

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : AT HYDERABAD.

9 (13)  
Annexure I

O.A. 751/93

D. of Decision : 3.3.94.

1. Akashvani Announcers Association of A.P.,  
Hyderabad rep. by its President  
N.V.S. Rama Rao, S/o. N.V. Hanumantha Rao
2. Syad Ilyas Ahmed, S/o. Ahmed

.. Petitioners

Vs

1. Government of India rep. by its Secretary,  
Ministry of Information and Public Relations,  
New Delhi.
2. The Director General,  
All India Radio, New Delhi.
3. The Station Director,  
All India Radio, ~~New Delhi~~ Hyderabad.
4. The Station Director,  
All India Radio, Cuddapah.
5. The Station Director,  
All India Radio, Visakhapatnam.
6. The Station Director,  
All India Radio, Nizamabad.
7. The Station Director,  
All India Radio, Warangal.
8. The Station Director,  
All India Radio, Kothagudem.
9. The Station Director,  
All India Radio, Adilabad.
10. The Station Director,  
All India Radio, Tirupati.
11. The Station Director,  
All India Radio, Vijayawada.
12. The Station Director,  
All India Radio, Anantapur.
13. The Station Director,  
All India Radio, Kurnool.
14. The Station Director,  
Commercial Broadcasting Service,  
All India Radio, Hyderabad

15. C. Devadas
16. M. Bhaskara Rao
17. S.B. Venkataram
18. A.L. Kumar
19. K. Saiprasad
20. N. Hymavathi
21. M. Sul Rajasokhar
22. M. Syama Sundar
23. DVP. Anand
24. P. Gopala Rao
25. G. Sanjay

Counsel for the Petitioners

Counsel for the Respondents

.. Respondents.

.. Mr. J. Venugopal Rao

.. Mr. N.R. Devaraj  
Sr. CGSC  
Mr. Y. Suryanarayana  
RR 15 to 25

CORAM:

THE HON'BLE JUSTICE SHRI V. NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE SHRI R. RAJAGOPAL : MEMBER (ADMN.)

J U D G M E N T

As per Hon'ble Mr. Justice V. Neeladri Rao, Vice-Chairman I

This O.A. was filed praying for a declaration that all these applicants (Announcers) who are deemed to be Government servants, should be allowed to enjoy all the benefits as applicable to regular servants and to declare that they are eligible for promotions to cadres on par given to the erstwhile non-performing artistes to the posts of Programme Executives and Assistant Station Directors in the I.B.P.S./ I.I.S. (Indian Information Service) and feeder cadre to I.B.P.S. by refixing the inter-se seniority of the erstwhile performing and non-performing artistes in the A.P. State as on 6.3.1982.

2. The first applicant is the Akashvani Announcers Association of A.P. represented by its President and the second applicant is an Announcer. R-15 to R-25, the direct recruit/promotee Transmission Executives were permitted to come on record as respondents in this O.A. as per orders in M.A.No.478/93.

3. Since its inception, All India Radio (A.I.R.) have been having the practice of engaging Artists on Staff called Staff Artists. This category performs such functions as announcement, newsreading, providing accompaniment to music artists and programmes, reporting, translation, dubbing, editing of news bulletins, preparation of scripts for Dramas, features etc. Initially there used to be monthly contracts, later yearly contracts. Thereafter yearly contracts were converted into three year contract and thereafter the contracts of the staff artists were extended upto

the age of 58 years on completion of initial period of probation etc. <sup>Those</sup> contracts were being extended upto the age of 60 years of the age of the artists provided they had been discharging satisfactory service and they were running good health. Upto 1.10.1964, the Staff Artists were used to be engaged on lumpsum consolidated fee. Thereafter the employment of Staff Artists was incremental fee scales identical to that of regular Civil Government servants with almost all benefits of service except the pensionary benefits. Staff Artists were eligible for gratuity and Contributory provident fund.

4. In 1972, the Government reviewed the fee structure of the Staff Artists and reorganised the system of Staff Artists. Then the various categories of Staff Artists were classified into five distinct groups according to their sphere of activity and performance.

