

(61)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ; HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1503/96

Date of Order : 21.9.98

BETWEEN :

J.Shantiswarup

.. Applicant.

AND

1. The Union of India,
Rep. by the Deputy Secretary
to Govt. of India, Ministry of
Information and Broadcasting,
New Delhi.
2. The Director General,
Directorate General,
Govt. of India, Doordarshan,
Mandi House, New Delhi.
3. The Director (BA),
Ministry of Information & Broad-
casting, Govt. of India,
New Delhi.
4. The Director,
Doordarshan Kendra, Govt. of India,
Ramanthapur, Hyderabad.
5. Smt. Sobana Ravi

.. Respondents.

Counsel for the Applicant

.. Mr.V.Venkateswara Rao

Counsel for the Respondents

.. Mr.V.Bhimanna

Mr. J. Maheshwar

CORAM :

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

Mr.V.Venkateswara Rao, learned counsel for the applicant
and Mr.V.Bhimanna, learned standing counsel for the respondents,

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and Mr.V.Suryanarayana Sastry for Mr.J.Prabhakar, learned counsel for R-5.

2. The applicant is a News Presenter in Doordarshan, Hyderabad in the scale of pay of Rs.650-1200 (Rs.2000-3500). It is stated that he joined in the same scale in the year 1978 i.e. 23.8.78. He was not given any promotion even though 20 years had elapsed. The applicant filed OA.776/93 on the file of this Bench which was disposed of on 19.7.95 with the following directions :-

"R-1 has to take decision by 31.1.1996 in regard to the creation of posts in Grade I in the pay scale of Rs.3000-4500 for News Presenters in Doordarshan, and if there is going to be delay in formulation of the Recruitment Rules for the said posts, executive instructions have to be given in regard to the various conditions for promotions to Grade I. If the decision is not going to be taken in regard to the above by 31.1.1996, then the instructions in regard to the determination of number of posts in Gr.I for Announcers in AIR have to be treated as instructions in regard to determination of number of posts in Gr-I in the News Presenters in Doordarshan, and the promotion to the Gr.I in News Presenter has to be considered on the basis of the Recruitment Rules for promotion to Grade I for Announcers in the AIR by treating them as executive instructions in regard to Gr.I News Presenters in Doordarshan, and the said promotions have to be given with effect from 1.2.1996. The same have to be followed till a decision is going to be taken in regard to number of posts in Gr.I and Doordarshan and also formulation of Recruitment Rules for the said post."

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3. The applicant submits that the respondents have created a post of News Presenter in the scale of pay of Rs.1100-1600 (Rs.3000-4500) as per the directions given in the above referred OA and R-5 was promoted against that post. She is younger in age and hence he will not get promotion and he will be retained in the present post. Thus he will retire from service even without one promotion in his career. The applicant relying on the judgement of the Supreme Court reported in AIR 1962 SC 36 (G.M., Southern Railway Vs. Ranga Chari), AIR 1974 SC 259 (R.S. Deodhar Vs. State of Maharashtra), AIR 1988 SC 1033 (Raghunath Prasad Singh Vs. Secretary, Home (Police) Department, Government of Bihar and others) and AIR 1989 SC 1972 (CSIR Vs. K.G. Bhatta and another) submits that ^{an} employee must get at least one ~~their~~ promotion to higher scale during the pendency of ^{his} service in any department. The applicant having joined the department in the year 1978 ^{has} ~~has~~ to be given promotion and no promotion has been offered to him so far inspite of his 20 years service. Thus the respondents have not carefully followed the directions given by the ^{Hon'ble} Supreme Court in the above referred cases.

4. The applicant ~~has~~ also submits that apart from adhering to the recruitment rules/executive instructions of AIR for filling up the post of ^{News Presenter -} Grade-I in Doordarshan the respondents should also take a decision in regard to the number of posts to be created in Grade-I in Doordarshan and also formulation of recruitment rules for the said post as directed by this Tribunal in O.A.

776/93. Inspite of that so far no action has been taken

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to assess the number of posts required in Grade-I and also for preparing recruitment rules for filling up the posts. Hence he submits that the department is ^{not} carrying out the directions given by this Tribunal in ^{OA.776/93} ~~News Presenter~~, Doordarshan especially in the category of News Presenter-Grade-I.

