

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 123 of 1998

684 of 1998

Dated this Friday the 5th day of September, 2002.

Mahesh Kamble & others

- Applicant

Shri S.S.Karkera

Advocate for the  
Applicant.

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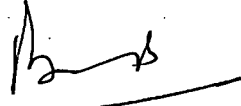
Union of India & others. Respondents.

Shri V.S.Masurkar

Advocate for Respondents

CORAM : Hon'ble Mr. Justice Birendra Dikshit - Vice Chairman  
Hon'ble Shri B.N. Bahadur - Member (A)

- (i) To be referred to the Reporter or not ? Yes  
(ii) Whether it needs to be circulated to other Benches of the Tribunal ? No  
(iii) Library ? No

  
(B. N. BAHADUR)  
MEMBER (A).

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Dated this Thursday the 5th day of September, 2002

Coram: Hon'ble Mr. Justice Birendra Dikshit - Vice Chairman  
Hon'ble Mr. B.N. Bahadur - Member (A)

O.A. 684 OF 1998

1. Mahesh Kamble,  
aged about 48 years,  
Chief Cameraman, Films Division.
2. A.G. Ranade,  
aged about 44 years,  
Cameraman, Films Division
3. S.N. Patnaik,  
aged about 45 years,  
Cameraman, Films Division
4. S.G. Mane,  
aged about 48 years,  
Cameraman, Films Division
5. R.S. Kashid,  
aged about 51 years,  
Cameraman, Films Division\
6. A. Anjaneyule,  
aged about 48 years,  
Cameraman, Films Division  
(All working in the Office of the  
Chief Cameraman, Films Division,  
24, Dr. Gopalrao Deshmukh Marg,  
Mumbai.)

(By Advocate Shri S.S. Karkera)

.... Applicant

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1. Union of India  
through the Secretary,  
Ministry of Information &  
Broadcasting, Government of India,  
Shastri Bhawan, New Delhi - 110 001.
2. The Director of Administration,  
Films Division, Government of India,  
24, Dr. Gopalrao Deshmukh Marg,  
Mumbai - 400 026.
3. Senior Administrative Officer,  
for Chief Producer, Films Division,  
Ministry of Information & Broadcasting,  
Government of India,  
24, Dr. G. Deshmukh Marg,  
Bombai - 26.

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4. Shri Radhey Shyam,  
Assistant Newsreel Officer,  
Films Division, New Delhi.
5. P.B.Rao,  
Assistant Newsreel Officer,  
Films Division,  
Ministry of Information & Broadcasting,  
Government of India,  
24, Dr.G.D.Marg,Mumbai -26.  
(By Advocate Shri V.S.Masurkar) .... Respondents

**ORAL ORDER**

**By Hon'ble Mr.B.N.Bahadur, Member (A) -**

As many as six Applicants have come up to the Tribunal in this OA in a joint application seeking the relief from this Tribunal as follows:-

(a) that this Hon'ble Tribunal be pleased to hold and declare that the Respondents' action in equating the post of Newsreel Officers' with the post of Chief Cameraman by virtue of redesignating the said post is illegal, nonest and against the tenets of law.

(b) that this Hon'ble Tribunal be pleased to declare that the Respondents are not entitled to promote any person belonging to the post of Assistant Newsreel Officer having merged with the Assistant Cameraman to promote the said person to the post of Newsreel Officer now being equated and redesignated as Chief Cameraman.

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(c) that this Hon'ble Tribunal be pleased to hold that the post of Cameraman is to be equated with the post of Newsreel Officer and the post of Cameraman should be granted the scale of Newsreel officer.

(c.1) that this Hon'ble Tribunal be pleased to quash and set aside orders dated 3rd August, 1998 at Ex.A-1 and A-2 declaring them to be illegal and nonnest in the eyes of law.

(d) that such other and further order or orders be passed as the nature and circumstances of the case may require.

(e) that the costs of this application be provided for.