- (1) CLERICAL GROUP
- (2) PRODUCTION GROUP; comprising -  
Chief Producers, Deputy Chief Producers,  
Senior Producers, Producers, Production  
Assistants etc.
- (3) ANNOUNCERS/NEWREADERS/NEWSREADER-cum-TRANSLATOR  
GROUP comprising of -  
Announcers, Compères, Senior Announcers, News-  
readers, Newsreaders-cum-Translators etc.
- (4) JOURNALISTS GROUP comprising of -  
Assistant Editors, Script, Translation, Reporting  
Editors, Sub-Editors and Translators,
- (5) MUSICIANS AND INSTRUMENTALISTS GROUP.

5. With effect from 6.3.1982, the categories-(2) and (4) referred to above i.e. Production Group and Journalists Group were given option to become Government servants and they <sup>were</sup> referred to as non-performing Artists as they do not come before the mike. But, the categories (3) & (5) referred to above i.e. Announcers, Musicians etc. who are referred to as Performing Artists on the basis that they come before the microphone, ~~and~~ were merely referred to as Artists. Their terms and conditions were revised with effect from 1.9.1982 for those <sup>Artists who</sup> opted for the said new scheme. As per those new terms and conditions they were offered 5 years contracts only instead of the existing contract upto 58 years age. As already observed, the Staff Artists <sup>will</sup> were entitled to the benefits of Pension ~~as per~~ <sup>as per</sup> the laid terms. 1982.

6. Writ Petition No.13636/83 was filed under Article 32 of the Constitution of India before the Supreme Court by the Association and some of the Performing Artists praying for a direction to the respondents to treat the Staff Artists <sup>at</sup> par with the regular Government servants and to restrain them from enforcing the scheme which had come into effect from 1.9.1983. In <sup>AIR</sup> 1/1987 (S.C.) 1526 - Union of India Vs. M.A.Chowdhary I the Supreme Court held that all the Staff Artists of A.I.R. are holding Civil posts under the Government and they are governed by Article 311(2) of the Constitution of India. When W.P.No.13636/83 had come up for consideration before the Supreme Court on 25.4.1988, it was <sup>observed</sup> ~~held~~ as under:-

AIR  
"In view of the above decision 1/1987 S.C. 1526 I  
it is no longer necessary to make any further  
declaration that the Staff Artists are Government

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Servants. The circular dated 3.5.1982 issued by the Ministry of Information and Public Relations, proceeded on the assumption that Staff Artists in All India Radio and Doordarshan were not Government servants and that only those Staff Artists specifically mentioned in that circular could become and be treated as Government servants, provided they satisfied the conditions mentioned therein. It has now become necessary for the Government to review the entire question covered by the circular dt. 3.5.1982. We, therefore, direct the Government of India to review the entire situation and to prepare a fresh scheme in accordance with law having regard to the nature of duties performed by each category of Staff Artists."

7. In terms of the direction given above, a scheme was placed before the Supreme Court which was styled as Draft Scheme. The said Writ Petition and some other writ petitions were disposed of by the Supreme Court on 5.4.1990. Therein it was observed that the objections in regard to the above scheme were filed and some of the objections were ~~upheld~~ <sup>rejected</sup> in the order dt. 5.4.1990. By the said Judgment the Supreme Court directed that in the appropriate Ministry a High Power Committee be set up for examination of the objections with reference to the terms of the Scheme and the Government was required to take a decision within six months. Liberty was also given to the aggrieved parties when final decision is taken by the Government to move the court.

8. A letter bearing No.45011/29/91-b(A) dt. 29.11.1991 was issued by the Ministry of Information and Public Relations. Para-2 therein ~~reads~~ <sup>states</sup> that all Staff Artists/Artists under 1982 scheme working in All India Radio and Doordarshan

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(except foreign nationals) who were in service on 6.3.1982 or appointed as such thereafter will be deemed as Government servants. Such Staff Artists/Artists were also given option to opt out of the same. Para-8 of the said letter lays down that Announcers will have four scales of pay in the Revised Scales of Rs.1400-2600; 1640-2900; Rs.2000-3500; and Rs.3000-4500.

