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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 239/88

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DATE OF DECISION 7.10.92

The President, Petitioner
Air Audience Research Officers

Shri S.N. Gaware, Advocate for the Petitioners

Versus

The Secretary, Govt. of Respondent
India, AIR and Doordarshan.

Shri A.I.Bhatkar, Advocate for the Respondent(s)
Shri S.Natarajan.

CORAM:

DATE OF THE HEARING

The Hon'ble Mr. Justice S.K. Dhaon, Vice Chairman

The Hon'ble Mr. M.Y.Priolkar, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

NO

S.K.D.
(S.K.DHAON)
VICE CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 239/88

The President,
Air Audience Research Officers
Association, Bombay.

... Applicants.

V/s.

The Secretary,
Govt. of India
Ministry of Information and
Broadcasting, New Delhi.

Programme Staff Association of
AIR and Doordarshan,
Broadcasting House,
New Delhi.

... Respondents.

CORAM: Hon'ble Shri Justice S. K. DHAON, Vice Chairman
Hon'ble Shri M.Y.Priolkar, Member (A).

Appearance:

Shri S.N. Gaware, counsel
for the applicant.

Shri A.I.Bhatkar for Mr.
M.I. Sethna, counsel
for respondent No.1.i

Shri S.Natarajan, counsel
for respondent No.2.

ORAL JUDGEMENT

Dated: 7.10.92

¶ Per Shri S.K. Dhaon, Vice Chairman ¶

This application has been presented on
behalf of the AIR Audience Research Officers Association
through its President. The members of the association
were employed in the All India Radio as the Audience
Research Officers. They approached this Tribunal with
the principal prayer that the Government of India may be
directed to include the cadres of Audience Researchers
i.e. Audience Research Officers, Dy. Directors Audience
Research and Directors Audience Research in Indian
Broadcasting (Programme) services hereinafter referred
to as I.B.P.S.

The applicants came out with the case that there was a possibility of I.B.P.S. being formed and their apprehension was that they would not be included in the said service.

A reply was filed on behalf of respondents. The burden of song in the reply was that the applicants fell in a cadre which was distinct from the cadre of programming. Their function was purely to do research work. Exhibit B to the reply filed by the Station Director, All India Radio Bombay (Smt. Raj Rani Bhatia) spelt out the broad duties and responsibilities of the Audience Research Officers. According to it, the duties, inter-alia, were to make a systematic study of the public listening habits, tastes and reaction and in particular to study how broadcasting can be made a more effective medium of mass communication. In practice this will involve employing appropriate scientific methods.

Learned counsel for the applicant placed before us the All India Radio Manual, Chapter III of Vol. I of the manual has relevance to the present controversy. Section I thereof deal with Broad Functions and Set-up of Directorate General and its subordinate officers. It shows that in the set up of the Director General of All India Radio there is a Programme side, a Technical Side, an Administrative side, Matters relating to Security and Matters relating to Audience Research. Broad duties and functions of various departments as mentioned above are indicated. A mere glance at the different specifications and the duties assigned to them indicates that in the office of the Director General, All India Radio there were many cadres. Audience Research was one of the cadres. Therefore, the stand taken by the respondents in the

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reply stands amply corroborated by the recitals in the All India Radio Manual.

During the pendency of this application in the Gazette of India, Extraordinary dated 5.11.90, Rules framed by the President of India in the purported exercise of power under article 309 of the Constitution were published. The Audience Research cadre was placed beyond the purview of the said Rules. The Rules were nomenclatured as the Indian Broadcasting (Programme) Service Rules 1990- Rule 2(c) defined departmental candidates to mean officers appointed on regular basis in consultation with the Commission on the recommendation of the Departmental Promotion Committee and who held post on regular basis or held lien in Group II : - Programme cadre of All India Radio, therefore, at the very outset, the rule making authority recognised that there was in existence a Group 'A' Programme cadre. Rule 2(t) defines service to mean the Indian Broadcasting (Programme) service as constituted under Rule 3. Rule 3 says that there shall be constituted a service known as Indian Broadcasting (Programme) service consisting of persons appointed to the service under Rule 6 and 7. It is provided that all the posts included in the service shall be classified as Group 'A' posts. It is further provided that the service shall comprise 4 independent cadre of Group 'A' posts viz. All India Radio, Programme Management Cadre, Doordarshan, Programme Management cadre, All India Radio Programme Production cadre and Doordarshan Programme Production cadre. Again the Rule making authority recognised that even before the enforcement of the Rules there was in existence, in so far as it concerned the All India Radio, two cadres of Group 'A' namely Programme Management cadre and Programme Production cadre. In Rule 6 we find that there is a provision for initial

constitution of the service. It, inter-alia, provides that all departmental candidates holding post on regular basis in certain scales of pay, including Rs. 2200 - 4000, shall from the date of commencement of Rule be deemed to have been appointed to the corresponding post of service. We have already referred to the definition of the departmental candidates. Rule 7 provides for promotion of officers from the service. These are the broad outlines to the Rules.

Learned counsel for the applicant very fairly conceded that the applicants have no grievance so far as the grades are concerned. The only grievance is that the non-inclusion of the cadre to which the applicants belong in the Rules may ultimately result in delayed promotions. The argument is that those comprised in the Rules have a better chance of promotion than those outside the Rules. In the ultimate analysis, the crux of the grievance of the applicants is that their chance of promotion may not be as bright as those included in the service, as constituted under the Rules. Assuming that is so, the mere fact that the chance of promotion is put into jeopardy or receded ~~it~~ will not perse be violative of article 16 of the Constitution.

Counsel was at pains to argue that the cadre to which the applicants belong forms an integral part of the general scheme of the All India Radio and therefore, the Rule making Authority has discriminated in excluding the cadre of the applicant from the purview of the Rules. Such a broad proposition cannot be entertained for testing the validity of the Rules on the touch-tone either^{of} article 14 or 16. It is now well settled that a classification is permissible. The only limitation is that a classification must be reasonable or rational. We have already indicated that the Rules

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do not cover all the cadres as recognised by the All India Radio Manual. It appears that only the cadres related to programmes are included in the Rules.

The mere existence of different cadres

✓ on the date ^{when} Rules were framed constituted the basis of a reasonable classification. The nature and quality of work performed by those in the cadre of programme was distinct and separate from the type of work performed by those who fell in the cadre of Audience Research Officers. Therefore, the Rule making Authority did not either intend ~~to~~ to discriminate between two different cadres nor has its action resulted either

✓ in real or incidental discrimination, so as to ^{the} hit by either article 14 or article 16 of the Constitution.

Having considered the matter carefully we have come to the conclusion that the applicants are not entitled to any relief. The application is dismissed, but without any order as to costs.

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 (M.Y.PRIOLKAR)
 MEMBER (A)

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 (S.K.DHAON)
 VICE CHAIRMAN

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