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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

FORM NO. 4

( See Rule 42 )

# In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 279/2000(T) OF 199

Applicant(s)

Sri C. P. R. Nair.

Respondent(s)

Union of India and others.

Advocate for Applicant(s)

Mr. R. P. Sharma

Advocate for Respondent(s)

C. G. S. C.

Notes of the Registry	Date	Order of the Tribunal
<p>This original application has been filed from Laxmi Kalam Beach due to not main-tenable before the Hon'ble Tribunal.</p> <p>Here this case is registered as Original Application.</p> <p>Laid before Hon'ble court for further orders.</p> <p>Section Officer.</p>	<p>21.9.00</p> <p>pg</p> <p>25.10.00</p>	<p>Present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman.</p> <p>Heard Mr R.P.Sharma, learned counsel for the applicant and also Mr A.Deb Roy, learned Sr.C.G.S.C for the respondents. Let the Sr.C.G.S.C obtain instruction on the matter within 3 weeks.</p> <p>List on 25.10.2000 for admission. In the meantime status quo as on today shall be maintained as regards service of the petitioner.</p> <p>Vice-Chairman</p> <p>Adjourned to 13.11.2000 for admission on the prayer of Mr A.Deb Roy, learned Sr.C.G.S.C.</p> <p>Vice-Chairman</p>

## Notes of the Registry

## Date

## Order of the Tribunal

Order dtd 21/9/00  
forwarded to  
Mr. A Deb Roy, Sr. C.A.B.C.  
Mr. R P Sharma, Adv. CAT.  
Gy Bench B-5 vide  
D/No \_\_\_\_\_ dtd \_\_\_\_\_

by  
28/9/00

13.11.00

Present: Hon'ble Mr. Justice D.N. Choudhury, Vice-Chairman.

Heard Mr. M. Pathak, learned counsel for the applicant and Mr. A. Deb Roy, Sr. C.G.S.C. for the respondents.

Mr. Deb Roy, learned counsel for the respondents has ~~been~~ submitted some <sup>State that he has received</sup> instructions sent to him that the matter <sup>from the department in this matter. The</sup> require to be considered.

The Application is admitted. Issue notice on the respondents. On the prayer of Mr. Deb Roy Sr. C.G.S.C. 3 weeks time is granted for filing of written statement. Meanwhile, the <sup>interim order</sup> status quo order dated 21.9.2000 shall continue.

Vice-Chairman

lm

13.11.00

Present: Hon'ble Mr. Justice D.N. Choudhury, Vice-Chairman.

Heard Mr. M. Pathak, learned counsel for the applicant and Mr. A. Deb Roy, Sr. C.G.S.C. for the respondents.

Mr. Deb Roy, learned counsel for the respondents has stated that he has received instructions from the department on this matter. The issue raised is required to be adjudicated upon.

The application is admitted. Issue notice on the respondents. On the prayer of Mr. Deb Roy Sr. C.G.S.C. 3 weeks time is granted for filing of written statement. Meanwhile, the interim order dated 21.9.2000 shall continue.

List on 4.12.00 for orders.

Vice-Chairman

lm

by  
14/11

Slips are received.  
Notice prepared and sent  
to the D/s for giving the  
respondent No 1 to 3 by  
Regd A/D vide D/No  
2731.52733 dtd 22/11/00

by  
16/11/00

Notes of the Registry	Date	Order of the Tribunal
<p>① Service report are still awaited,</p> <p>② No. 1 &amp; 2 has been filed.</p> <p><u>By</u> 4.1.2001</p> <p>Notice duly served on R No. 1, 2, &amp; 3. Services completed</p> <p><u>By</u> 8/1/01</p> <p>No. written statement has been filed.</p> <p><u>By</u> 29.1.2001</p> <p>8.3.2001</p> <p>x/s submitted by the Respondent No. 1, 2 and 3.</p> <p><u>By</u> 2.4.01</p>	<p>4.12.00</p> <p>trd 5.1.2001</p> <p>mk</p> <p>31.1.01 (Shillong)</p> <p>pg</p> <p>20.3.01</p> <p>lm</p> <p>3.4.01</p> <p>lm</p>	<p>On the prayer of Mr. A. Deb Roy, learned Sr. C.G.S.C. four weeks further time is granted for filing of written statement.</p> <p>List on 5.1.2001 for written statement and further orders.</p> <p><u>By</u> Vice-Chairman</p> <p>Four weeks time is allowed to the respondents for filing of written statement on the prayer of Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents.</p> <p>List on 5.2.01 for written statement and further orders.</p> <p><u>By</u> Vice-Chairman</p> <p>List on 20.3.01 to enable the respondents to file written statement.</p> <p><u>By</u> Member</p> <p><u>By</u> Vice-Chairman</p> <p>Written statement has been filed. The applicant may file rejoinder if any, within 2 weeks from to-day. List on 3.4.01 for orders.</p> <p><u>By</u> Member</p> <p><u>By</u> Vice-Chairman</p> <p>Written statement has been filed. The applicant may file rejoinder if any, within 2 weeks from to-day. List on 21.5.01 for hearing.</p> <p><u>By</u> Member</p> <p><u>By</u> Vice-Chairman</p>

6.4.2001

21.5.2001

A Counter affidavit  
has been filed by  
the Counsel for the  
applicant against the  
w/s of the respondents  
No. 1, 2, and 3.

nk m

Heard the learned counsel for the  
parties. Hearing concluded. Judgment delivered  
in open court, kept in separate sheets. The  
application is allowed. No order as to costs.

*ICU Sharma*  
Member

*[Signature]*  
Vice-Chairman

*[Signature]*

30.5.2001

Copy of the Judgment  
has been sent to the  
Dy. Sec. for issuing the  
same to the applicant as  
well as to the Lr. CHS &  
the Respon.  
*HS*

6

CENTRAL ADMINISTRATIVE TRIBUNAL ::  
GUWAHATI BENCH.

O.A./R.VV. No. 279 (7) . . . of 2000

DATE OF DECISION 21.5.2001 .....

Shri C.P.R. Nair

APPLICANT(S)

Mr R.P. Sharma, Dr M. Pathak and

Ms M. Anilma

ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

The Union of India and others

RESPONDENT(S)

Mr A. Deb Roy, Sr. C.G.S.C.

ADVOCATE FOR THE  
RESPONDENTS.

THE HON'BLE MR JUSTICE D.N. CHOWDHURY, VICE-CHAIRMAN

THE HON'BLE MR K.K. SHARMA, ADMINISTRATIVE MEMBER

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

5.

Judgment delivered by Hon'ble Vice-Chairman



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.279<sup>(7)</sup> of 2000

Date of decision: This the 21st day of May 2001

The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman

The Hon'ble Mr K.K. Sharma, Administrative Member

Shri C.P.R. Nair,  
Deputy Director (STS),  
Doordarshan Kendra,  
Shillong.

.....Applicant

By Advocates Mr R.P. Sharma, Dr M. Pathak and  
Ms M. Anima.

- versus -

1. The Union of India, represented by the  
Secretary to the Government of India,  
Ministry of Information and Broadcasting,  
New Delhi.
2. The Director General,  
All India Radio,  
New Delhi.
3. The Director General,  
Doordarshan Kendra,  
New Delhi.

.....Respondents

By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

.....

O R D E R (ORAL)

CHOWDHURY.J. (V.C.)

By order No.28/97-B(A) dated 11.4.1997 the applicant alongwith two others were promoted to the Junior Time Scale of Programme Management Cadre of All India Radio of Indian Broadcasting (Programme) Service on regular basis with effect from 18.7.1994. By another order dated 25.8.2000, Annexure A 1, the applicant was reverted, which is the subject matter of this proceeding, alongwith Shri K.A. Muralidharan and Shri R.S. Iyer. Shri Muralidharan as well as this applicant, by two separate O.A.s assailed the aforesaid order of reversion before the

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Ernakulam Bench of the Tribunal. By order dated 4.9.2000 in O.A.Dy. No.6747 of 2000, the present application was returned to the applicant for presenting the same to the appropriate Bench of the Tribunal on the ground that the applicant at the relevant time was not posted within the territorial limits of the Ernakulam Bench. The Ernakulam Bench, however, by order dated 27.3.2001 in O.A.No.980 of 2000 set aside the order of reversion dated 25.8.2000 to the extent of reversion of Shri K.A. Muraleedharan (applicant of O.A.No.980/2000) from JTS as well as STS of the Programme Management cadre of AIR with consequential benefits.

2. We have heard Mr R.P. Sharma, learned counsel for the applicant and Mr A. Deb Roy, learned Sr. C.G.S.C. The case of the applicant is squarely covered by the decision rendered in the case of Shri K.A. Muraleedharan (Supra). The applicant, like Shri Muraleedharan, was also promoted on regular basis with effect from 18.7.1994. As per the order of the Tribunal declaring him to be entitled for such regular promotion in Programme Management Cadre of All India Radio, reversion of the applicant from JTS cadre by the impugned order, thus, is seemingly unsustainable. The applicant also held the post of JTS of Programme Management Cadre of All India Radio with effect from 18.7.1994 as per order dated 11.4.1997. In the light of the order of the Ernakulam Bench of the Tribunal dated 27.3.2001 in O.A.No.980/2000, the present applicant is also entitled to succeed in this application. The impugned order No.20/2000-B(A) dated 25.8.2000 is set aside and quashed to the extent it is applicable to the applicant, Shri C.P.R. Nair.

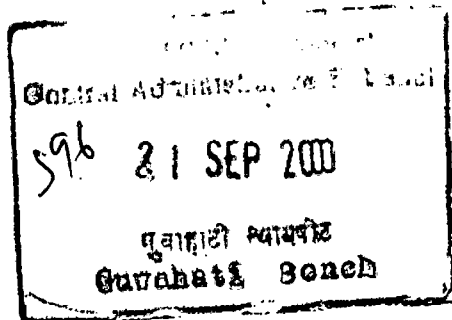
3. The application is accordingly allowed and the respondents are directed to confer the applicant with all consequential benefits. There shall, however, be no order as to costs.



( K. K. SHARMA )  
ADMINISTRATIVE MEMBER

  
( D. N. CHOWDHURY )  
VICE-CHAIRMAN





To

The Registrar,  
CAT, Guwahati Bench.

Sub: Acceptance of transfer case  
from CAT, Ernakulam Bench  
being OA.Dy. 6747/2000.

Sir,

Shri C.P.R. Nair, the applicant, being aggrieved by the order of revision to JTS of pay from STS of pay, under misconception filed the application u/s 19 of the A.T. Act, 1985, in the CAT, Ernakulam Bench.

The Hon'ble CAT, Ernakulam Bench, by order dated 4.9.2000 refused to entertain the application on the ground of lack of territorial jurisdiction and returned the original application for filing in appropriate Bench. The applicant on so being handed over the application brought the same, and is filing today before this Bench which may be accepted and treated as a transfer case, although the same ought to have been sent directly by the CAT, Ernakulam Bench.

Yours faithfully  
P. Samuel  
21/9/2000  
Advocate

Received by  
dand  
21/9/2000

21 SEP 2000  
(SUB : REVERSION TO THE JTS CATEGORY FROM STS CATEGORY - MINISTRY OF  
INFORMATION AND BROADCASTING)

BEFORE THE HONOURABLE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH.

O.A. No. \_\_\_\_\_ of 2000.

C.P.R. Nair

Applicant

v.

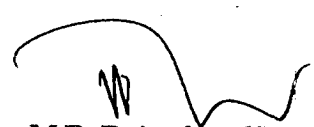
Union of India and others

Respondents

**I N D E X**

Sl. No.	PARTICULARS	Page Nos.
<b>Compilation No. I</b>		
1.	Original Application	1 - 5
2.	Annexure A1 - True copy of the order No. 20/2000-B(A) dated 25.8.2000 issued by the 1 <sup>st</sup> respondent	6 - 12
<b>Compilation No. II</b>		
3.	Annexure A2 - True copy of the order dated 9.12.1996 in OA 1046/94 on the file of this Honourable Central Administrative Tribunal, Ernakulam bench	13 - 16
4.	Annexure A3 - True copy of the order No. 28/97-B (A), dated 11.4.1997 issued by the 1 <sup>st</sup> respondent	17
5.	Annexure A4 - True copy of the judgement dated 30.7.1999 in SLP No. 21747/97, of the Honourable Supreme Court	18 - 22
6.	Annexure A5 - True copy of the order No. 18/98-B(A), dated 24.12.1998 issued by the 1 <sup>st</sup> respondent	23 - 26

Dated this the 1<sup>st</sup> day of September 2000.

  
M.R. Rajendran Nair,  
Counsel for the Applicant.

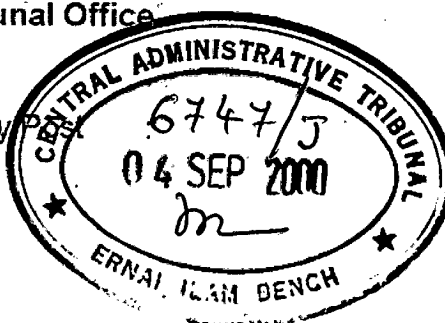
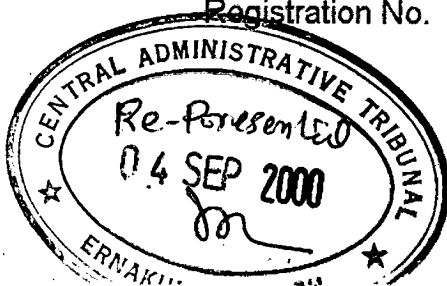
For the use in the Tribunal Office

Date of filing

Or

Date of Receipt by Post

Registration No.



Signature for the Registrar

BEFORE THE HONOURABLE CENTRAL ADMINISTRATIVE TRIBUNAL ERNAKULAM  
BENCH.

O.A. No. \_\_\_\_\_ of 2000.

**Applicant(s):-**

C.P.R. Nair, S/o. Purushothaman Nair, aged 52 years, Deputy Director (STS),  
Doordarshan Kendra, Shillong (on leave) residing at Kailas, Cheroor, Trichur.

v.

**Respondent(s):-**

1. Union of India represented by the Secretary to Government of India, Ministry of  
Information and Broadcasting, New Delhi.
2. The Director General, All India Radio, New Delhi.
3. Director General, Doordarshan Kendra, New Delhi.

**DETAILS OF APPLICATION.**

**1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS FILED.**

Order No. 20/2000-B(A) dated 25.8.2000 issued by the 1<sup>st</sup> respondent (Annexure A1).

**2. JURISDICTION OF THE TRIBUNAL.**

The applicant further declares that the subject matter of the application is within the jurisdiction of this Honourable Tribunal.