9. When as per 1982 Scheme the non-performing Artists who were made the Government servants, rules were formulated as per notification dt. 23.10.1984. Then, the non-performing Artists in the cadre of Production Assistants, Assistant Directors and Script Writers etc. were merged into the cadre of Transmission Executives. Para-4.A(1)(f), Chapter-II, Schedule-6 of 'A Compilation of Recruitment Rules for various posts in AIR' lays down that for the purposes of promotion there shall be separate lists of seniority of officers of regular programme cadre and that of Staff Artists who have become Government Employees; promotion to the next grade from the two lists shall be on quota basis, the ratio of which shall be based on the existing number of posts in each category on the date of holding of the Departmental Promotion Committee.

10. Even before 1982 there was a post of Transmission Executive. It was filled up by direct recruitment conducted by the Staff Selection Commission and 10% of the posts were filled up by promotion from Librarian etc. The avenue of promotion for the Transmission Executive was to Programme Executive which is in Group 'B'. The hierarchy of promotions from the posts of Programme Executive are to the Junior Scale (Asst. Director), Senior Scale (Executive Director) and above in I.B.P.S./I.I.S.

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11. When the non-performing Artists <sup>class</sup> were made Government servants in 1982 they were merged <sup>class</sup> to the category of Transmission Executives as already referred to. It is stated that as per para-4.A(1).(f) of Schedule-6, Chapter-II the quota fixed for promotion of the Transmission Executives and the erstwhile non-performing Artists to the promotion posts of Programme Executive was fixed at 50:50. Thus, the erstwhile non-performing Artists were eligible for promotion to the post of Programme Executive which is the feeder service for promotion to the Junior Scale officer.

12. The applicants contend that the minimum educational qualification prescribed for Grade-IV Announcer is Graduation while the minimum educational qualification prescribed earlier to 1976 for Production Assistants was only Matriculation/P.U.C. Further, the Announcers have to pass the Audition tests. They must also have the acquaintance in one or other of the Fine Arts. Thus, they are more qualified and talented than the erstwhile Production Assistants <sup>so</sup> they cannot be excluded for consideration to the posts of Programme Executives which is a feeder source for Junior Scale (Asst. Directors) while those who are less talented are being considered for the said posts. It is also urged for the applicants that when even Cameraman of Doordarshan is considered for the post of Programme Executive, there is no justification for exclusion of the Announcers for promotion to the said posts. It is also the case of the applicants the Announcers are also discharging the duties of Transmission Executives, Programme Executives, Script Writers etc. <sup>while</sup> and the Transmission Executives are not discharging and they are not capable of discharging the duties of Announcers. It is also <sup>stated</sup> for the applicants that

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the Supreme Court held the classification as the performing Artists and non-performing Artists is discriminatory and hence these Performing Artists are also directed to be held as Government servants from 1982 itself. In view of their pay scale, qualifications prescribed for their selection and the special audition test which they have to pass, the Senior Announcers should also be merged with Transmission Executives and they too should be given the promotional avenue as per para 4.A(1)(f) of Chapter-II, Schedule-6 referred to. <sup>continued the learned counsel for the respondents</sup> above. So it is urged that a direction should be given to the respondents to fix the inter se seniority of the Performing Artists and non-performing Artists by treating them as one cadre, as on 6.3.1982 and on that basis the case of Announcers should be considered for promotion to the posts of Programme Executives.

13. Some representations of the Announcers have been filed as material papers to urge that Announcer Gr.II should be treated as equal to Programme Executive and they should be considered for promotion to the posts of Assistant Director, just like Producers were treated as equivalent to Programme Executives.

14. The learned counsel for respondents 15-25 urged that making a provision in regard to the promotional avenue in regard to each category is one of policy and it is not for the Court to advise or give sermons to the Executive or the Legislature in regard to the same and in support of the said contentions the Judgment of the Supreme Court in C.A.No.3677 of 1987 (Mallikarjuna Rao and Ors. Vs. State of A.P. and Ors. ) 1 (1990) 13 ATC 724 1 is relied upon.