5. This OA is filed to set aside the promotion order dated 30.10.96 issued by R-1 promoting R-5 to the newly created post of News Presenter Grade-I in the scale of pay of Rs.3000-4500 w.e.f. 1.2.96 by declaring it as illegal, arbitrary and unconstitutional and for a consequential ^{declaration} ~~direction~~ that the applicant is entitled for promotion to Gr-I with all consequential benefits w.e.f. 1.2.96 when R-5 was promoted.

6. Replies have been filed by R-5 as well as by official respondents. The respondents only state that a decision has been taken only to create a post of Grade-I in the scale of pay of Rs.3000-4500. ~~All the~~ eligible candidates had been considered for promotion to the said post and R-5 was found to be most suitable and she was promoted against the post of Gr-I. Hence the applicant cannot question the promotion of R-5. But a study of the reply of the official respondents as to does not indicate ^{as to} how they fulfill ^{the} other directions given in the OA.776/93 ^{is} to take a decision in regard to the number of posts in Gr-I in Doordarshan and also formulation of



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recruitment rules for that post. The learned counsel for the respondents when questioned about the same submitted that the Prasara Bharathi Bill is being brought into Commission and hence some decision will be taken at that time. The inter-linking of creating of News Presenter Gr-I in the scale of pay of Rs.3000-4500 with the formulation of Prasara Bharathi Bill may not have any relevance. The respondents should ensure that some suitable decision is taken in this connection so as to avoid stagnation in the cadre of News Presenter especially in the context of the applicant working in the lower post of Rs.2000-3500 for the last 20 years. It is also noted in this connection that the applicant had not obtained any promotion after he joined in the post in the year 1978 i.e. for the last 20 years. The observations made in the reported cases will equally apply in this case. Hence the respondents should consider the issue of giving proper career opportunities to the employees, if they are stagnating in the same grade for a very long period. That will act as a catalytic agent in improving the performance of the employees of Doordarshan. When there is lot of complaints in regard to the News Presentation by the News Presenters in Doordarshan, it is essential that News Presenters are kept in a satisfied condition to derive best out of them.

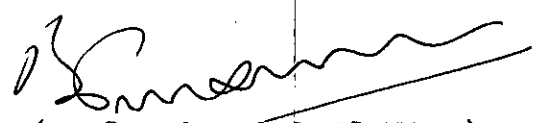
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7. We hope that the respondents will respond to our observations and take necessary action in this connection.

8. The OA is disposed of. No costs.



(B.S. JAI PARAMESHWAR)
Member (Judl.)

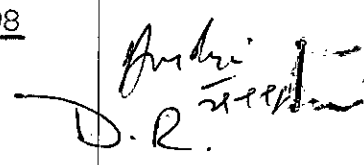
21.9.98



(R. RANGARAJAN.)
Member (Admn)

Dated : 21st September, 1998

(Dictated in Open Court)


D.R.

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Copy to:

1. The Deputy Secretary to Govt. of India, Min. of Information, and Broadcasting, New Delhi.
2. The Director General, Directorate General, Govt. of India, Doordarshan, Mandi House, New Delhi.
3. The Director, (BA), Min. of Information and Broadcasting, Govt. of India, New Delhi.
4. The Director, Doordarshan Kendra, Govt. of India, Ramanthapur, Hyderabad.
5. One copy to Mr. V. Venkateswara Rao, Advocate, CAT, Hyderabad.
6. One copy to Mr. V. Bhimanna, Addl. CGSC, AT, Hyderabad.
7. One copy to D.R(A), CAT, Hyderabad.
8. One duplicate copy.

& one copy to Mr. T. P. Babbar, Adv CAT, Hyd

YLKR

26/10/98

II COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI S.S. JAI PARAMESHWAR :
M(J)

DATED: 21/9/98

ORDER/JUDGMENT

M.A./T.A./C.P. NO.

G.A. NO. 1503/96 in

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

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केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH
9 OCT 1998
हैदराबाद न्यायपीठ
HYDERABAD BENCH