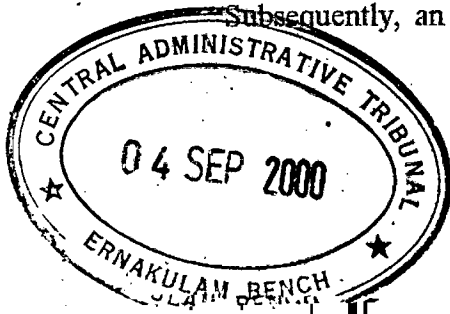
**3. LIMITATION.**

The applicant further declares that the application is within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

**4. FACTS OF THE CASE.**

1. The applicant is aggrieved by the order dated 25.8.2000 issued by the 1<sup>st</sup> respondent, (which is in gross violation of the orders of this Honourable Tribunal in O.A 1046/1994 filed by him), whereby his adhoc appointment to the cadre of Programme Management of All India Radio in the Senior Time Scale stands terminated. As per the said order, he is further allocated to the Programme Management cadre of Doordarshan in the Junior Time Scale. His further grievance is that while making promotions to the cadre of Programme Management of Doordarshan in the Senior Time Scale, his seniority has been overlooked. A true copy of the order No. 20/2000-B(A) dated 25.8.2000 issued by the 1<sup>st</sup> respondent is produced herewith and marked as Annexure A1.
2. The applicant submits that while he was working in the cadre of Programme Executive of the All India Radio Management, he was promoted as Assistant Station Director in the Junior Time Scale. This promotion, as per order dated 14.6.1994, was on an adhoc basis.

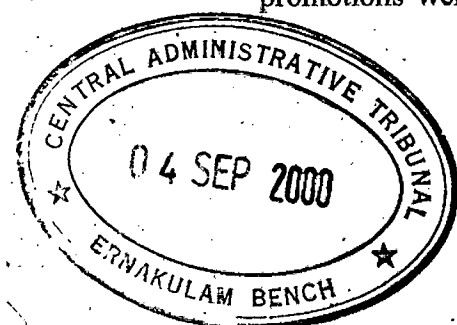
Subsequently, an order dated 18.7.1994 was issued regularising the promotions made on



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ad hoc basis. Contrary to expectations, the applicant's name failed to find place in the said list. Thereby, the applicant stood reverted to the cadre of Programme Executive.

3. Aggrieved by this, the applicant approached this Honourable Tribunal in OA 1046/94. OA 1046/94 was disposed of by order dated 9.12.1996 declaring that this applicant is eligible to be promoted to the Junior Time Scale category on a regular basis and directing the respondents therein to pass appropriate orders in that regard within 2 months. A true copy of the order dated 9.12.1996 in OA 1046/94 on the file of this Honourable Central Administrative Tribunal, Ernakulam bench is produced herewith and marked as Annexure A2.
4. In compliance with Annexure A2 order, the 1<sup>st</sup> respondent issued order No. 28/97-B (A), dated 11.4.1997 cancelling its earlier order dated 18.7.1994 in so far it related to the reversion of the applicant herein. He was further ordered to be promoted to the Junior Time Scale of Programme Management cadre of the All India Radio on regular basis with effect from 18.7.1994. A true copy of the order No. 28/97-B (A), dated 11.4.1997 issued by the 1<sup>st</sup> respondent is produced herewith and marked as Annexure A3.
5. In the meanwhile, a full bench of the Madras Bench of the Honourable Tribunal took a view contradictory to that taken by this Honourable Tribunal in O.A No: 1046/1994, while the Karnataka bench followed the same. When it was apprehended that the respondents intended to extend the applicability of the said decision of the Madras bench to the applicant herein also, O.A No: 821/1997 was filed praying for a declaration that the same would not be binding upon him. The said O.A was allowed. In this background, the respondent Department approached the Honourable Supreme Court in SLP No. 21747/97 against the orders of the Karnataka and Madras benches. The Karnataka bench had followed Annexure A2 decision of the Ernakulam bench in OA 1046/94 and OA 1069/94. The Honourable Supreme Court in deciding the said SLP opined that the view taken by the Ernakulam bench in OA 1064/99 and OA 1069/94 is the correct view in the sense that the method of promotion to Junior Time Scale is on the basis of seniority subject to finding out the fitness of the candidates for the Programme wing or the Production wing, through the DPC. The SLP was thereby dismissed by judgement dated 30.7.1999 of the Honourable Supreme Court. A true copy of the judgement dated 30.7.1999 in SLP No. 21747/97, of the Honourable Supreme Court is produced herewith and marked as Annexure A4.
6. At this juncture, it is brought to the notice of this Honourable Tribunal that the 1<sup>st</sup> respondent by order dated 24.12.1998 had promoted the applicant herein on ad hoc basis to the Senior Time Scale of the Programme Management cadre of the AIR. The said promotions were however effected prior to Annexure A4 judgement of the Honourable



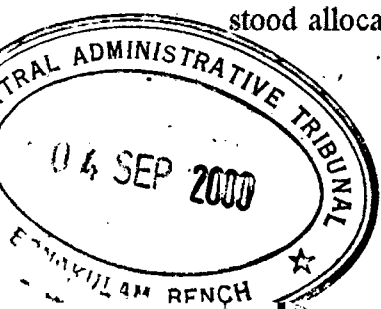
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Supreme Court. A true copy of the order No. 18/98-B(A), dated 24.12.1998 issued by the 1<sup>st</sup> respondent is produced herewith and marked as Annexure A5.

7. In purported implementation of Annexure A4 judgement of the Honourable Supreme Court, the 1<sup>st</sup> respondent has issued Annexure A1 order to the effect that in the light of Annexure A4 judgement adhoc appointment of the applicant and certain others to the Senior Time Scale, as evidenced by Annexure A5, are terminated. He was further reverted to the substantive post of Programme Executive in the Programme Management cadre of All India Radio from the Junior Time Scale. As per the same order, he was then promoted to the Junior Time Scale in the Programme Management cadre and allocated to the Doordarshan. His further grievance is that out of the 5 included in the list of Junior Time Scale Programme Management cadre of Doordarshan, 2 of his juniors were promoted to the Senior Time Scale, overlooking his seniority.

5. GROUNDS FOR RELIEF.

- A. The applicant submits that by Annexure A2 order in O.A.No: 1046/1994, this Honourable Tribunal had declared that the applicant is eligible to be promoted to the Junior Time Scale category on a regular basis. The right which accrued upon him pursuant to this order has now been taken away by the respondents with the issuance of the impugned order.
- B. Annexure A1 is highly illegal and contrary to the spirit of the Annexure A4 judgement of the Honourable Supreme Court.
- C. A careful reading of Annexure A4 judgement would go on to show that the Honourable Supreme Court has held Annexure A2 decision of this Honourable Tribunal in OA 1046/94 filed by this applicant to be correct. Thereby Annexure A3 order dated 11.4.1997 issued by the 1<sup>st</sup> respondent in compliance with Annexure A2 order, regularly promoting these applicants to the Junior Time Scale with effect from 18.8.1994 is also correct. Therefore Annexure A1 order to the extent it reverts the applicant to the cadre of Programme Executive is illegal and unjustifiable. Though Annexure A1 order is issued in purported implementation of Annexure A4 judgement of the Honourable Supreme Court, it goes totally against the spirit of the said judgement.
- D. The applicant further submits that his allocation to the Junior Time Scale of the Programme Management cadre of Doordarshan is also illegal. As per Annexure A3 order dated 11.4.1997, the applicant was allocated to the All India Radio Management. Though the applicant had made an option for allocation to the Doordarshan in 1992 it was neither accepted nor acted upon. On the other hand, the applicant was included in the seniority list of Junior Time Scale officers in the Management cadre of All India Radio. Thus, applicant stood allocated to All India Radio. All his promotions were maintained in All India Radio



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Management itself. As per Rule 7 (6) (d) of the Indian Broadcasting (Programme) Service Rules, 1990 an allocation made to a cadre shall be irrevocable. Hence the allocation of the applicant to the Doordarshan when he had already been allocated to the All India Radio Management is illegal.

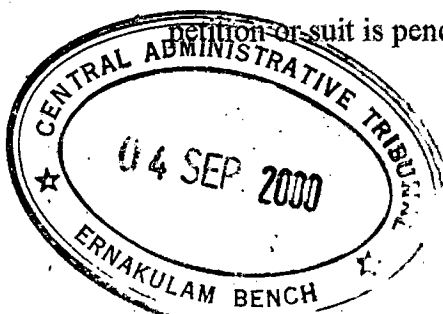
- E. Had the applicant been promoted in the All India Radio management itself, his seniority would have been maintained at a much higher position as corresponding to his respective position in Annexure A5 order. Hence a re-allocation to the Doordarshan, it is submitted was highly unwarranted.
- F. Even in case the attempted allocation to Doordarshan is sustainable the applicant is entitled to be promoted in preference to his juniors in the Doordarshan cadre, namely Shri B.G. Shankar Rao & Shri. B.S. Chauhan. Applicant is aggrieved by the non-granting of promotion the Senior Time Scale. The applicant is at Sl. No.4 in the list of promotees to the Programme Management Cadre of Doordarshan (JTS) (page 3 of Annexure A1). It is submitted that as per the Rules seniority-cum fitness is the only criterion for promotion to the Senior Time Scale. Annexure A5 (page 3) would show that this applicant is the senior most in the category of JTS as his date of joining the said category is prior to those of Sl. Nos. 1,2, and 5. In spite of this, as per Annexure A1, Sl. No. 1 & 2- Shri B.G. Shankar Rao & Shri. B.S. Chauhan are promoted to the Senior Time Scale (page 4 of Annexure A1). This, the applicant submits, is highly illegal and arbitrary and hence violative of Articles 14 and 16 of the Constitution of India.
- G. It is submitted finally that Annexure A1 order is totally unwarranted to the extent it relates to this applicant. His promotion to the Senior Time Scale cadre, as per Annexure A5 order, ought to be upheld. His reversion to the cadre of Junior Time Scale as evidenced by Annexure A1 is highly illegal, unjustifiable and very much against the spirit of Annexure A4 judgement of the Supreme Court.
- H. In effect, it can be said that the respondents have disobeyed the direction of the Honourable Supreme Court as well as this Honourable Tribunal with the issuance of Annexure A1, order impugned in this Original Application.

#### 6. DETAILS OF REMEDIES EXHAUSTED.

No other Statutory remedy

#### 7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT.

The applicant further declares that the applicant has not filed any application, writ petition or suit, regarding the matter in respect of which the application is made, before any court or any other authority or any other bench of this Tribunal nor any such application writ petition or suit is pending before any of them.



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8. RELIEF(S) SOUGHT.

In view of the facts mentioned in para 4 and 5 above the applicant prays for the following relief(s).

- i. To quash Annexure A1 to the extent it reverts the applicant from the Senior Time Scale & Junior Time Scale of Programme Management cadre of All India Radio and
- ii. To declare that the applicant is entitled to continue in the Programme Management cadre of All India Radio with all consequential benefits and to direct the respondents to retain the applicant in the Senior Time Scale of Programme Management cadre of All India Radio.
- iii. Grant such other reliefs as may be prayed for and the Court may deem fit to grant, and
- iv. Grant the cost of this Original Application.

9. INTERIM ORDER IF ANY PRAYED FOR:

Pending the final decision of the application the applicant seeks issue of the following order:-

To stay the reversion of the applicant pursuant to Annexure A1 order.

10. NOT APPLICABLE.11. PARTICULARS OF THE POSTAL ORDER IN RESPECT OF APPLICATION FEE.

No. Of the Indian Postal Order : ~~812334421~~ 26/502806  
 Date of Issue of the Postal Order: 14.8.2000  
 Name of issuing Post Office : Ernakulam  
 Post Office at which payable : Gundabath  
 H.O.  
 High Court P.O. E.K.M  
 H.P.O., Ernakulam

12. LIST OF ENCLOSURES:

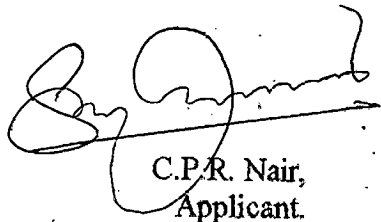
1. Annexure-A1 - A5
2. Vakkalath.
3. Envelops with Acknowledgement Cards.
4. Postal order for Rs. 50/-


IN VERIFICATION

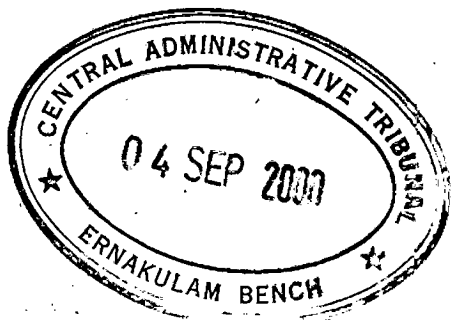
I, C.P.R. Nair, S/o. Purushothaman Nair, aged 52 years, Deputy Director (STS), Doordarshan Kendra, Shillong (on leave) residing at Kailas, Cheror, Trichur., do hereby verify that the contents from para 1 to 12 are true to the best of my personal knowledge and belief and that I have not suppressed any material facts.

Place: Ernakulam,

Date : 01.-9.2000

  
 C.P.R. Nair,  
 Applicant.

  
 M.R. Rajendran Nair,  
 Counsel for the Applicant.