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15. In the reply filed by R-3, the Station Director, A.I.R., Hyderabad, it is stated that the Revised Recruitment Rules of the performing Artists (they had become Govt. servants with effect from 6.3.82 as per letter dt. 29.11.1991) are yet to be finalised in consultation with the Department of Personnel and Training and UPSC. The avenue of promotions is also one of the Recruitment Rules. When the Recruitment Rules in regard to the Performing Artists i.e. Announcers etc. who had become Govt. servants with effect from 6.3.1982 are not formulated and when rules of recruitment are policy matters, it is not for this Tribunal to consider at this stage as to whether the Announcers should also be given the benefit of promotion as referred to in para-4.A(1)(f) of Schedule-6, Chapter-II of the Recruitment Rules referred to supra. It is not for the Court/Tribunal to issue directions or advise the Executives or Legislature in regard to matters as referred <sup>to</sup> by the Supreme Court in Sri Mallikarjuna Rao's case. But when a rule is <sup>enacted</sup> passed, the same can be challenged under Articles 14 & 16 of the Constitution and in such a case it is for the court Tribunal to look into. As that stage is not yet reached in this case, we refrain to express any view in regard to various contentions raised and pleas made by the parties to these proceedings in regard to the point whether the Announcers should also be made eligible for promotion to the posts of Programme Executives which is a feeder source for junior scale in I.S.P.../I.I.S.

16. As per existing Recruitment Rules, 60% of the posts of Programme Executives have to be filled up by Direct Recruitment and 40% of the posts of Programme Executives are to be filled up by promotion of Transmission Executives

and erstwhile non-performing Artists. There was an agitation from the above two categories for filling up of all the posts of Programme Executives by promotion by alleging that there is stagnation and they are not getting promotions even after serving for more than 10 years. By letter dt. 10.6.1993, the U.P.S.C. conveyed the approval to fill up all 302 posts (32 existing + 270 anticipated of 1993-94) of direct recruitment quota of Programme Executives by promotion in relaxation of Recruitment Rules as a one time measure. It is submitted that the D.P.C. met for consideration of filling up of 342 posts of Programme Executives in AIR and Doordarshan from amongst the Transmission Executives and the Non-Performing Artists.

17. When this O.A. had come up for final hearing on 16.2.1994 it was stated that the orders of promotion to the posts of Programme Executives were already issued in regard to 55, and Sri V.B. Sastry, Director of A.I.R., Hyderabad who was present in the court-hall of this Tribunal submitted that he came to know that the second list of about 210 was also issued, and another list of 55 in regard to Doordarshan was also issued.

18. As already observed, we stated that stage in regard to the challenge under Articles 14 & 16 is not yet reached, as the Recruitment Rules in regard to Performing Artists who had become Government servants with effect from 6.3.1982 are yet to be finalised. But it was submitted for the applicants that if all the 342 posts of Programme Executives are filled up pending finalisation of the Recruitment Rules in regard to the Announcers, much prejudice will be caused to them and hence a direction may be given to the respondents to consider the case of the

Announcers also for promotion to the posts of Programme Executives on the basis of the provisional seniority to be fixed between performing and non-performing artists who are in service as on 6.3.1982, pending finalisation of Recruitment Rules in regard to Announcers. But we cannot accede to the same. When it is one of policy to make a provision for promotional avenue and when it is not for the court, it is not for the court to formulate a policy, we cannot give a direction pending finalisation of recruitment rules in regard to Announcers to consider them for promotion for Programme Executive posts after preparation of the provisional seniority list amongst the performing and non-performing Artists who were in service as on 6.3.1982.

