC and working in different organisations in Delhi. In response to the advertisement issued by the respondents they applied for inter departmental transfer and got themselves appointed as Clerks Grade-II (CGO) in the office of the 4th respondent in the year 1987. Their representations for considering them as Programme staff and making them eligible for promotion as Transmission Executive were not accepted by the respondents on the ground that the work of CGO is done by the LDCs/Clerks Grade-II in all Doordarshan Kendras. A perusal of the appointment orders issued by the respondents in favour of the applicants indicate that they were appointed in the respondents organisation as Clerk Grade-II (CGO) in the pay scale of Rs. 950-1500. The respondents have stated in their reply that the services of the CGOs are used for giving captions during the transmission of various programmes. It is similar to an LDC working as a Telephone Attendant. Having regard to the fact that the applicants were recruited as LDCs and are also eligible for promotion as UDCs, we do not see any legal justification in their claim that they should be considered eligible for promotion as Transmission Executive. Just because they are working in the Programme Wing their legal entitlements do not change. Different employees in a Department will have different functions but their entitlements for pay and

promotions will be governed by the terms and conditions of their appointment. The respondents have stated in their order dated 26.12.05 that as the work of character generation operator is done by LDCs/CG-II in all Doordarshan Kendras, it is not feasible to create cadre for CGOs. We do not see any arbitrariness in the stand taken by the respondents. There is no evidence to show that there has been any discrimination suffered by the applicants in the matter of promotion. In the absence of any violation of rules or any evidence of discrimination, it is not possible for this Tribunal to declare that the applicants are entitled for promotion as Transmission Executives..

6 For the reasons stated above we see no merit in the O.A. The O.A is therefore, dismissed. No costs.

Dated 4th April, 2008



DR. K.S. SUGATHAN
ADMINISTRATIVE MEMBER



GEORGE PARACKEN
JUDICIAL MEMBER

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