No.32013/3/2000-B(A)-Vol.II  
Government of India  
Ministry of Information and Broadcasting

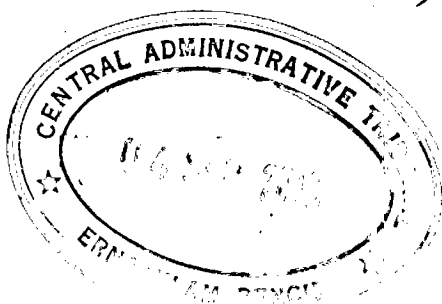
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New Delhi,  
the 25th August, 2000

Order No.20/2000-B(A)

In pursuance of judgement dated the 30<sup>th</sup> July, 1999 delivered by the Hon'ble Supreme Court of India in SLP @ No. 21747 of 1997; SLP @ No.1452 and TC No.8/99 in the matter of Union of India and C.S. Naik & others and judgement dated the 17<sup>th</sup> November, 1998 delivered by the Hon'ble High Court of Delhi at New Delhi in SWP No.2119/98 in the matter of Union of India Vs. S.P. Jain, the President is pleased to terminate the ad-hoc appointment of the following officers in Programme Management Cadre of AIR in Senior Time Scale of Indian Broadcasting (Programme) Service with immediate effect:

S.No.	Name
01.	Shri Shri V.K.Banerji
02.	Shri Smt. C.S.Kumudam
03.	Shri S.K.Das
04.	Shri N.C.Narasimhacharyalu
05.	Shri R.P.Sahu
06.	Shri I.P.Srimali
07.	Dr.U.N.Raina
08.	Shri Kamal Sharma
09.	Shri K.Subramanian
10.	Shri V.Srinivasan
11.	Shri A.K.Mandol
12.	Dr. S.K.Sinha
13.	Shri Ravi Shankar
14.	Shri D.L.Kaswalia
15.	Shri R.S.Ratonia
16.	Shri N.Murugan
17.	Shri Gautam Sen Gupta
18.	Shri S.Chakraborty
19.	Shri Mahmood Khan
→20.	Shri K.A.Muralidharan
→21.	Shri C.P.R.Noir





2. The President is further pleased to revert the following officers to their substantiative post of Programme Executive and other equated categories in All India Radio and Doordarshan from Junior Time Scale of Indian Broadcasting (Programme) Service with immediate effect:

S.No. Name

Programme Management Cadre of AIR

01. Shri Shri V.K.Banerji
02. Smt. C.S.Kumudam
03. Shri S.K.Das
04. Shri N.C.Narasimhacharyalu
05. Shri R.P.Sahu
06. Shri I.P.Srimali
07. Dr.U.N.Raina
08. Shri Kamal Sharma
09. Shri K.Subramanian
10. Shri V.Srinivasan
11. Shri A.K.Mandol
12. Dr. S.K.Sinha
13. Shri Ravi Shankar
14. Shri D.L.Kaswalia
15. Shri R.S.Ratonia
16. Shri N.Murugan
17. Shri Gautam Sen Gupta
18. Shri S.Chakraborty
19. Shri Mahmood Khan
- 20. Shri K.A.Muralidharan
- 21. Shri C.P.R.Nair

Programme Management Cadre of Doordarshan

01. Smt. D.Mokten
02. Shri C.T.Navani
03. Shri Janardan Rao
04. Shri N.K.Batra

...3/-



3. The President is pleased to promote the following Programme Executives to the Junior Time Scale of Indian Broadcasting (Programme) Service on regular basis with effect from the dates indicated against each:

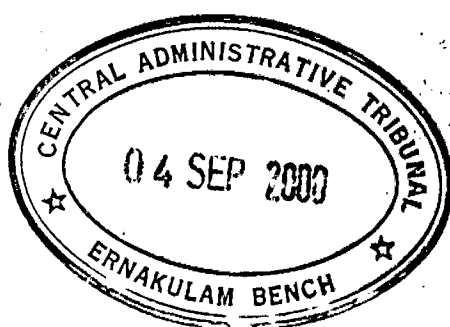
S.No.	Name	Date
<u>Programme Management Cadre of All India Radio</u>		
01.	*Shri P.N.Maduskar	16.06.93
02.	Shri K.B.Desai	11.06.93
03.	Shri D.S.Vimal	15.06.93
04.	Shri C.S.Naik	19.06.93
05.	Shri T.K.Rawal	17.07.93
06.	Shri E.L.Narayana	18.06.93
07.	Shri V.N.Prasad	18.07.93
08.	Shri M.P.Sah	30.06.93
09.	Shri B.P.Kureel	26.06.93
10.	*Shri B.S.Sawai	17.06.93
11.	Shri M.S.Sivaprasad	30.06.93
12.	Smt. Latha Raju	11.06.93
13.	*Smt. Vijaya Sadhu	27.09.93
14.	*Smt. N.K.Shadap	19.06.93
15.	Shri S.S.Agyal	02.08.93
16.	Shri A.K.Sharma	27.08.93
17.	Shri K.K.Mishra	18.06.93
18.	*Smt. M.S.Vijaya	11.06.93
19.	Shri R.Muthusubramanian	13.11.93
20.	*Smt. Mira Pahuja	11.06.93
21.	*Shri Rafiq Raaz	11.06.93
22.	*Shri D.Selvaraj	03.08.94
23.	*Shri Shivmangal	25.07.94

\*Notional promotion

Programme Management Cadre of Doordarshan

01.	Shri B.G.Sankar Rao	12.07.93
02.	Shri B.S.Chauhan	02.09.93
→ 03.	Shri K.A.Muralidharan	16.06.93
→ 04.	Shri C.P.R.Nair	25.06.93
05.	Shri Mohd. S.Rizvi	28.06.93

... 4/-



4. The President is further pleased to promote, purely on ad-hoc basis, the following Junior Time Scale officers to the Senior Time Scale of Indian Broadcasting (Programme) Service with effect from the date they assume charge of the posts and upto 31.12.2000 or till the regular incumbents become available, whichever is earlier, and until further orders:

S.No. Name

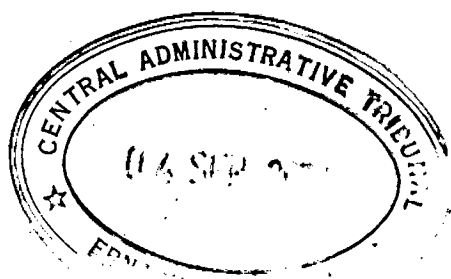
Programme Management Cadre of All India Radio

01. Shri P.N.Maduskar
02. Shri K.B.Desai
03. Shri D.S.Vimal
04. Shri C.S.Naik
05. Shri T.K.Rawal
06. Shri E.L.Narayana
07. Shri V.N.Prasad
08. Shri M.P.Sah
09. Shri B.P.Kureel
10. Shri B.S.Sawai
11. Shri M.S.Sivaprasad
12. Smt. Latha Raju
13. Smt. Vijaya Sadhu
14. Smt. N.K.Shadap
15. Shri S.S.Agyal
16. Shri A.K.Sharma
17. Shri K.K.Mishra
18. Smt. M.S.Vijaya
19. Smt. Mira Pahuja
20. Shri Rafiq Raaz
21. Shri D.Selvaraj
22. Shri Shivmangal

Programme Management Cadre of Doordarshan

01. Shri B.G.Sankar Rao
02. Shri B.S.Chauhan

.....5/-

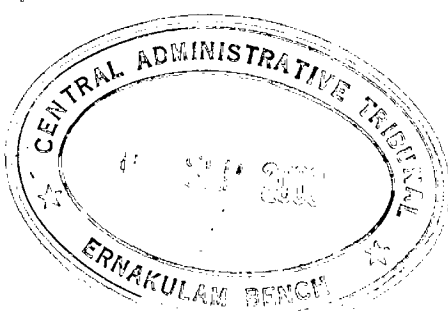


5. The President is further pleased to promote, purely on ad-hoc basis, the following Programme Executives or equated categories in All India Radio and Doordarshan to the Programme Management Cadres of All India Radio and Doordarshan in Junior Time Scale of Indian Broadcasting (Programme) Service with immediate effect and upto 31.12.2000 or till regular incumbents become available, whichever is earlier, and until further orders:

S.No.	Name
01.	Shri Shri V.K.Banerji
02.	Smt. C.S.Kumudam
03.	Shri S.K.Das
04.	Shri N.C.Narasimhacharyalu
05.	Shri R.P.Sahu
06.	Shri I.P.Srimali
07.	Dr.U.N.Raina
08.	Shri Kamal Sharma
09.	Shri K.Subramanian
10.	Shri V.Srinivasan
11.	Shri A.K.Mandol
12.	Dr. S.K.Sinha
13.	Shri Ravi Shankar
14.	Shri D.L.Kaswalia
15.	Shri R.S.Ratonia
16.	Shri N.Murugan
17.	Shri Gautam Sen Gupta
18.	Shri S.Chakraborty
19.	Shri Mahmood Khan
20.	Smt. D.Mokten
21.	Shri C.T.Nawani
22.	Shri Janardan Rao
23.	Shri N.K.Batra

6. The posting of above officers consequent on their ad-hoc promotion will be issued by the Prasar Bharati.

.....6/-



7. The appointment of officers listed in paragraphs 4 and 5 above in the Junior Time Scale/Senior Time Scale will be on ad-hoc basis and it will not confer on them any right or privilege for continued or regular appointment in that grade. These officers will stand automatically reverted to their parent grade, i.e., Programme Executive or equated category in All India Radio and Doordarshan/Junior Time Scale of Indian Broadcasting (Programme) Service after completion of the said period i.e. 31.12.2000 (AN).

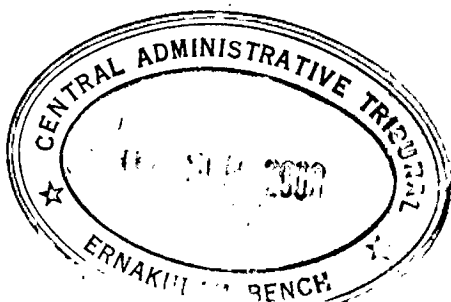
8. The pay of the officers promoted on regular basis will be fixed in the higher post under FR 22 straight away without any further review on accrual of increment in the pay scale of the lower posts, if any officer exercises an option in terms of para 2(b) of DP&AR's O.M.No.F.1/17/80 Est.P.I dated the 26<sup>th</sup> Sept., 1981 within a period of one month from the date of issuance of this order, the pay of the officer concerned on promotion will be fixed initially in the manner as provided under FR 22(A)(1) which may be refixed on the basis of provisions of FR 22(c) on the date of accrual of next increment in the scale of pay of the lower post.

9. The pay of the officers promoted on notional basis indicated with (\*) mark in para 3 above will be notionally fixed in the pay scale of Rs.8000-275-13500 with effect from the date mentioned against each and annual increments allowed in the same scale from that date to the date of their actual taking over of charge in Junior Time Scale post. However, they will not be entitled to draw any arrears of pay and allowances for the period from the date of their notional promotion to the date of actual taking over in JTS level on the principle of "No Work No pay".

(S. Twickly)

Under Secretary to the Govt. of India  
Tele.No.3398685

... 7/-



## Copy to:

1. Shri R.R.Shah, Chief Executive Officer, Prasar Bharati, Mandi House, New Delhi.
2. The Pay & Accounts Officer (IRLA), Ministry of I&B, AGCR Building, I.P.Estate, New Delhi.
3. DG: AIR (Shri K.C.Khosla, Director (A&F))
4. DG: DD (Shri D.V.S.Ranga, DDG(A))
5. The President, Programme Staff Association of AIR and Doordarshan, Room No.406, Akashwani Bhavan, New Delhi.
6. All Officers concerned through their respective Directorates.
7. Vig. Section, Min. of I&B/DG: AIR/DG: DD
8. PS to /IIB/PPS to Secy./PS to JS(B)/Dir(BA&BD), Min. of I&B
9. Personal file of the officers concerned
10. Guard file
11. Spare copies - 10.

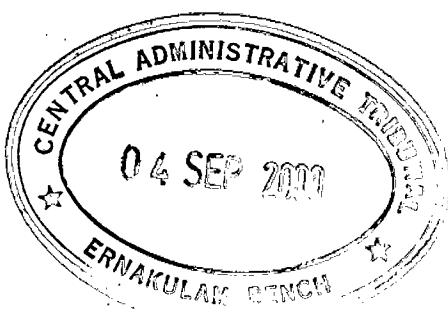
(S. Twickly)

Under Secretary to the Govt. of India

Tele.No.3388635

This Annexure A \ is the true copy of the  
original document.

M. R. Rajendran Nair,  
Advocate.



OF C.A.T. (PROCEDURE) RULES

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. 1046/94 & 1069/94

MONDAY, THIS THE 9TH DAY OF DECEMBER, 1996.

CORAM:

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR. A. M. SIVADAS, JUDICIAL MEMBER

O.A. 1046/94

1. K.A. Muraleedharan,  
Junior Time Scale Officer  
All India Radio,  
Thiruvananthapuram.

2. C.P.R. Nair,  
Junior Time Scale Officer,  
All India Radio,  
Thrissur.

By Advocate Mr. M.R. Rajendran Nair

Vs. Respondents

1. Union of India represented by its Secretary,  
Ministry of Information & Broadcasting,  
New Delhi.

2. Director General,  
All India Radio, New Delhi.

3. E.S. Guha, Programme Executive  
All India Radio, Raipur.

4. C.S. Kumadum, Programme Executive  
All India Radio, Madras.

5. M. Vasudevan, Programme Executive,  
All India Radio, Kannur.

By Advocate Mr. S. Radhakrishnan, AOCSC for R 1 & 2

O.A. 1068/94

R.S. Iyer S/o Rama Iyer  
Junior Time Scale Programme Officer,  
Doordarshan Kendra, Trivandrum  
residing at TC 5/1573, Government Survey School Road,  
Peroorkada, Trivandrum-5.

By Advocate Mr. M.R. Rajendran Nair

Vs. Applicant

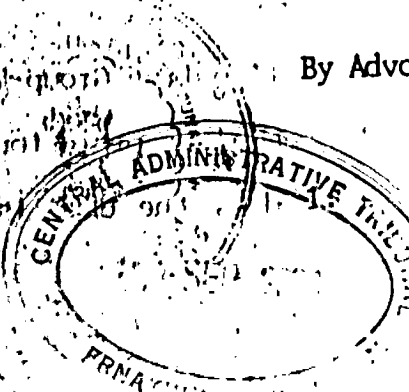
Union of India represented by Secretary to Government  
Ministry of Information & Broadcasting,  
New Delhi.

Attention  
Ajay Kumar  
P. give a copy to  
DDG P & ARK  
and the DDA P.

Applicants

Respondents

Applicant



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..2..

2. The Director General  
Doordarshan, New Delhi.

..Respondents

By Advocate Mr. George Joseph, AOGSC

The applications having heard on 9.12.1996, the Tribunal on the same day delivered the following:

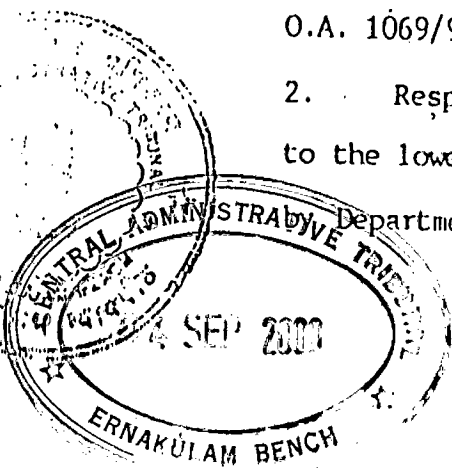
O R D E R

P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1994

Applicants in these two applications were all in the feeder category of Junior Time Scale (JTS for short) posts in the Indian Broadcasting (Programme) Service. They submit that they have been considered against vacancies in the JTS and were promoted on ad hoc basis to the JTS on the basis of their seniority subject to the rejection of unfit, a contention which is accepted by the respondents in their reply statement. While so, the Departmental Promotion Committee considered their promotion and by A4 orders in OA 1046/94 (A6 in OA 1069/94) certain officials were promoted to the Programme Management cadre of the JTS of Indian Broadcasting (Programme) Service. Applicants do not find a place in the list though several persons who are junior to them as evidenced by A2 seniority list have been promoted by A4 order. Consequent on such promotion of certain juniors, applicants have been reverted by A5 orders (A1 in OA 1069/94). Applicants pray that A4 and A5 be quashed and that respondents 1 & 2 be directed to promote them to the JTS on regular basis from the date of their ad hoc promotion with consequential benefits. It is submitted that the applicant in O.A. 1069/94, has since retired from service.

2. Respondents submit that this is a promotion from Group-B to the lowest rank of Group-A and that the method of promotion Departmental Promotion Committee chaired by the UPSC is



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.X.

solely selection and therefore the criteria for this promotion where the DPC is headed by the UPSC is also selection.