19. But in view of the material on record, it is necessary to consider as to whether it is just and proper to give any interim direction pending finalisation of the Recruitment Rules in regard to Announcers. It is necessary to refer to the relevant material for determination of the same. As per rules in force prior to 6.3.1982, 25% of the posts of Producer had to be filled up by limited selection by promotion from Senior Grade Announcers, Staff Artists in the Junior and Senior scales of Journalistic Group, Junior Grade Music Composers and Senior scale and Selection Grade Drama Artists. 25% of the posts of Producers have to be filled up by promotion on selection from amongst Production Assistants with a minimum of 5 years in the grades. It is stated that recruitment rule was amended in 1976 whereby the remaining 50% of posts of Producers have to be filled up by promotion on selection. As per 1984 Recruitment Rules, the Production

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Assistants and other non-performing Artists are now become eligible for promotion to the post of Programme Executive. The avenue of promotion from Programme Executive is to Junior Scale of IBPS/IIS. Thus a Production Assistant who was earlier eligible for Programme Executive and therefrom to the post of promotion to the post of Producer is now eligible for promotion to the post of Junior Scale and later to the Senior scale. The Senior Announcer who was earlier eligible to become Producer is now deprived of promotion to the post of Programme Executive which is now equivalent to Producer. When a Production Assistants can now come to the post of Junior Scale and even to Senior scale in IBPS/IIS categories to which they were not eligible prior to 6.3.1982, the question arises as to why the Performing Artists, for whom the minimum educational qualification is equivalent and when he should have an additional qualification, should also not be made eligible for promotion to the Programme Executive, a feeder source for the Junior Officer, is a matter for consideration at the time of finalisation of Recruitment Rules in regard to Announcers. When a Cameraman in Door-darshan, whose duties are evidently different from duties of Transmission Executive and non-performing artists, and whose minimum qualifications are different from those of the post of Transmission Executives/non-performing artists, is made eligible for promotion to the post of Programme Executive, the same also has to be naturally taken into consideration in finalisation of the Recruitment Rules of the Announcers. A number of

documents (page-83 onwards in the paper-book) filed for the applicants) are relied upon to urge that the Announcers are discharging the duties of Transmission Executives, Production Assistants, Producers, Script Writers also besides discharging their work. It is stated in the reply that the Announcers are entrusted with such duties occasionally. Many of those documents do not disclose that the Announcers were entrusted to such duties only when the regular incumbent was not available or when regular post was vacant. The case of the applicants that because of the special talents of the Announcers their services were being utilised in regard to other posts cannot be brushed aside. That factor also has to be borne in mind in finalisation of the Recruitment Rules in regard to Announcers.

20. Article 16 of the Constitution of India refers to equal opportunity in services. The contentions for the applicants is that <sup>when</sup> they are equally competent as Production Assistants and more meritorious and talented for consideration for promotion to the feeder source to All India Service, their non-consideration for such promotion is violative of Articles 14 & 16 of Constitution of India when erstwhile Production Assistants were made eligible for such promotion. It cannot be stated that the concerned authority (R-2) will not look into all the relevant material especially in regard to avenue of Promotion to junior scale of IBPS/IIS ~~the~~ <sup>or</sup> Programme Executive, feeder source for junior scale in IBPS/IIS. In that context, the concerned authority has to refer to the material which has a bearing keeping in view the challenge under Article 16 of the Constitution before finalisation of Recruitment Rules for Announcers.

21. Recruitment Rules of various services which have a bearing also will be looked into by the concerned authority. In the A.P. State Medical Services, there are ~~common~~ Recruitment Rules in regard to Doctors in various disciplines. The Doctors join services as Assistant Surgeons. The posts of Physicians and Surgeons are in various disciplines. The promotions to the posts of Physicians and Surgeons are from amongst those who are specialised in their respective fields. In view of the number of vacancies available in each discipline and the number of eligible candidates, one who joins in a particular discipline earlier may be promoted in his discipline at a date later, than the date on which another Doctor who joined in another discipline was promoted. But all the Specialists in all the disciplines are eligible for promotion to the promotional posts of Superintendent or Principal or Director which are on administrative side. Thus, it is not unusual that when all the employees are <sup>in</sup> one stream in the beginning, <sup>they</sup> may be separated in the middle, <sup>they</sup> and may again compete to the same posts later. The question as to whether any provision to exclude employees in some of the disciplines for promotion to the higher posts is not violative of Article 16 of the Constitution is a matter for consideration when it arises. Even in ~~Shri~~ Mallikarjuna Rao's case, the Supreme Court after holding that it is not for the Court/Tribunal to advise the Executive/Legislature in the policy matters, remitted the matter to the lower Tribunal for consideration in regard to the challenge under Articles 14 and 16 of the Constitution.

