

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,  
JAIPUR

Original Application No.41/2002.

Jaipur, this the 10th Day of January, 2005.

CORAM : Hon'ble Mr. M. L. Chauhan, Member (J).  
Hon'ble Mr. A. K. Bhandari, Member (A).

B. K. Dass S/o Late Shri Shivam Lal, aged 47 years, R/o C-44, Bajaj Nagar, Jaipur.

... Applicant.

By : Advocate Shri Rajendra Soni.

Vs.

1. Union of India through its Secretary, Ministry of Information and Broadcasting, Shastri Bhawan, New Delhi.
2. Director General Doordarshan, Prasar Bharti, Mandi House, New Delhi 110 001.
3. Director, Doordarshan Kendra, Jhalana Doongri, Jaipur 302 004.
4. Dy. Director (Admn.) Doordarshan, Mandi House, New Delhi 110 001.

... Respondents.

By : Advocate Shri Tej Prakash Sharma.

: O R D E R :

Per M. L. Chauhan, Judicial Member.

The applicant has filed this OA thereby praying for the following reliefs :-

"It is, therefore, respectfully prayed that the entire record relating to this case may kindly be call for and after perusing the same the impugned order dated 29.11.2000 be quashed and set aside and the respondents be further directed to regularise/promote the service of the appellant on the post of Cameraman Gr.II from the year 1985 or at least w.e.f. 26th August 1991, date from which appellant was

continuously discharging the duties on the post of Cameraman Gr.II in favour of the appellant."

The appellant may also be allowed benefit of equal pay for equal work on the post of Cameraman Gr.II from the date he has been working on this post with all consequential benefits."

2. Briefly stated, the applicant was appointed as Lighting Assistant on 16.8.1977. The applicant appeared in the test for the post of Cameraman Gr.II on 02.12.1984 but he could not be selected. According to him, he was informed about the result of the interview only on 14.12.1993. Feeling aggrieved by the action of the respondents, the applicant filed OA No.139/1994 before this Tribunal, in which the identical relief was claimed as was claimed in this OA, besides one additional relief to the fact that the applicant be also paid pay of the post of Cameraman Gr.II on the principle of Equal Pay for Equal Work. The said OA was disposed of by this Tribunal vide order datd 29.11.1995 thereby declining the relief of the applicant for his regularisation of service/appointment/promotion on the post of Cameraman Gr.II from 1995<sup>2000</sup> at least w.e.f. 26.08.1991. However, this Tribunal was inclined to grant the relief to the applicant on the principle of Equal Pay for Equal Work thereby directing the respondents to determine the period during which the applicant has worked as a Cameraman from the records and grant the minimum of the scale of pay of Cameraman Gr.II with allowance as admissible for the period during which he had actually worked as Cameraman after deducting the payment already made to him in the post of Lighting Assistant. 62

3. However, <sup>before</sup> parting with the matter, this Tribunal in earlier OA has further observed that the applicant may also be considered for regularisation/ promotion/ appointment as Cameraman as may be due to him as per rules.


4. Notice of this application was given to the respondents. Respondents have filed reply, thereby opposing the claim on the ground of res-judicata. It was further stated that at the relevant time the post of Cameraman Gr.II was to be filled up by 100% direct recruitment. In other words, there is no provision that the post of Cameraman Gr.II is to be filled up by promotion from Lighting Assistant. Hence, the applicant cannot be promoted to that post and meanwhile, a new cadre of Cameraman Gr.II was created in 1995 with a total strength of 150. As per the Recruitment Rules, 50% of posts in this grade are filled up by direct recruitment and 50% by promotion from Lighting Assistants. Accordingly, the applicant was considered and was promoted to the post of Cameraman Gr.III.

5. We have heard the learned counsel for the parties and gone through the material placed on record.

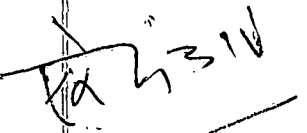
6. At this stage, learned counsel for the applicant submits that he is not pressing the relief of his promotion as Cameraman Gr.II from the year 1985 or at least from 26.08.1991 as prayed in the OA. However, he submits that he was entitled for promotion to the post of Cameraman Grade.II w.e.f. 21.10.1993 which was not the

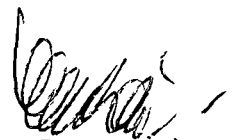
subject matter of issue in the earlier OA and the respondents were duty bound to consider his case for regularisation w.e.f. 1993 in the light of observation made by this Tribunal in earlier OA No.139/1994 which was decided on 29.11.1995. Learned counsel for the applicant has also brought to our notice Letter No.2/11/2002-SI(A) dated 11.03.2004 whereby the representation of the applicant has been kept pending in view of the pendency of this OA. It was, however, mentioned in that letter that his all grievances have been settled as per relevant rules.

7. In view of what has been stated above, we are of the view that ends of justice will be met, in case direction is given to the respondents to consider the case of the applicant for appointment/promotion to the post of Cameraman Gr.II as per rules in the light of direction given by this Tribunal vide order dated 29.11.1995 in OA No.139/1994. Accordingly, the applicant is directed to make detailed representation to Respondent No.2 within two weeks from today thereby justifying his promotion to the post of Cameraman Gr.II w.e.f. 21.10.1993 onwards alongwith copy of this order. In that eventuality, Respondent No.2 is directed to decide the same by a speaking and reasoned order within a period of two months from the date of receipt of copy of representation and in case the decision is adverse, the same shall be communicated to the applicant within one week thereafter.



8. With these observations, the OA is disposed of with no order as to costs. Needless to add that in case the applicant is aggrieved by his non promotion to the post of Cameraman Gr.II w.e.f. October 1993 onwards it will be permissible to him to file substantive OA on all available/permissible grounds.

  
(A. K. BHANDARI)  
MEMBER (A)

  
(M. L. CHAUHAN)  
MEMBER (J)