3. The sole issue to be decided in these applications is whether the promotions to the post of JTS are to be by promotion by selection or by promotion on seniority-cum-fitness basis. The relevant rules are produced at A2 in OA 1069/94. Rule 7(2)(b) states as follows:

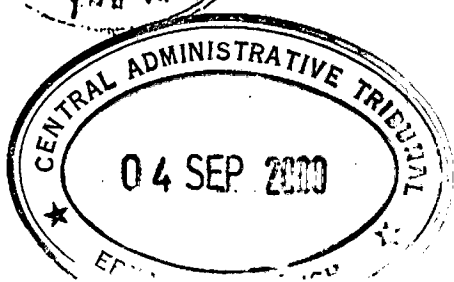
"The remaining 50% of the vacancies in the Junior Time Scale shall be filled by promotion of officers of feeder grades possessing the minimum qualifying service as specified in the appropriate column in Schedules IV and V."

Schedule IV states:

<p>"Junior Time Scale Programme Officer R.2200-75-2800- EB-100-4000</p>	<p>50% by promotion Programme Executives and 50% by direct with 3 years' recruitment in regular service accordance with in the grade " sub rule 2 of rule 7.</p>
---	--

Note: (1) For purpose of promotion to the Junior Time Scale posts, eligibility list of Programme Executives, Farm Radio Officers and Extension Officers shall be prepared on the basis of their date of appointment on regular basis in the pay scale of R. 2000-3500 subject to the condition that the inter-se-seniority in their respective cadres shall be maintained...."

4. We find that on a plain reading of the rules and the Schedule IV, there is nothing to warrant introduction of a procedure of promotion by selection for the 50% promotion component of JTS posts. Neither Rule 7(2)(b) nor the Schedule IV speaks of promotion by selection as far as JTS posts are concerned, though we find in Schedule IV for other posts there



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is clear mention of either promotion by selection or promotion by seniority-cum-fitness. The omission of the phrase by selection cannot be presumed to be accidental or unintentional, when the same phrase occurs in other parts of the Schedule IV. It is also to be noticed that Rule 7(6)(a)(1) speaks of field of promotion and the field of promotion has also been laid down in Note.1 reproduced above. We find nothing in the pleadings to support the contention of the respondents 1 & 2 that promotion to the JIS against the 50% component promotional quota has to be made by adopting the selection process.

5. In the view we have taken, we find it not possible to sustain the impugned orders A4 and A5 in (O.A. 1046/94) and A1 and A6 (in O.A. 1069/94). We accordingly, quash the orders A4 & A5 in O.A. 1046/94 and A1 & A6 in O.A. 1069/94 to the extent it relates to the applicants in those applications.

6. It is seen from the reply statement in OA 1046/94 that while giving ad hoc promotions applicants have been subjected to screening as a result of which they have been found fit for promotion to the JIS post. In the view we have taken since no selection process is to be adopted for the 50% promotional quota in the JIS, we declare that the applicants are eligible to be promoted to the JIS on regular basis against the 50% promotional quota. Respondents 1 & 2 will pass appropriate orders in this regard within two months. Applicants will be entitled to receive all the benefits consequent to their promotion to the JIS cadre in accordance with the above direction.

7. Applications are allowed as above. No costs.

Dated the 9th December, 1996.

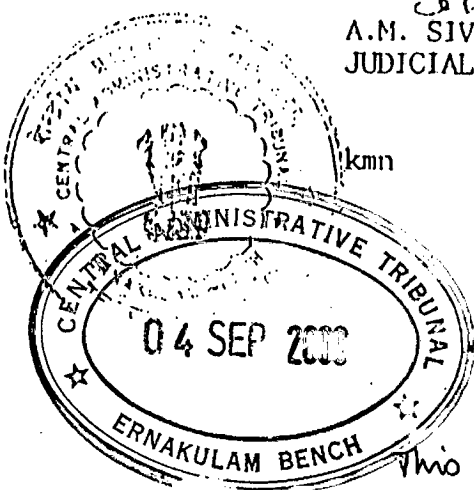
A.M. SIVAJAS  
JUDICIAL MEMBER

P.V. VENKATKRISHNAN  
ADMINISTRATIVE MEMBER

CERTIFIED TRUE COPY

Date 12.12.96

Deputy Registrar



This Annexure A.2 is the true copy of the original document  
M.R. Raghav Rao  
Advocate.

No. 45013/1/97-B(A)  
Government of India  
Ministry of Information & Broadcasting  
\*\*\*\*\*

New Delhi, dated 11.4.1997

ORDER NO. 28/97-B(A)

In compliance with the Hon'ble Central Administrative Tribunal, Ernakulam Bench's Order dated 9.12.1996, in O.A. No. 1046/94 and 1069/94, the President is pleased to cancel this Ministry's Order No. 20/94-B(A) dated 18.7.1994 in so far as it relates to reversion of Shri K.A. Muraleedharan (S.No.17), Shri R.S. Iyer (S.No.19) and Shri C.P.R. Nair (S.No.20).


2. The President is further pleased to promote them viz. S/Shri K.A. Muraleedharan, R.S. Iyer and C.P.R. Nair to to Junior Time Scale (Scale Rs.2200-4000) of Programme Management Cadre of All India Radio of Indian Broadcasting (Programme) Service on regular basis w.e.f. 18th July, 1994.

3. All the above three officers would be entitled to receive all the benefits consequent to their promotion to the Junior Time Scale on regular basis.

{S.D. KUMAR}  
DEPUTY SECRETARY TO THE GOVT. OF INDIA  
TELE. NO. 3385016

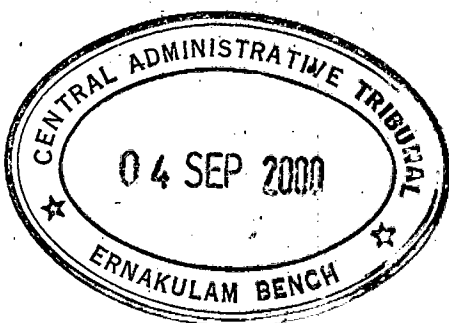
Copy to:-

1. DG: AIR {Shri S.K. Kapoor, DG}.
2. DG: Doordarshan {Dr. P.K. Seth, DDG(F&T)}
3. The P&AO {IRLA}, Min. of I&B, AGCR Building, New Delhi.
4. PS to IBM/PPS to Secretary/PS to AS(B)/PS to AS&FA/JS(B)/DS(BA), Min. of I&B.
5. Vigilance Section, M/o. I&B/DG: AIR.
6. The officers concerned through DG: AIR.
7. Personal files of the officers concerned.
8. Guard file.
9. Spare copies - 5.

  
{A.K. SAXENA}  
SECTION OFFICER  
TELE. NO. 3388685

This Annexure A 3 is the true copy of the Original document.

M.R. Rajendran Nair,  
Advocate.



IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Special Leave Petition (Civil) No. 21747 of 1997

Union of India & Others

..Petitioners

Versus

Shri Chetan S. Naik

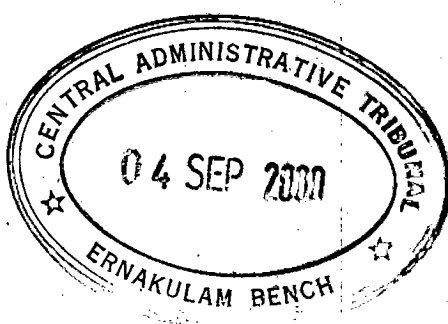
..Respondent

WITH

S.L.P(C) No. 1452 of 1998 & TC No. 8/95

O R D E R

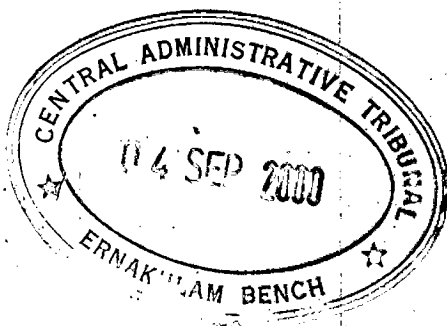
These two special leave petitions have been preferred against the judgments of the Central Administrative Tribunal (Karnataka Bench) in O.A. No. 1221 of 1994 and O.A. No. 1904 of 1995 dated 25.2.1997. The Transferred Case relates to Writ Petition No. 8320 of 1997 (Madras High Court) wherein the judgment of the Full Bench of the Central Administrative Tribunal (Madras Bench) in OA No. 960 of 1994 dated 3.6.1997 and the consequential order dated 3.6.1997 are in question. The Karnataka Bench allowed the OAs following the decision of the Ernakulam Bench in OA No. 1046 of 1994 and 1089 of 1994 dated 9.12.1996. It has held that the 50% quota for promotion to the post of Junior Time Scale (for short 'JTS') in the Indian Broadcasting (Programme)



19

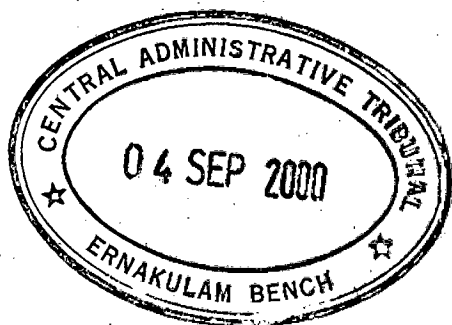
Service (hereinafter called the 'IBPS') has to be filled not by selection but by 'seniority'. On the other hand the Jaipur Bench in OA No.344 of 1995 dated 31.7.1996 has held that the promotion to the post of JTS is to be made by 'selection'. The Full Bench of the Central Administrative Tribunal (Madras Bench) has accepted the view of the Jaipur Bench that the 50% quota by promotion to the posts of JTS are to be filled by 'selection' and not seniority. The Full Bench has not accepted the view of the Karnataka Bench and the Ernakulam Bench. The special leave petitions from Karnataka are by the Union of India while in the Transferred Case the petitioner is questioning the correctness of the decision of the Full Bench of the Tribunal (Madras Bench).

Rule 7(2)(a) of the IBPS rules, 1990 prescribes that 50% of JTS posts are to be filled by direct recruitment and Rule 7(2)(b) clearly states that the remaining 50% shall be filled by 'promotion', as specified in Schedule IV and Schedule V. Rule 7(3) again says that notwithstanding anything in rule 7(2), all vacancies in JTS shall be filled by promotion for a period of 2 years from the date of commencement of the Rules (from 5.11.1990). By amendment dated 7.4.1994, the period is amended as 4 years from the date of commencement of the principal Rules. Schedule IV and Schedule V respectively deal with posts in the Programme Management and Programme Production wings. In each wing



we have the JTS posts at serial No.5 and certain other higher posts at serial Nos. 1 to 4. We shall refer to the posts at serial Nos. 3,4,5 in these two wings i.e. Schedule IV and V for the present purpose. In regard to the higher posts at serial No.3 in Schedule IV as well as Schedule V, - i.e. the Management and Programme wing posts in JTS - the recruitment is by 'selection'. In regard to the posts at serial No.4, below serial No.3, it is by 'promotion-cum-fitness' and in regard to JTS posts in question at serial No.5, i.e. below serial No.4, the recruitment is 50% by direct recruitment and remaining 50% by promotion.

On a plain interpretation of the word 'promotion' occurring in rule 7(2) in regard to 50% and the words 'promotion' at serial Nos.3,4 and 5 of Schedule IV and Schedule V, it is clear that for the 50% JTS posts at serial No.5, the appointment is by 'promotion' while for appointment to the post at serial Nos.3, it is by 'selection' and for appointment to posts at serial No.4 it is by 'promotion-cum-fitness'. Thus for the appointment at these three levels, the rule-making authority has used different and distinct words, - 'selection', 'promotion-cum-fitness' and 'promotion' and that indicates that the word 'promotion' at serial No.5 for JTS posts is not to be given the same meaning as 'selection' at serial No.3. In other words, for appointment to posts in JTS at serial No.5, no selection by assessment of comparative merit is contemplated.

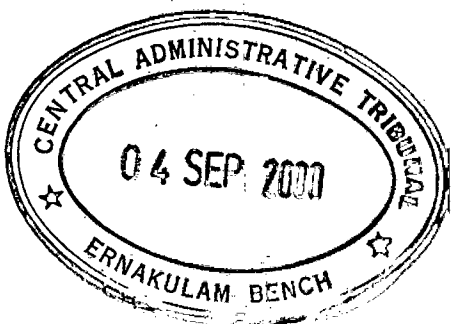


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either in the Rules or in Schedule IV and Schedule V.

The Full Bench at Madras and the Jaipur Bench have relied upon the Note 2 below Schedule IV and Schedule V to hold that even for JTS posts at serial No.5, appointment is by 'selection'. It is no doubt true that Note 2 uses the words 'field of selection' but that, in our opinion, is meant for the purpose of considering the "options" to be exercised by those in the feeder category - choice is to 'opt' for being allocated to the Management or the Programme wings of JTS posts - but the 'selection' process under Note 2 is limited to considering the suitability of those in the feeder category to be allocated either to the 'Programme Wing' or to the 'Production Wing', as the case may be, among the JTS posts. The DPC's role is, thus, limited to the selection of the promotees for either of these two wings. That Note, in our view, has no bearing on the meaning of the words 'promotion' in Rule 7(2) or on the words 'promotion' at serial No.5 in Schedule IV and V.

Keeping in view the relevant Rules, we, thus, find that the view taken by the Ernakulam Bench is the correct view in the sense that the method of promotion to JTS posts is, on the basis of promotion by seniority, subject to finding out the fitness of the candidate for the Programme wing or the Production wing, through the DPC. The Karnataka Bench, therefore, rightly followed the Ernakulam Bench decision. We, therefore, do not see



any reason to interfere in the two Special leave petitions. As a consequence, the Full Bench view of the Madras Tribunal in OA No.1221 of 1994 cannot be said to be laying down the correct law.

As a result, the special leave petitions No.21747 of 1997 and 1452 of 1998 are dismissed. In so far as the Transferred Case No.8/99 is concerned, for the reasons given above, we allow the writ petition No.8320 of 1997(Madras High Court) and set aside the order of the Full Bench of the Madras Tribunal in OA No.960 of 1994 dated 3.6.1997 and other consequential orders. OA No.960 of 1994 (Central Administrative Tribunal, Madras) stands allowed. There will be no order as to costs in the Transferred case.

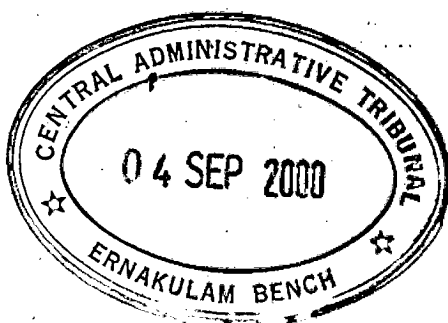
New Delhi;  
July 30, 1999.

Sd/- CJT  
M. Jagannath Rao

N. Santosh Hegde

This Annexure A4 is the true copy  
of the original document.

M.R. Rajendran Nair,  
Advocate.