Therein, it was urged for the applicants that no option was given after initial recruitment, to choose particular discipline and the posts were interchangeable and hence the promotions from amongst those in a particular discipline only is violative of Articles 14 & 16 of the Constitution of India. But, as the said facts <sup>were</sup> challenged for the respondents, the matter was remitted to the <sup>Tribunal</sup> respondents. It means that if the facts as stated for the applicants therein were correct, then the provision limiting the promotion from amongst the employees in particular disciplines have to be held as unconstitutional being arbitrary and as it will be a case of denial of opportunity to employees of equal or higher competence. In the same decision, the similar situation in regard to A.P. State Agricultural Services was also referred to. Thus, there are some services where employees discharging different <sup>duties</sup> ~~services~~ may be considered for promotion to a category to which the employees of ~~such~~ such disciplines who are capable of discharging the services. Thus, there can be more than one feeder source for promotion to one category. Prior to 1942, performing and non-performing artists were engaged by Station Director. The minimum educational qualification for performing artist was not less than that of non-performing artist. Their pay scales were same. It is stated for Announcers that the posts of theirs were also interchangeable. Supreme Court held that the classification of performing and non-performing artists <sup>by treating latter as</sup> ~~deeming them as~~ Government servants <sup>is</sup> discriminatory. All the above facts are relevant at the time of finalisation of recruitment rules.

22. It is stated for the respondents that in view of the nature of the functions of AIA and D. J. Dardshan,



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it is necessary to assess the performance of Performing artists periodically and hence the said category has to be treated separately from non-performing artists. But it is urged for the Announcers that the classification as performing and non-performing artists was held as discriminatory by the Supreme Court in the Judgment in W.P.No.13636/83 (National Union of All India Radio and others Vs. UOI and another) dt. 5.4.1990. It is urged for the respondents that Announcers who were recruited to Grade-IV are having avenue of promotions to Grade-III and later to Grade-II and hence there is no need to provide another avenue of promotion for them and it was so observed by the Aggarwal Committee. But, it is submitted for the Announcers that when Production Assistants were not earlier eligible for promotion to Programme Executive, a feeder source for junior scale, ~~how can~~ had become eligible for promotion to the posts of Programme Executives and then to junior and senior scale also, after they had become Government servants in 1982, there is no justification in not extending that benefit to the Announcer, who had also become Government servants from 1982, and deprivation of that benefit amounts to denial of equal opportunity to them.

23. It was next argued for the respondents that while the Transmission Executives and non-performing Artists could not get even one promotion even after working for more than 10 years, the Announcers Gr.IV are getting promotions to Grade-III ~~even~~ <sup>also</sup> working for only 5 years. But it is contended for Announcers that an Announcer who joined in 1970 in Grade-IV, is now a Senior Grade Announcer, i.e. Grade-III only, while one who joined as Production Assistant in 1970 had already

become Programme Executive a post equivalent to Grade-II Announcer. While, it was stated for the respondents that even earlier the Transmission Executive was supervising the work of an Announcer, it is urged for the Announcers that even after they had become the Government servants and when the scale of some of them is even more than that of Transmission Executive, why they should be under the control and supervision of the Transmission Executive or even Programme Executive. It is also stated that if the Announcers are taken on the administrative side, there is a possibility of having a new talented and new voices in the category of Announcers. It is also submitted for the applicants/ Announcers that if an Announcer is made a Programme Executive, he will not only be in a better position to assess the performance/ the ability of Announcers, but also can aptly guide them, which will be in the interest of the institution and which can give better performance. All the above will be naturally looked into by the concerned authority before finalisation of Recruitment Rules for Announcers.