2. We have see all papers in the case, including the MPs filed, and the replies thereto, and have heard, at some length, both learned counsels viz. Shri S.S.Karkera for the Applicant, and Shri V.S.Masurkar for the Respondents. The Applicants who are working as Cameraman/Chief Cameraman have all joined the service of Films Division as Assistant Cameraman in 1972. They were promoted as Assistant Newsreel Officers and have worked for long years as Cameraman. The heirarchy of the Respondents' organisation is first, importantly to be understood and has indeed been succinctly brought out at pages 24 and 25 of the Paper Book. We have gone over this chart of heirarchy with the

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assistance of learned counsel for the Applicant who has also provided us information in regard to the pre-Fifth Pay Commission pay scales of the various posts. It is to be noted that whilst the lowest post is that of Assistant Cameraman carrying the pay scale of Rs.1400-2300/- the further channel is to the post of Cameraman in the scale of Rs.2000 - 3200/-, directly or through Assistant Newsreel Officer. Thereafter a similar situation of two channels being available is seen. A Cameraman can be promoted to the post of Chief Cameraman or Newsreel Officer finally leading to the post of Director (Cameraman). It is important to note here that the pay scales of Chief Cameraman and Newsreel Officer are both identical i.e. Rs.2375-3500/-.

3. Now the learned counsel for the Applicant has argued that the grievance of the Applicant indeed is that whilst declaring the cadre of Newsreel Officer as a dying cadre and because of its lack of utility and it being of functional use to the Films Division, the Respondents themselves have taken a decision to do away with this cadre of Assistant Newsreel Officer and yet the Respondents have chosen to create this disparity and gave preferential treatment to this cadre of Assistant Newsreel Officer equating it with that of Chief Cameraman. It is the contention made on behalf of the Applicants that the post of Newsreel Officer should have been equated to that of a Cameraman.

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In fact, this is the nature of the relief sought by the Applicants as can be seen in Para 8. The grievance made out by the Applicant, in view of what he calls the arbitrary and legal action of the Respondents, is that with such equivalence coming in the promotional chances of the Applicants are substantially reduced. This point was argued by learned counsel for Applicant, strenuously.

4. The Respondents have filed a written-statement which we have gone through with the help of learned counsel of Shri V.S.Masurkar. While depending on the written-statement and the written statements on MPs, learned counsel took us especially to the portions of written statements on page 42 and 43, as also on page 190 of the Paper Book. It has been stated by the Respondents that the entire matter has been examined very carefully, and that even the representations made by the Applicants which were allegedly ignored by the Respondents, had indeed been carefully considered. The matter has been gone into the Fifth Pay Commission and although the Fifth Pay Commission, recommended the merger of Assistant Newsreel Officers post with the post of Cameraman, the Government has not taken any decision for merger of these posts. The post of Newsreel Officer has however, been merged with the Chief Cameraman's post and this was sought to be justified by learned counsel for Respondents through his arguments at some length.

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5. Shri Masurkar argued that the Applicants' argument that they are aggrieved because the post of Newsreel Officer has been merged with Chief Cameraman, does not hold force. It is admittedly correct that the two posts carry an identical scale. What Applicants would like is to have the post of Newsreel Officer merged with that of the Cameraman. Now the post of Cameraman carries a distinctly lower scale of pay, and in fact such an action would be arbitrary. On the contrary there cannot be said to be any arbitrariness in the merger of posts of Newsreel Officer and Chief Cameraman.

6. We have considered contentions of both sides. Having examined the aspect of arbitrariness and illegality, we must clearly state that as per settled law we can proceed into the matter within limits. It is well settled that except for examining arbitrariness or illegality of an action, the matter as to how a department manages its organisation, and its organisational structure, is within the ambit of the powers of the Administration. It is not for Tribunals like ours to decide these things. The actions taken have become necessary due to some developments in the country leading to the organisation perhaps needing lesser work force in certain sectors. Hence certain structural arrangements/changes have had to be made.

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Once we find that there was no arbitrariness in the equivalence or merger in the posts, we will not proceed further nor seek to even examine the changes further as if we were a superior Administrative authority. This is a matter of policy and we do not wish to intervene. Also as is clear from the written statements and the arguments made before us by their learned counsel the entire matter has been gone into with due deliberation and application of mind and we cannot say that any arbitrariness is manifest. We must repeat that making the pay scale the basis of merger of certain posts appears fully rational/just.

7. The main contention in fact made by Applicant's learned counsel and the main grievance is that the chances of promotion of the Applicants have been reduced as a result of restructuring. While this may or may not be true, it is well settled that the speed of promotion or the nature of promotion is not a guaranteed service condition. This being a well settled law, we cannot provide any relief to the Applicant in respect of his promotional chances.

8. In view of the above discussions, we are not convinced that there is any cause for interference in the matter. The OA is accordingly dismissed, with no orders as to costs.

B.N. Bahadur  
(B.N. Bahadur) -  
Member(A)

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B. B. Dikshit  
(Birendra Dikshit)  
Vice Chairman