No. 32013/5/98-B(A)  
 Government of India  
 Ministry of Information and Broadcasting  
 B(A) Section  
 \*\*\*\*\*

New Delhi,  
 24.12.98

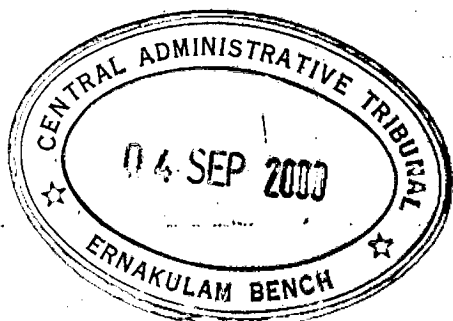
Order No.18/98-B(A)

The President is pleased to promote, purely on ad-hoc basis, the following officers in the Programme Management Cadre of All India Radio in Junior Time Scale of Indian Broadcasting (Programme) Service to the Senior Time Scale of the same Cadre and Service for a period of one year or till the regular incumbents become available, whichever is earlier, with effect from the date they assume charge of the posts and until further orders:

S.No. Name

S/Shri

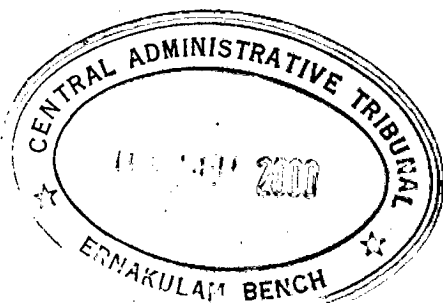
01. A.K. Biswas
02. A.N. Tiwari
03. A.N. Sahoo
04. H.C. Gupta
05. S.K. Bhan
06. H.C. Salkia
07. A.K. Chakraborty
08. P.B. Kureel
09. A. Jagannath
10. Smt. N.J. Ammal
11. S.K. Mitra
12. Smt. V.S. Lingsur
13. Smt. V.C. Joshi
14. Smt. M.S. Desai
15. S.S. Hiremath
16. S.M. Jain
17. Smt. P. Vedavati
18. P.N. Mishra
19. A.C. Majhi
20. B.K. Shukla
21. Smt. N. Sadruddin
22. V.V. Subramanian
23. K. Vageesh
24. S.K. Kaushal
25. Kum. Promila Rao
26. L.C. Bajpai
27. C. Muruganandan
28. S.D. Bhosle
29. R.D. Purohit
30. P.K. Shukla
31. Y. Gangi Reddy
32. S.P. Mahajan



Contd. 2/-

S.No. Name

33. A.N.Deshmukh  
34. Sri Ram  
35. L.Ch. Sallo  
36. R.Balasubramanian  
37. R.R.Palake  
38. G.D.Thorat  
39. K.A.Muraleedharan  
40. M.L.Arya  
41. R.B.Mirdha  
42. R.B.L.Mathur  
43. B.D.Majundar  
44. C.P.R.Nair  
45. B.N.Pandya  
46. A.K.Nagalach  
47. K.Gunasekhara  
48. J.B.Chakraborty  
49. B.C.Panwar  
50. K.N.Yadav  
51. D.K.Mishra  
52. Smt. S. Mishra  
53. S.K.Sengupta  
54. E.S.Guha  
55. O.R.Niazi  
56. D.K.Pimpalghare  
57. B.N.Goel  
58. B.N.Bose  
59. Anil Kumar Ram  
60. B.N.Gupta  
61. Smt. Shobha Mitra  
62. Smt. Sadhna Bhatt  
63. M.Vasudevan  
64. B.K.Banerjee  
65. A.L.Paul  
66. Smt. T.Dhondup  
67. D.C.Das  
68. M.N.Roy  
69. Smt. Prabha Solanki  
70. Smt. Kala Ravi  
71. Smt. N. Nakhro  
72. D.C.Kachari  
73. B.D.L.Srivastava  
74. J.K.Joshi  
75. G.L.Bhagat  
76. M.H.Khan  
77. A.A.Ansari  
78. P.K.Sinha  
79. A.Z.Fanai  
80. P.K.Ravindran  
81. Lalthansanga Vante  
82. K.Rajan  
83. Rajesh Reddy  
84. A.M.Mauj  
85. K.M.Sharma  
86. S.C.Mathur



*[Handwritten signature]*  
*[Handwritten mark]*

- 3 -

S.No.	Name
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87.	Pandu Ranga Rao
88.	Smt. C.S.Kumudam
89.	S.K.Das
90.	N.C.Narasimhacharyalu
91.	R.P.Sahu
92.	I.P. Srimall
93.	Dr. U.N.Raina
94.	Kamal Sharma
95.	K.Subramanian
96.	V. Srinivasan
97.	A.K.Mandal
98.	Dr. S.K.Sinha
99.	Ravi Shankar
100.	D.S.Kaswalia
101.	R.S.Ratonla
102.	N.Murugan
103.	Gautam Sen Gupta
104.	S.Chakraborty
105.	Mahmood Khan
106.	G. Vijaya Kumar
107.	Smt. Geeta Markam
108.	C. Lalbaiktagunga
109.	T.M.Reddy

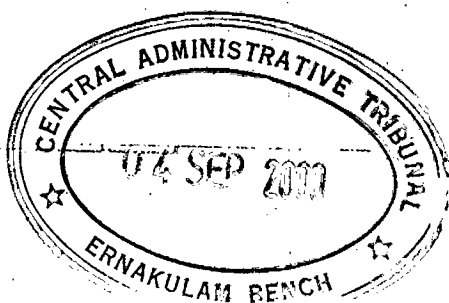
2. The posting orders of the above listed officers will be issued by the Directorate General, All India Radio.

3. The appointment of these officers in the Senior Time Scale grade will be on ad-hoc basis and it will not confer on them any right or privilege for continued or regular appointment in that grade.

4. These officers will stand automatically reverted to their parent grade i.e., Junior Time Scale of IB(P)S after completion of period of one year with effect from the date of their joining in the post.

5. The appointment of S/Shri K.A.Muraleedharan (S.No.39) and C.P.R.Nair (S.No.44) is subject to the outcome of SLP (Union of India Vs. C.S.Naik & others) and Transfer Petition (Union of India Vs. Smt. Latha Raju) pending before the Hon'ble Supreme Court.

  
 { Ashok Kumar }  
 Under Secretary to the Govt. of India  
 Tel # 3384754

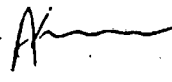


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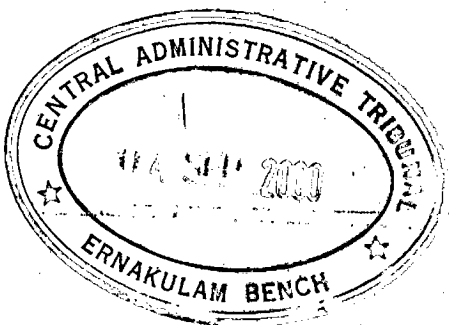
## Copy to:-

1. DG:AIR { Dr. O.P. Kejariwal, CEO & DG }.
2. DG:AIR { Shri K.C. Khosla, Director(A&F) }.
3. The P&AO(IRLA), Min. of I&B, AGCR Building, New Delhi.
4. The President, Programme Staff Association of AIR & Doordarshan, Akashwani Bhawan, New Delhi.
5. The persons concerned through DG:AIR.
6. PS to IBM/PS to MSIB/PPS to Secretary/PPS to A.S./ JS(B)/Director(BP)/US(BA), Min. of I&B.
7. Vigilance Section, Min. of I&B/DG:AIR.
8. Personal files of the officers concerned.
9. Guard file.
10. Spare copies - 10.

  
{ Ashok Kumar }  
Under Secretary to the Govt. of India  
Tel # 3384754

This Annexure A 5 is the true copy  
of the original document.

M.R. Rajendran Nair,  
Advocate.



It appears that the OA is not maintainable before the Tribunal due to the following reasons:

- 1) The applicant is an employee of Sardarshah Kendra. Sardarshah falls under Prasar Bharati for which Tribunal has no jurisdiction in the light of the order in OA 126/2000.
- 2) The applicant's place of duty is in Shillong and as such the OA is not maintainable under rule 6 of CAT (Procedure) Rules 1987.

The OA is also defective as follows:

- a) Annexure A2 is not attested.
- b) Para 12(1) is not filled up correctly.

Returned for curing defects/for clarification regarding maintainability

as time till 8-9-2000 is granted.

4/9

The Impugned Orders ~~are~~ issued by Ministry of Information and Broadcasting, Government of India and therefore this Hon'ble Tribunal has jurisdiction to entertain the matter.

The Applicant is on leave and is residing at Trichur and therefore OA is maintainable under Rule 6 of CAT (Procedure) Rules 1987.

M.R. Rajendran

Nair  
Advocate  
4-9-2000.

Represented on 4-9-2000.

BEFORE THE HONOURABLE  
CENTRAL ADMINISTRATIVE  
TRIBUNAL  
ERNAKULAM BENCH.

O.A. No. \_\_\_\_\_ of 2000.

C.P.R. Nair

Applicant

Union of India and  
others

Respondents

Original Application filed under S. 19  
of the Administrative Tribunals Act,  
1985

M/s M.R. Rajendran Nair &  
Associates  
Counsel for Applicant

Scanned  
4/9/2000

22

FREE COPY U/R 22  
OF C.A.T. (PROCEDURE) RULES

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.Dy.No.6747/2000

Monday, this the 4th day of September, 2000.

CORAM:

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

C.P.R.Nair,  
Deputy Director(STS),  
Doordarshan Kendra,  
Shillong(on leave)  
residing at Kailas,  
Cheroor, Trichur.

- Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. Union of India represented by the  
Secretary to Government of India,  
Ministry of Information & Broadcasting,  
New Delhi.
2. The Director General,  
All India, Radio,  
New Delhi.
3. Director General,  
Doordarshan Kendra,  
New Delhi.

- Respondents

The application having been heard on 4.9.2000, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

This application has been filed by Shri C.P.R.Nair presently posted at Shillong challenging the order dated 25th August, 2000 issued by the second respondent from New Delhi.



2. The Registry has raised an objection regarding jurisdiction and therefore, the application has not been given the number. The Dy. Number is 6747/2000.

3. We have heard the learned counsel for the applicant who stated that the applicant is presently residing, on leave, in Kerala and that the ad hoc promotion which was given to him on the basis of the seniority gained by him consequent on the direction in O.A.1046/94, this Bench of the Tribunal has got jurisdiction. We do not agree. As the applicant is neither posted within the territorial limits of this Bench nor has any part of the cause of action arisen within the State of Kerala, the application cannot be entertained by this Bench. Therefore, the application will be returned to the applicant for presenting the same before the appropriate Bench of the Tribunal, retaining one part for the purpose of record.

Dated, the 4th of September, 2000.

Sd/-  
(G.RAMAKRISHNAN)  
ADMINISTRATIVE MEMBER

Sd/-  
(A.V.HARIDASAN)  
VICE CHAIRMAN

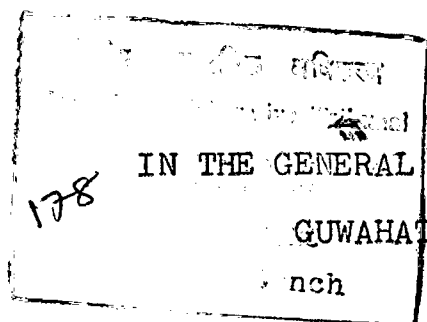
CERTIFIED TRUE COPY

Date 8.9.2000

Deputy Registrar



trs



0.A.No.279 OF 2000

Shri C.P.R. Nair

- VS -

Union of India and others.

- AND -

IN THE MATTER OF :

Written Statement submitted by  
the Respondents No.1, 2 and 3.

The respondents most respectfully beg to submit  
the Written Statement as follows :

1. That with regard to paras 1 to 3, the respondents beg to offer no comments called for from the answering respondents.
2. That with regard to para 4.1 the respondents beg to state that the matter of record except the fact that the applicants seniority has been overlooked while making promotion to the Programme Management Cadre of Doordarshan.
3. That with regard to paras 4.2 to 4.4 the respondents beg to state that these are the matter of record.
4. That with regard to para 4.5 the respondents beg to state that the operative part of the Judgement in O.A. No.1046/96 is reproduced below for the sake of convenience :

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186  
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178  
(A. DEB ROY)  
Sr. C. G. S. C.  
G. A. T. Guwahati Bench  
16/2/01



:: 2 ::

"It is seen from the reply statement in O.A.1046/94 that while giving adhoc promotions applicants have been subjected to screening as a result of which they have been found fit for promotion to the JTS post. In the view we have taken since no selection process is to be adopted for the 50% promotional quota in the JTS. We declare that the applicants are eligible to be promoted to the JTS on regular basis against the 50% promotional quota. Respondents 1 & 2 will pass appropriate orders in this regard within two months. Applicants will be entitled to receive all the benefits consequent to their promotion to the JTS cadre in accordance with the above directions.

From the above, it is obvious that respondents were restrained from holding DPC meeting in accordance with statutory rules of Indian Broadcasting (Programme) Service Rules, 1990, notified in the Gazette of India on 05.11.1990. As per these Rules the composition of the DPC for promotion to Junior Time Scale is as follows :

Contd....

42

1. Chairman/Member, UPSC - Chairman
2. Additional Director - Member  
General, Deputy Director  
General, All India Radio  
or Additional Director  
General/Deputy Director  
General, Doordarshan - Member
3. Director (AIR) Deputy  
Secretary (AIR) or  
Director (TV) or Deputy  
Secretary (TV)

The adhoc promotion in 1993 were effected after assessing the suitability of the officers in the feeder grade by a screening committee in the Ministry of Information which did not associate the Union Public Service Commission. Apart from this the Screening Committee took into consideration the upto date Annual Confidential Reports whereas the regular DPC have to consider a different set of Annual Confidential Reports of preceding five year with reference to the year of vacancies. It is therefore submitted that the upto date ACRs will be before the Screening Committee whereas different sets of ACR with reference to the year of vacancy will be before the regular DPC. As the yardstick applied by the Committee and

regular DPC are different, even if we apply the criterion of "Seniority-cum-fitness" in both the cases, the recommendations of the regular DPC may differ from that of Screening Committee. However, the observations made by the Hon'ble Supreme Court's Judgement dated the 30th July, 1999 after taking into account the judgement in O.A.1046/96 is reproduced below :-

"Keeping in view the relevant Rules, we, thus, find that the view taken by the Ernakulam Bench is the correct view in the sense that the method of promotion by seniority, subject in finding out the fitness of the candidate for the Programme Wing or the Production Wing, through the DPC.

Thus the Hon'ble Supreme Court has emphasized the need for selecting candidate through the DPC and not by a Screening Committee which did not associate the Union Public Service Committee while making ad-hoc promotions in 1993. Besides, the Screening Committee did not make any recommendations for allocation of Cadre i.e. either Programme Management Cadre of AIR or Programme Management Cadre of Doordarshan".