24. It may be noted that as per the Judgment dt. 5.4.1990 in Civil Writ Petition No.13630 of 1983 and batch, a direction was given for appointment of High Power Committee for consideration of the objections which were filed before the Supreme Court against the scheme <sup>placed in the court</sup> produced and the Government was required to take a decision within six months. It is not known as to whether one of the objection therein is in regard to the claim of Announcers for their consideration for promotion to the Programme Executive, a feeder source to the junior scale of IBPS/IIS and or

27 (3)

to the said post of Junior scale. But, it is evident from various representations, the copies of which are filed for Association of Announcers or individuals, that such a claim is made. But the Recruitment Rules of the Announcers are not yet finalised. In the meanwhile about 342 posts of Programme Executives are going to be filled up after relaxing the provision in regard to direct recruitment as one time measure. We also referred to the provision which was in existence prior to 6.3.1982 whereby an Announcer could be promoted to the post of Producer. The Production Assistants are now eligible for promotion to the <sup>Programme</sup> Production Executive when he was earlier eligible to promotion to Producer, <sup>Chief Producer</sup> and in view of that the Production Assistants can now even go upto the post of Junior Officer if not Senior Officer of IBPS/IIS. We also referred to the earlier provision whereby 25% of the posts of Producers had to be filled from amongst Announcers and others.

25. If 342 posts of Programme Executives are not immediately filled up, the work will be naturally hampered. But at the same time if a rule is going to be incorporated to the effect that Announcers are also eligible for promotion to the posts of Programme Executive Assistant Directors, then naturally prejudice will be caused to them if some of the posts of Programme Executives are not kept vacant. But if they are kept, the work will suffer. If the rule in favour of is not going to be incorporated, the non-performing who are empanelled will be affected if they promotions. Hence, keeping in view the interest of both Institution and also the interest of both and non-performing Artists, we feel that proper to pass the following order per of Recruitment Rules in regard to A

28 7 (30)

The posts allocable to the Transmission Executives as per para-4.A(1)(f) of Chapter-11, Schedule-6 of "A Compilation of Recruitment Rules for various posts in AIR" can be filled up. But the interse seniority along with others in the category of Programme Executives will be subject to the Recruitment Rules in regard to the Announcers. ¶ 40 of the posts in the category of Programme Executives out of 171 allocable to non-performing Artists as per Rule-4.A(1)(f) have to be kept unfilled. But, if the orders of promotion to the posts of Programme Executives from amongst the said category of non-performing Artists by <sup>dated 16.2.1994</sup> 16.2.1994 issued exceed 131, the remaining posts of Programme Executives allocable to non-performing Artists have to be kept vacant. ¶ But, the non-performing Artists who are empanelled for promotion to the posts of Programme Executives on the basis of their seniority may be required to discharge the duties of posts to be kept vacant on payment of charge allowance. In case the Announcers succeed in regard to their claim for promotion to the posts of Programme Executives on the basis of the Recruitment Rules, the Announcers have to be considered for promotion to the posts of Programme Executives and they will be entitled to such promotion from the date the respective junior was promoted with all monetary benefits. But, in case the Announcers will not succeed in regard to the same, the non-performing artists who have to be placed in-charge of the post of Programme Executives in pursuance of this order have to be given promotion from the date on which they were placed

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Incharge of those posts of Programme Executives, and the difference in pay of the Programme Executives and the Charge Allowances has also to be paid to them.

26. The O.A. is ordered accordingly. No costs.

CERTIFIED TO BE TRUE  
 Date.....  
 Court Officer  
 Central Administrative Tribunal  
 Hyderabad Bench  
 Hyderabad.

To

1. The Secretary, Ministry of Information and Broad Casting, Govt. of India, New Delhi.
2. The Director General, All India Radio, New Delhi.
3. The Station Director, All India Radio, Hyderabad.
4. The Station Director, All India Radio, Cuddapah.
5. The Station Director, All India Radio, visakhapatnam.
6. The Station Director, All India Radio, Nizamabad.
7. The Station Director, All India Radio, Warangal.
8. The Station Director, All India Radio, Kothagudem.
9. The Station Director, All India Radio, Adilabad.
10. The Station Director, All India Radio, Tirupathi.
11. The Station Director, All India Radio, vijayawada.
12. The Station Director, All India Radio, Anantapur.
13. The Station Director, All India Radio, Kurnool.
14. The Station Director, Commercial Broadcasting Service, All India Radio, Hyderabad.
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