The review DPC and Cadre allocation was made strictly in accordance with the directions of the Hon'ble Apex Court and that too in letter and true spirit.

5. That with regard to para 4.6 the respondents beg to state that it is submitted that while circulating the seniority list in the Programme Management Cadre of AIR in Junior Time Scale of Indian Broadcasting (Programme) Service, it was clearly brought to the notice of the applicant that his placement in the said list is subject to the outcome of two SLPs then pending before the Hon'ble Apex Court. It was also made clear to the applicant vide para 5 of Annexure A-5 to the application that the ad-hoc promotion to the Senior Time Scale is subject to the outcome of cases pending before the Hon'ble Supreme Court.

6. That with regard to para 4.7 the respondents beg to state that it is submitted that the original DPC held in 1994 did not recommend applicant's name for promotion after applying and as such his allocation to any of the two cadres also does not arise. In accordance with the directions of the Hon'ble Apex Court a review DPC was held in the Union Public Service Commission. As the applicant was not earlier allocated to any of the two cadres the Review DPC allocated him to the Programme Management of the Cadre of Doordarshan keeping in view the vacancy and his first option for the Doordarshan Cadre was made as a sequel to implementation of the judgement delivered by the Hon'ble Court and not in routine manner. It is further submitted that none of his juniors in the Programme Management Cadre of Doordarshan has been promoted to

Contd....6/-

Senior Time Scale and therefore, the applicant may be put to strict proof of evidence because his Seniority has never been overlooked.

7. That with regard to para 5 A the respondents beg to state that it is admitted that this Hon'ble Tribunal had declared that the applicant is eligible to be promoted to the Junior Time Scale and in accordance the Judgement of the Apex Court, the applicant has now been promoted on regular basis with retrospective effect to the Programme Management Cadre of Doordarshan in Junior Time Scale keeping in view vacancy position in a particular year and his first option for Doordarshan. It is denied that the right which accrued upon him pursuant to this order at Annexure-A-2 of the application has now been taken away by the respondents.

8. That with regard to para 5 B the respondents beg to state that Annexure A-1 to the application is strictly in accordance with the directions of the Hon'ble Supreme Court and that too in letter and true spirit. So allegations of illegality, contraviness are denied.

9. That with regard to para 5 C the respondents beg to state that it is submitted that a review DPC was convened by the Union Public Service Commission as a sequel to implementation of the judgement delivered by the Hon'ble Supreme Court and the review DPC recommended the applicant for promotion to Junior Time Scale keeping in view

W<sup>x</sup>  
the vacancy position and his preference/option for Doordarshan Cadre. As such the Annexure A-1 to the application is in true spirit of the judgement delivered by the Hon'ble Apex Court. Therefore, nothing is illegal and unjustified.

10. That with regard to para 5 D the respondents beg to state that the inclusion of the applicant in the Programme Management Cadre of AIR in Junior Time Scale was made subject to the outcome of the two SLPs and one transfer petitions then pending before the Hon'ble Supreme Court and it has clearly been brought to the notice of the applicant at the time of the circulation of seniority list and while making promotion to Senior Time Scale on ad-hoc basis. It is also submitted that there was no necessity to act upon the options in 1994 as he was not empanelled for promotion. The review DPC was held keeping in view the position prevailing in 1994 and the review DPC has to take into account the option exercised by the applicant for the purpose. The revocation of allocation of Cadre was made as a sequel to implementation of the judgement delivered by the Hon'ble Court and not in routine manner. Therefore, it is denied that anything illegal has been done.

11. That, with regard to para 5 E the respondents<sup>State</sup> that the review DPC has to allocate officers to either of the Cadre keeping in

view the vacancy position and option exercised by the candidate. The review DPC cannot be held responsible for preference for Doordarshan exercised by the applicant. So nothing unwanted was done.

12. That with regard to para 5 F the respondents beg to state that S/Shri B.G.Shankar Rao and Shri B.S.Chauhan were senior to the applicant even in the grade of programme Executive in All India Radio. It is submitted that the assignment of seniority is on the basis of position in the promotion panel or the rank list and not on the basis of date of joining. Being a responsible officer handling the Management of AIR Stations/Doordarshan Kendras the applicant is equally aware of rules position relating to fixation of seniority but he is trying to mislead this Hon'ble Tribunal. Therefore the allegation of illegality, arbitrariness and violation of Article 14 & 16 of the Constitution of India are denied.

13. That with regard to para 5 G the respondents beg to state that Annexure A-1 to the application has been issued as sequel to implementation of the judgement delivered by the Hon'ble Apex Court in letter and spirit. Hence, the averments made by the applicant are denied.

14. That with regard to para 5 H the respondents beg to state that the answering respondents cannot even think of disobeying any Court of law in

whatsoever manner whereas the respondents have the fullest and highest regard to the Hon'ble Apex Court and to any Court of Law.

15. That with regard to para 6 the respondents beg to state that it is submitted that the applicant did not avail the departmental remedy and therefore, the application is liable for dismissed on this sole ground.

16. That with regard to para 7 B the respondents beg to offer no comments.

17. That with regard to para 8 the respondents beg to state that the applicant is not entitled for any of relief(s) sought and it is prayed that the application may be dismissed with costs.

18. That with regard to para 9 the respondents beg to state that the interim orders granted by the Hon'ble Tribunal have adversely affected the chain transfer made by the Prasar Bharati. The applicant has now been adjusted at Shillong by transferring one post from another Kendra which is adversely affecting that Kendra. It is, therefore, prayed that the interim orders may please be vacated for smooth functioning of the Doordarshan which will also be in public interest.

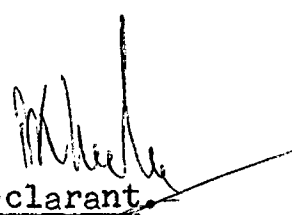
19. That with regard to para 10 to 12 the respondents beg to offer no comments.



V E R I F I C A T I O N

I, Shri PAOKHOLIEN SINGSON working as  
Dy. Director General(NER), Doordarshan,  
Guwahati being authorised do hereby  
solemnly declare that the statement made  
in this written statement are true to my  
knowledge/believe and information and I  
have not suppressed any material fact.

And I sign this verification on this ...  
5th ..... day of Feb ..... 2001.



Declarant.

Dy. Director General  
Doordarshan, Guwahati.

BEFORE THE HONOURABLE CENTRAL ADMINISTRATIVE TRIBUNAL ERNAKULAM  
BENCH.

O.A. No. 279 of 2000.

Applicant(s):-

C.P.R. Nair, S/o. Purushothaman Nair, aged 52 years, Deputy Director (STS),  
Doordarshan Kendra, Shillong (on leave) residing at Kailas, Cheroor, Trichur.

Respondent(s):-

1. Union of India represented by the Secretary to Government of India, Ministry of Information and Broadcasting, New Delhi.
2. The Director General, All India Radio, New Delhi.
3. Director General, Doordarshan Kendra, New Delhi.

DETAILS OF APPLICATION.

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS FILED.

Order No. 20/2000-B(A) dated 25.8.2000 issued by the 1<sup>st</sup> respondent (Annexure A1)

2. JURISDICTION OF THE TRIBUNAL.

The applicant further declares that the subject matter of the application is within the jurisdiction of this Honourable Tribunal.

3. LIMITATION.

The applicant further declares that the application is within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE.

1. The applicant is aggrieved by the order dated 25.8.2000 issued by the 1<sup>st</sup> respondent, (which is in gross violation of the orders of this Honourable Tribunal in O.A 1046/1994 filed by him), whereby his adhoc appointment to the cadre of Programme Management of All India Radio in the Senior Time Scale stands terminated. As per the said order, he is further allocated to the Programme Management cadre of Doordarshan in the Junior Time Scale. His further grievance is that while making promotions to the cadre of Programme Management of Doordarshan in the Senior Time Scale, his seniority has been overlooked. A true copy of the order No. 20/2000-B(A) dated 25.8.2000 issued by the 1<sup>st</sup> respondent is produced herewith and marked as Annexure A1.
2. The applicant submits that while he was working in the cadre of Programme Executive of the All India Radio Management, he was promoted as Assistant Station Director in the Junior Time Scale. This promotion, as per order dated 14.6.1994, was on an adhoc basis. Subsequently, an order dated 18.7.1994 was issued regularising the promotions made on

12  
(SUB) REVERSION TO THE JTS CATEGORY FROM STS CATEGORY  
INFORMATION AND BROADCASTING

STRY OF

BEFORE THE HONOURABLE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH.

O.A. No. \_\_\_\_\_ of 2000.

C.P.R. Nair

Applicant

Union of India and others

Respondents

I N D E X

Sl. No.	PARTICULARS	Page Nos.
Compilation No. I		
1.	Original Application	1 - 5
2.	Annexure A1 - True copy of the order No. 20/2000-B(A) dated 25.8.2000 issued by the 1 <sup>st</sup> respondent	6 - 12
Compilation No. II		
3.	Annexure A2 - True copy of the order dated 9.12.1996 in OA 1046/94 on the file of this Honourable Central Administrative Tribunal, Ernakulam bench	13 - 16
4.	Annexure A3 - True copy of the order No. 28/97-B (A), dated 11.4.1997 issued by the 1 <sup>st</sup> respondent	17
5.	Annexure A4 - True copy of the judgement dated 30.7.1999 in SLP No. 21747/97, of the Honourable Supreme Court	18 - 22
6.	Annexure A5 - True copy of the order No. 18/98-B(A), dated 24.12.1998 issued by the 1 <sup>st</sup> respondent	23 - 26

Dated this the 1<sup>st</sup> day of September 2000.

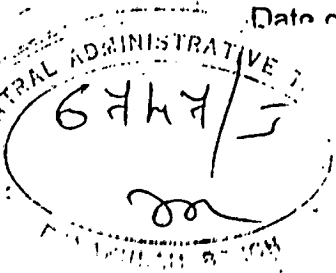
M.R. Rajendran Nair,  
Counsel for the Applicant.

For the use in the Tribunal Office

Date of filing

Or

Date of Receipt by Post



The Director General  
Doordarshan, New Delhi.

... Respondents

By Advocate Mr. George Joseph, AOGSC

The applications having heard on 9.12.1996, the Tribunal on the same day delivered the following:

### ORDER

P.V. VEKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicants in these two applications were all in the feeder category of Junior Time Scale (JTS for short) posts in the Indian Broadcasting (Programme) Service. They submit that they have been considered against vacancies in the JTS and were promoted on ad hoc basis to the JTS on the basis of their seniority subject to the rejection of unfit, a contention which is accepted by the respondents in their reply statement. While so, the Departmental Promotion Committee considered their promotion and by A4 orders in OA 1046/94 (A6 in OA 1069/94) certain officials were promoted to the Programme Management cadre of the JTS of Indian Broadcasting (Programme) Service. Applicants do not find a place in the list though several persons who are junior to them as evidenced by A2 seniority list have been promoted by A4 order. Consequent on such promotion of certain juniors, applicants have been reverted by A5 orders (A1 in OA 1069/94). Applicants pray that A4 and A5 be quashed and that respondents 1 & 2 be directed to promote them to the JTS on regular basis from the date of their ad hoc promotion with consequential benefits. It is submitted that the applicant in O.A. 1069/94, has since retired from service.

2. Respondents submit that this is a promotion from Group A to the lowest rank of Group-A and that the method of promotion by Departmental Promotion Committee chaired by the UPSC is

where the DPC is headed by the UPSC is also selection.

3. The sole issue to be decided in these applications is whether the promotions to the post of JIS are to be by promotion by selection or by promotion on seniority-cum-fitness basis. The relevant rules are produced at A2 in OA 1069/94. Rule 7(2)(b) states as follows:

"The remaining 50% of the vacancies in the Junior Time Scale shall be filled by promotion of officers of feeder grades possessing the minimum qualifying service as specified in the appropriate column in Schedules IV and V."

Schedule IV states:

Junior Time Scale Programme Officer R.2200-75-2800- EB-100-4000	50% by promotion and 50% by direct recruitment in accordance with sub rule 2 of rule 7..	Programme Executives with 3 years' regular service in the grade "
--	--	---

Note: (1) For purpose of promotion to the Junior Time Scale posts, eligibility list of Programme Executives, Farm Radio Officers and Extension Officers shall be prepared on the basis of their date of appointment on regular basis in the pay scale of R. 2000-3500 subject to the condition that the inter-se-seniority in their respective cadres shall be maintained...."

4. We find that on a plain reading of the rules and the Schedule IV, there is nothing to warrant introduction of a procedure of promotion by selection for the 50% promotion component of JIS posts. Neither Rule 7(2)(b) nor the Schedule IV speaks of promotion by selection as far as JIS posts are concerned, though we find in Schedule IV for other posts there



is clear mention of either promotion by selection or promotion by seniority-cum-fitness. The omission of the phrase selection cannot be presumed to be accidental or unintentional when the same phrase occurs in other parts of the Schedule IV. It is also to be noticed that Rule 7(6)(a)(1) speaks of field of promotion and the field of promotion has also been laid down in Note.1 reproduced above. We find nothing in the pleadings to support the contention of the respondents 1 & 2 that promotion to the JIS against the 50% component promotional quota has to be made by adopting the selection process.

5. In the view we have taken, we find it not possible to sustain the impugned orders A4 and A5 in (O.A. 1046/94) and A1 and A6 (in O.A. 1069/94). We accordingly, quash the orders A4 & A5 in O.A. 1046/94 and A1 & A6 in O.A. 1069/94 to the extent it relates to the applicants in these applications.

6. It is seen from the reply statement in OA 1046/94 that while giving ad hoc promotions applicants have been subjected to screening as a result of which they have been found fit for promotion to the JIS post. In the view we have taken since no selection process is to be adopted for the 50% promotional quota in the JIS, we declare that the applicants are eligible to be promoted to the JIS on regular basis against the 50% promotional quota. Respondents 1 & 2 will pass appropriate orders in this regard within two months. Applicants will be entitled to receive all the benefits consequent to their promotion to the JIS cadre in accordance with the above direction.

7. Applications are allowed as above. No costs.  
Dated the 9th December, 1996.

A.M. SIVADAS  
JUDICIAL MEMBER

P.V. VEKATAKRISHNAN  
ADMINISTRATIVE MEMBER

CERTIFIED TRUE COPY  
Date 12.12.96

Deputy Registrar

This Annexure A 2(4) is the copy of the original  
Annexure A 2(4)

- 17 - (16) Annexure A - 99-55

No. 45013/1/97-B(A)  
Government of India  
Ministry of Information & Broadcasting  
\*\*\*\*\*

New Delhi, dated 11.4.1997

ORDER NO. 20/97-B(A)

In compliance with the Hon'ble Central Administrative Tribunal, Ernakulam Bench's Order dated 9.12.1996, in O.A. No. 1046/94 and 1069/94, the President is pleased to cancel this Ministry's Order No. 20/94-B(A) dated 13.7.1994 in so far as it relates to reversion of Shri K.A. Muraleedharan (S.No. 17), Shri R.S. Iyer (S.No. 19) and Shri C.P.R. Nair (S.No. 20).


2. The President is further pleased to promote them viz. S/Shri K.A. Muraleedharan, R.S. Iyer and C.P.R. Nair to Junior Time Scale (Scale Rs. 2200-4000) of Programme Management Cadre of All India Radio of Indian Broadcasting (Programme) Service on regular basis w.e.f. 18th July, 1994.

3. All the above three officers would be entitled to receive all the benefits consequent to their promotion to the Junior Time Scale on regular basis.

(S.D. KUMAR)  
DEPUTY SECRETARY TO THE GOVT. OF INDIA  
TELE. NO. 3395016

Copy to:-

1. DG: AIR (Shri S.K. Kapoor, DG).
2. DG: Doordarshan (Dr. P.K. Seth, DDG(F&T))
3. The P&AO (IRLA), Min. of I&B, AGCR Building, New Delhi.
4. PS to IBM/PPS to Secretary/PS to AS(B)/PS to AS&FA/JS(B)/DS(BA), Min. of I&B.
5. Vigilance Section, M/o. I&B/DG: AIR.
6. The officers concerned through DG: AIR.
7. Personal files of the officers concerned.
8. Guard file.
9. Spare copies - 5.

  
(A.K. SAXENA)  
SECTION OFFICER  
TELE. NO. 3388606

This Annexure A 3 is the true copy of the original document.

R. Rajendran Nair,  
Advocate.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Special Leave Petition (Civil) No. 21747 of 1997

Union of India & Others

..Petitioners

Versus

Shri Chetan S. Naik

..Respondent

WITH

S.L.P(C) No. 1452 of 1998 & TC No. 8/98

O R D E R

These two special leave petitions have been preferred against the judgments of the Central Administrative Tribunal (Karnataka Bench) in O.A. No. 1221 of 1994 and O.A. No. 1904 of 1995, dated 25.2.1997. The Transferred Case relates to Writ Petition No. 6320 of 1997 (Madras High Court) wherein the judgment of the Full Bench of the Central Administrative Tribunal (Madras Bench) in OA No. 960 of 1994 dated 3.6.1997 and the consequential order dated 3.6.1997 are in question. The Karnataka Bench allowed the OAs following the decision of the Ernakulam Bench in OA No. 1046 of 1994 and 1069 of 1994 dated 9.12.1996. It has held that the 50% quota for promotion to the post of Junior Time Scale (for short 'JTS') in the Indian Broadcasting (Programme)



Service (hereinafter called the 'IBPS') has to be filled not by selection but by 'seniority'. On the other hand the Jaipur Bench in OA No.344 of 1995 dated 31.7.1996 has held that the promotion to the post of JTS is to be made by 'selection'. The Full Bench of the Central Administrative Tribunal (Madras Bench) has accepted the view of the Jaipur Bench that the 50% quota by promotion to the posts of JTS are to be filled by 'selection' and not seniority. The Full Bench has not accepted the view of the Karnataka Bench and the Ernakulam Bench. The special leave petitions from Karnataka are by the Union of India while in the Transferred Case the petitioner is questioning the correctness of the decision of the Full Bench of the Tribunal (Madras Bench).

Rule 7(2)(a) of the IBPS rules, 1990 prescribes that 50% of JTS posts are to be filled by direct recruitment and Rule 7(2)(b) clearly states that the remaining 50% shall be filled by 'promotion', as specified in Schedule IV and Schedule V. Rule 7(3) again says that notwithstanding anything in rule 7(2), all vacancies in JTS shall be filled by promotion for a period of 2 years from the date of commencement of the Rules (from 5.11.1990). By amendment dated 7.4.1994, the period is amended as 4 years from the date of commencement of the principal Rules. Schedule IV and Schedule V respectively deal with posts in the Programme Management and Programme Production wings. In each wing

we have the JTS posts at serial No.5 and certain other higher posts at serial Nos. 1 to 4. We shall refer to the posts at serial Nos. 3,4,5 in these two wings i.e. Schedule IV and V for the present purpose. In regard to the higher posts at serial No.3 in Schedule IV as well as Schedule V, - i.e. the Management and Programme wing posts in JTS - the recruitment is by 'selection'. In regard to the posts at serial No.4, below serial No.3, it is by 'promotion-cum-fitness' and in regard to JTS posts in question at serial No.5, i.e. below serial No.4, the recruitment is 50% by direct recruitment and remaining 50% by promotion.

On a plain interpretation of the word 'promotion' occurring in rule 7(2) in regard to 50% and the words 'promotion' at serial Nos.3,4 and 5 of Schedule IV and Schedule V, it is clear that for the 50% JTS posts at serial No.5, the appointment is by 'promotion' while for appointment to the post at serial Nos.3, it is by 'selection' and for appointment to posts at serial No.4 it is by 'promotion-cum-fitness'. Thus for the appointment at these three levels, the rule-making authority has used different and distinct words, - 'selection', 'promotion-cum-fitness' and 'promotion' and that indicates that the word 'promotion' at serial No.5 for JTS posts is not to be given the same meaning as 'selection' at serial No.3. In other words, for appointment to posts in JTS at serial No.5, no selection by assessment of comparative merit is contemplated.

either in the Rules or in Schedule IV and Schedule V.

The Full Bench at Madras and the Jaipur Bench have relied upon the Note 2 below Schedule IV and Schedule V to hold that even for JTS posts at serial No.5, appointment is by 'selection'. It is no doubt true that Note 2 uses the words 'field of selection' but that, in our opinion, is meant for the purpose of considering the "options" to be exercised by those in the feeder category - choice is to 'opt' for being allocated to the Management or the Programme wings of JTS posts - but the 'selection' process under Note 2 is limited to considering the suitability of those in the feeder category to be allocated either to the 'Programme Wing' or to the 'Production Wing', as the case may be, among the JTS posts. The DPC's role is, thus, limited to the selection of the promotees for either of these two wings. That Note, in our view, has no bearing on the meaning of the words 'promotion' in Rule 7(2) or on the words 'promotion' at serial No.5 in Schedule IV and V.

Keeping in view the relevant Rules, we, thus, find that the view taken by the Ernakulam Bench is the correct view in the sense that the method of promotion to JTS posts is, on the basis of promotion by seniority, subject to finding out the fitness of the candidate for the Programme wing or the Production wing, through the DPC. The Karnataka Bench, therefore, rightly followed the Ernakulam Bench decision. We, therefore, do not see

any reason to interfere in the two Special leave petitions. As a consequence, the Full Bench view of the Madras Tribunal in OA No.1221 of 1994 cannot be said to be laying down the correct law.

As a result, the special leave petitions No.21747 of 1997 and 1452 of 1998 are dismissed. In so far as the Transferred Case No.8/99 is concerned, for the reasons given above, we allow the writ petition No.8320 of 1997(Madras High Court) and set aside the order of the Full Bench of the Madras Tribunal in OA No.960 of 1994 dated 3.6.1997 and other consequential orders. OA No.960 of 1994 (Central Administrative Tribunal, Madras) stands allowed. There will be no order as to costs in the Transferred case.

New Delhi;  
July 30, 1999.

Sd/- C.J.  
M. Jagannath Rao  
N. Sanjiv Hegde

This Annexure A is the true copy  
of the original document.  
M.R. Rajendran Nair,  
Advocate.

No. 32013/5/98-B(A)

Department of India

Information and Broadcasting

B(A) Section

\*\*\*\*\*

New Delhi,  
24.12.98Order No.18/98-B(A)

The President is pleased to promote, purely on ad-hoc basis, the following officers in the Programme Management Cadre of All India Radio in Junior Time Scale of Indian Broadcasting (Programme) Service to the Senior Time Scale of the same Cadre and Service for a period of one year or till the regular incumbents become available, whichever is earlier, with effect from the date they assume charge of the posts and until further orders:

-----  
S.No.      Name  
-----

S/Shrl

01. A.K. Biswas
02. A.N. Tiwari
03. A.N. Schoo
04. H.C. Gupta
05. S.K. Bhan
06. H.C. Salkla
07. A.K. Chakraborty
08. P.B. Kureel
09. A. Jagannath
10. Smt. N.J. Ammal
11. S.K. Mitra
12. Smt. V.S. Lingsur
13. Smt. V.C. Joshi
14. Smt. M.S. Desai
15. S.S. Hiremath
16. S.M. Jain
17. Smt. P. Vedavati
18. P.N. Mishra
19. A.C. Majhi
20. B.K. Shukla
21. Smt. N. Sadruddin
22. V.V. Subramanian
23. K. Vageesh
24. S.K. Kaushal
25. Kum. Promila Rao
26. L.C. Bajpal
27. C. Muruganandan
28. S.D. Bhosle
29. R.D. Purohit
30. P.K. Shukla
31. Y. Gangi Reddy
32. S.P. Mahajan

Contd - 2/-

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Annexure A.5(2)

- 2 -

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S.No. Name

33. A.N. Deshmukh
34. Sri Ram
35. L.Ch. Sallo
36. R. Balasubramanian
37. R.R. Palake
38. G.D. Thorat
39. K.A. Muraleedharan
40. M.L. Arya
41. R.B. Mirdha
42. R.B.L. Mathur
43. B.D. Majundar
44. C.P.R. Nair
45. B.N. Pandya
46. A.K. Nagalach
47. K. Gunasekhara
48. J.B. Chakraborty
49. B.C. Panwar
50. K.N. Yadav
51. D.K. Mishra
52. Smt. S. Mishra
53. S.K. Sengupta
54. E.S. Guha
55. O.R. Niazl
56. D.K. Pimpalghare
57. B.N. Goel
58. B.N. Bose
59. Anil Kumar Ram
60. B.N. Gupta
61. Smt. Shobha Mitra
62. Smt. Sadhna Bhatt
63. M. Vasudevan
64. B.K. Banerjee
65. A.L. Paul
66. Smt. T. Dhondup
67. D.C. Das
68. M.N. Roy
69. Smt. Prabha Solanki
70. Smt. Kala Ravi
71. Smt. N. Nakhro
72. D.C. Kachari
73. B.D.L. Srivastava
74. J.K. Joshi
75. G.L. Bhagat
76. M.H. Khan
77. A.A. Ansari
78. P.K. Sinha
79. A.Z. Farid
80. P.K. Ravindran
81. Lalithansanga Vante
82. K. Rajan
83. Rajesh Reddy
84. A.M. Maurya
85. K.M. Sharma
86. S.C. Mathur

18

S.No.	Name
87.	Pandu Ranga Rao
88.	Smt. C.S. Kumudam
89.	S.K. Das
90.	N.C. Narasimhacharyulu
91.	R.P. Sahu
92.	I.P. Srimall
93.	Dr. U.N. Ralna
94.	Kamal Sharma
95.	K. Subramanian
96.	V. Srinivasan
97.	A.K. Mandal
98.	Dr. S.K. Sinha
99.	Ravi Shankar
100.	D.S. Kaswalla
101.	R.S. Ratonla
102.	N. Murugan
103.	Gautam Sen Gupta
104.	S. Chakraborty
105.	Mahmood Khan
106.	G. Vijaya Kumar
107.	Smt. Geeta Markam
108.	C. Lalbalkitagunga
109.	T.M. Reddy

2. The posting orders of the above listed officers will be issued by the Directorate General, All India Radio.

3. The appointment of these officers in the Senior Time Scale grade will be on ad-hoc basis and it will not confer on them any right or privilege for continued or regular appointment in that grade.

4. These officers will stand automatically reverted to their parent grade i.e., Junior Time Scale of IB(P/S) after completion of period of one year with effect from the date of their joining in the post.

5. The appointment of S/Shri K.A. Muraleedharan (S.No. 39) and C.P.R. Nair (S.No. 44) is subject to the outcome of SLP (Union of India Vs. C.S. Nair & others) and Transfer Petition (Union of India Vs. Smt. Latha Raju) pending before the Hon'ble Supreme Court.

*[Signature]*

( Ashok Kumar )  
Under Secretary to the Govt. of India  
Tel # 3384754

Copy to:-

1. DG:AIR ( Dr. O.P. Kejariwal, CEO & DG).
2. DG:AIR ( Shri K.C. Khosla, Director(A&F)).
3. The P&AO(IRLA), Min. of I&B, AGCR Building, New Delhi.
4. The President, Programme Staff Association of AIR & Doordarshan, Akashvani Bhawan, New Delhi.
5. The persons concerned through DG:AIR.
6. PS to IBM/PS to MSIB/PPS to Secretary/PPS to A.S./JS(B)/Director(BP)/US(BA), Min. of I&B.
7. Vigilance Section, Min. of I&B/DG:AIR.
8. Personal files of the officers concerned.
9. Guard file.
10. Spare copies - 10.

[ Ashok Kumar ]  
Under Secretary to the Govt. of India  
Tel # 3384754

This Annexure A 5 is the true copy  
of the original document.  
M.R. Rajendran Nair,  
Advocate.



(26)

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ad hoc basis. Contrary to expectations, the applicant's name failed to find place in the said list. Thereby, the applicant stood reverted to the cadre of Programme Executive.

3. Aggrieved by this, the applicant approached this Honourable Tribunal in OA 1046/94. OA 1046/94 was disposed of by order dated 9.12.1996 declaring that this applicant is eligible to be promoted to the Junior Time Scale category on a regular basis and directing the respondents therein to pass appropriate orders in that regard within 2 months. A true copy of the order dated 9.12.1996 in OA 1046/94 on the file of this Honourable Central Administrative Tribunal, Ernakulam bench is produced herewith and marked as Annexure A2.
4. In compliance with Annexure A2 order, the 1<sup>st</sup> respondent issued order No. 28/97-B (A), dated 11.4.1997 cancelling its earlier order dated 18.7.1994 in so far it related to the reversion of the applicant herein. He was further ordered to be promoted to the Junior Time Scale of Programme Management cadre of the All India Radio on regular basis with effect from 18.7.1994. A true copy of the order No. 28/97-B (A), dated 11.4.1997 issued by the 1<sup>st</sup> respondent is produced herewith and marked as Annexure A3.
5. In the meanwhile, a full bench of the Madras Bench of the Honourable Tribunal took a view contradictory to that taken by this Honourable Tribunal in O.A No: 1046/1994, while the Karnataka bench followed the same. When it was apprehended that the respondents intended to extend the applicability of the said decision of the Madras bench to the applicant herein also, O.A No: 821/1997 was filed praying for a declaration that the same would not be binding upon him. The said O.A was allowed. In this background, the respondent Department approached the Honourable Supreme Court in SLP No. 21747/97 against the orders of the Karnataka and Madras benches. The Karnataka bench had followed Annexure A2 decision of the Ernakulam bench in OA 1046/94 and OA 1069/94. The Honourable Supreme Court in deciding the said SLP opined that the view taken by the Ernakulam bench in OA 1064/99 and OA 1069/94 is the correct view in the sense that the method of promotion to Junior Time Scale is on the basis of seniority subject to finding out the fitness of the candidates for the Programme wing or the Production wing, through the DPC. The SLP was thereby dismissed by judgement dated 30.7.1999 of the Honourable Supreme Court. A true copy of the judgement dated 30.7.1999 in SLP No. 21747/97, of the Honourable Supreme Court is produced herewith and marked as Annexure A4.
6. At this juncture, it is brought to the notice of this Honourable Tribunal that the 1<sup>st</sup> respondent by order dated 21.12.1998 had promoted the applicant herein on ad hoc basis to the Senior Time Scale of the Programme Management cadre of the AIR. The said promotions were however effected prior to Annexure A4 judgement of the Honourable

Supreme Court. A true copy of the order No. 18/98-13(A), dated 24.12.1998 issued by the 1<sup>st</sup> respondent is produced herewith and marked as Annexure A5.

7. In purported implementation of Annexure A4 judgement of the Honourable Supreme Court, the 1<sup>st</sup> respondent has issued Annexure A1 order to the effect that in the light of Annexure A4 judgement adhoc appointment of the applicant and certain others to the Senior Time Scale, as evidenced by Annexure A5, are terminated. He was further reverted to the substantive post of Programme Executive in the Programme Management cadre of All India Radio from the Junior Time Scale. As per the same order, he was then promoted to the Junior Time Scale in the Programme Management cadre and allocated to the Doordarshan. His further grievance is that out of the 5 included in the list of Junior Time Scale Programme Management cadre of Doordarshan, 2 of his juniors were promoted to the Senior Time Scale, overlooking his seniority.

5. GROUNDS FOR RELIEF.

- A. The applicant submits that by Annexure A2 order in O.A No: 1046/1994, this Honourable Tribunal had declared that the applicant is eligible to be promoted to the Junior Time Scale category on a regular basis. The right which accrued upon him pursuant to this order has now been taken away by the respondents with the issuance of the impugned order.
- B. Annexure A1 is highly illegal and contrary to the spirit of the Annexure A4 judgement of the Honourable Supreme Court.
- C. A careful reading of Annexure A4 judgement would go on to show that the Honourable Supreme Court has held Annexure A2 decision of this Honourable Tribunal in OA 1046/1994 filed by this applicant to be correct. Thereby Annexure A3 order dated 11.4.1997 issued by the 1<sup>st</sup> respondent in compliance with Annexure A2 order, regularly promoting the applicants to the Junior Time Scale with effect from 18.8.1994 is also correct. Thereby Annexure A1 order to the extent it reverts the applicant to the cadre of Programme Executive is illegal and unjustifiable. Though Annexure A1 order is issued in purported implementation of Annexure A4 judgement of the Honourable Supreme Court, it is totally against the spirit of the said judgement.
- D. The applicant further submits that his allocation to the Junior Time Scale of the Programme Management cadre of Doordarshan is also illegal. As per Annexure A3 order dated 11.4.1997, the applicant was allocated to the All India Radio Management. Though the applicant had made an option for allocation to the Doordarshan in 1992 it was not accepted nor acted upon. On the other hand, the applicant was included in the list of Junior Time Scale officers in the Management cadre of All India Radio. The applicant stood allocated to All India Radio. All his promotions were maintained in All India

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Management itself. As per Rule 7 (6) (d) of the Indian Broadcasting (Programme) Service Rules, 1990 an allocation made to a cadre shall be irrevocable. Hence the allocation of the applicant to the Doordarshan when he had already been allocated to the All India Radio Management is illegal.

E. Had the applicant been promoted in the All India Radio management itself, his seniority would have been maintained at a much higher position as corresponding to his respective position in Annexure A5 order. Hence a re-allocation to the Doordarshan, it is submitted was highly unwarranted.

F. Even in case the attempted allocation to Doordarshan is sustainable the applicant is entitled to be promoted in preference to his juniors in the Doordarshan cadre, namely Shri B.G. Shankar Rao & Shri. B.S. Chauhan. Applicant is aggrieved by the non-granting of promotion the Senior Time Scale. The applicant is at Sl. No.4 in the list of promotees to the Programme Management Cadre of Doordarshan (JTS) (page 3 of Annexure A1). It is submitted that as per the Rules seniority-cum fitness is the only criterion for promotion to the Senior Time Scale. Annexure A5 (page 3) would show that this applicant is the senior most in the category of JTS as his date of joining the said category is prior to those of Sl. Nos. 1,2, and 5. In spite of this, as per Annexure A1, Sl. No. 1 & 2- Shri B.G. Shankar Rao & Shri. B.S. Chauhan are promoted to the Senior Time Scale (page 4 of Annexure A1). This, the applicant submits, is highly illegal and arbitrary and hence violative of Articles 14 and 16 of the Constitution of India.

G. It is submitted finally that Annexure A1 order is totally unwarranted to the extent it relates to this applicant. His promotion to the Senior Time Scale cadre, as per Annexure A5 order, ought to be upheld. His reversion to the cadre of Junior Time Scale as evidenced by Annexure A1 is highly illegal, unjustifiable and very much against the spirit of Annexure A4 judgement of the Supreme Court.

H. In effect, it can be said that the respondents have disobeyed the direction of the Honourable Supreme Court as well as this Honourable Tribunal with the issuance of Annexure A1, order impugned in this Original Application.

6. DETAILS OF REMEDIES EXHAUSTED.

No other Statutory remedy

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT.

The applicant further declares that the applicant has not filed any application, writ petition or suit, regarding the matter in respect of which the application is made, before any court or any other authority or any other bench of this Tribunal nor any such application writ petition or suit is pending before any of them.

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8. RELIEF(S) SOUGHT.

In view of the facts mentioned in para 4 and 5 above the applicant prays for the following relief(s).

- i. To quash Annexure A1 to the extent it reverts the applicant from the Senior Time Scale & Junior Time Scale of Programme Management cadre of All India Radio and
- ii. To declare that the applicant is entitled to continue in the Programme Management cadre of All India Radio with all consequential benefits and to direct the respondents to retain the applicant in the Senior Time Scale of Programme Management cadre of All India Radio.
- iii. Grant such other reliefs as may be prayed for and the Court may deem fit to grant, and
- iv. Grant the cost of this Original Application.

9. INTERIM ORDER IF ANY PRAYED FOR:

Pending the final decision of the application the applicant seeks issue of the following order:-  
To stay the reversion of the applicant pursuant to Annexure A1 order.

10. NOT APPLICABLE.

11. PARTICULARS OF THE POSTAL ORDER IN RESPECT OF APPLICATION FEE.

No. Of the Indian Postal Order :

Date of Issue of the Postal Order:

Name of issuing Post Office :

High Court P.O. E.K.M

Post Office at which payable :

H.P.O., Ernakulam

12. LIST OF ENCLOSURES:


1. Annexure-A1
2. Vakkalath.
3. Envelops with Acknowledgement Cards.
4. Postal order for Rs. 50/-


I N V E R I F I C A T I O N

I, C.P.R. Nair, S/o. Purushothaman Nair, aged 52 years, Deputy Director (STS), Doordharan Kendra, Shillong (on leave) residing at Kailas, Cheroor, Trichur., do hereby verify that the contents from para 1 to 12 are true to the best of my personal knowledge and belief and that I have not suppressed any material facts.

Place: Ernakulam,

Date : 01.-9.2000

  
C.P.R. Nair,  
Applicant.

  
M.R. Rajendran Nair,  
Counsel for the Applicant.

6

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Annexure A

No.32013/3/2000-B(A)-Vol.II

Government of India

Ministry of Information and Broadcasting

\*\*\*\*\*

New

the 25th August

Order No.20/2000-B(A)

In pursuance of judgement dated the 30<sup>th</sup> July, 1999 delivered by Hon'ble Supreme Court of India in SLP @ No. 21747 of 1997, S. No.1452 and TC No.8/99 in the matter of Union of India and C.S. others and judgement dated the 17<sup>th</sup> November, 1998 delivered by Hon'ble High Court of Delhi at New Delhi in SWP No.2119/98 in the matter of Union of India Vs. S.P. Jain, the President is pleased to terminate the ad hoc appointment of the following officers in Programme Management of AIR in Senior Time Scale of Indian Broadcasting (Programme) S. with immediate effect:

S.No.	Name
01.	Shri Shri V.K.Banerji
02.	Shri Smt. C.S.Kumudam
03.	Shri S.K.Das
04.	Shri N.C.Narasimhacharyalu
05.	Shri R.P.Sahu
06.	Shri I.P.Srimali
07.	Dr.U.N.Raina
08.	Shri Kamal Sharma
09.	Shri K.Subramanian
10.	Shri V.Srinivasan
11.	Shri A.K.Mandel
12.	Dr. S.K.Sinha
13.	Shri Ravi Shankar
14.	Shri D.L.Koswalia
15.	Shri R.S.Ratonia
16.	Shri N.Murugan
17.	Shri Gautam Sen Gupta
18.	Shri S.Chakraborty
19.	Shri Mahmood Khan
→20.	Shri K.A.Mahalingam
→21.	Shri C.P.D. Meir

2. The President is further pleased to revert the following officials to their substantive post of Programme Executive and other categories in All India Radio and Doordarshan from Junior Time Scale Indian Broadcasting (Programme) Service with immediate effect.

S.No. Name

Programme Management Cadre of AIR

01. Shri Shri V.K. Banerji
02. Smt. C.S. Kumudam
03. Shri S.K. Das
04. Shri N.C. Narasimha Charyalu
05. Shri R.P. Sahu
06. Shri J.P. Srimali
07. Dr. U.N. Rana
08. Shri Kamal Sharma
09. Shri K. Subramanian
10. Shri V. Srinivasan
11. Shri A.K. Mandol
12. Dr. S.K. Sinha
13. Shri Ravi Shankar
14. Shri D.L. Kaswalia
15. Shri R.S. Rationia
16. Shri N. Murugan
17. Shri Gautam Sen Gupta
18. Shri S. Chakraborty
19. Shri Mahmood Khan
- 20. Shri K.A. Muralidharan
- 21. Shri C.P.R. Nair

Programme Management Cadre of Doordarshan

01. Smt. D. Mokten
02. Shri C.T. Navani
03. Shri Janardan Rao
04. Shri N.K. Batra

(32)

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3. The President is pleased to promote the following Programme Executives to the Junior Time Scale of Indian Broadcasting (Programme) Service on regular basis with effect from the dates indicated against each

S.No.	Name	Date
<u>Programme Management Cadre of All India Radio</u>		
01.	*Shri P.N.Maduskar	16.06.93
02.	Shri K.B.Desai	11.06.93
03.	Shri D.S.Vimal	15.06.93
04.	Shri C.S.Naik	19.06.93
05.	Shri T.K.Rawal	17.07.93
06.	Shri E.L.Narayana	18.06.93
07.	Shri V.N.Prasad	18.07.93
08.	Shri M.P.Sah	30.06.93
09.	Shri B.P.Kureel	26.06.93
10.	*Shri B.S.Sawai	17.06.93
11.	Shri M.S.Sivaprasad	30.06.93
12.	Smt. Latha Raju	11.06.93
13.	*Smt. Vijaya Sadhu	27.09.93
14.	*Smt. N.K.Shadap	19.06.93
15.	Shri S.S.Agyal	02.08.93
16.	Shri A.K.Sharma	27.08.93
17.	Shri K.K.Mishra	18.06.93
18.	*Smt. M.S.Vijaya	11.06.93
19.	Shri R.Muthusubramanian	13.11.93
20.	*Smt. Mira Pahuja	11.06.93
21.	*Shri Rafiq Raaz	11.06.93
22.	*Shri D.Selvaraj	03.08.94
23.	*Shri Shivmangal	25.07.94

\*Notional promotion

Programme Management Cadre of Doordarshan

01.	Shri B.G.Sankar Rao	12.07.93
02.	Shri B.S.Chauhan	02.09.93
→ 03.	Shri K.A.Muralidharan	16.06.93
→ 04.	Shri C.P.R.Nair	25.06.93
05.	Shri Mohd. S.Rizvi	28.06.93

... 4/-

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basis, the following Junior Time Scale officers to the Senior Time Scale Indian Broadcasting (Programme) Service with effect from the date they assume charge of the posts and upto 31.12.2000 or till the regular incumbents become available, whichever is earlier, and until further orders:

S.No. Name

Programme Management Cadre of All India Radio

01. Shri P.N.Maduskar
02. Shri K.B.Desai
03. Shri D.S.Vimal
04. Shri C.S.Naik
05. Shri T.K.Rawal
06. Shri E.L.Narayana
07. Shri V.N.Prasad
08. Shri M.P.Sah
09. Shri B.P.Kurcel
10. Shri B.S.Savai
11. Shri M.S.Sivaprasad
12. Smt. Latha Raju
13. Smt. Vijaya Sadhu
14. Smt. N.K.Shadap
15. Shri S.S.Agyal
16. Shri A.K.Sharma
17. Shri K.K.Mishra
18. Smt. M.S.Vijaya
19. Smt. Mira Pahuja
20. Shri Rafiq Raaz
21. Shri D.Selvaraj
22. Shri Shivmangal

Programme Management Cadre of Doordarshan

01. Shri B.G.Sankar Rao
02. Shri B.S.Chaulian



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Annexure A

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- 10 -

- 5 -

5. The President is further pleased to promote, purely on ad-hoc basis, the following Programme Executives or equated categories in All India Radio and Doordarshan to the Programme Management Cadres of All India Radio and Doordarshan in Junior Time Scale, of Indian Broadcasting (Programme) Service with immediate effect and upto 31.12.2000 or till regular incumbents become available, whichever is earlier, and until further orders:

S.No.	Name
01.	Shri Shri V.K.Banerji
02.	Smt. C.S.Kumudam
03.	Shri S.K.Das
04.	Shri N.C.Narasimhacharyalu
05.	Shri R.P.Sahu
06.	Shri I.P.Srimali
07.	Dr.U.M.Raina
08.	Shri Kamal Sharma
09.	Shri K.Subramanian
10.	Shri V.Srinivasan
11.	Shri A.K.Mandol
12.	Dr. S.K.Sinha
13.	Shri Ravi Shankar
14.	Shri D.L.Kaswalia
15.	Shri R.S.Ratonia
16.	Shri N.Murugan
17.	Shri Gautam Sen Gupta
18.	Shri S.Chakraborty
19.	Shri Mahmood Khan
20.	Smt. D.Mokten
21.	Shri C.T.Nawani
22.	Shri Janardan Rao
23.	Shri N.K.Batra

6. The posting of above officers consequent on their ad-hoc promotion will be issued by the Prasar Bharati.

.....b/-

7. The appointment of officers listed in paragraphs 4 and 5 above in the Junior Time Scale/Senior Time Scale will be on ad-hoc basis and it will not confer on them any right or privilege for continued or regular appointment in that grade. These officers will stand automatically reverted to their parent grade i.e., Programme Executive or equated category in All India Radio and Doordarshan/Junior Time Scale of Indian Broadcasting (Programme) Service after completion of the said period i.e. 31.12.2000 (AN).

8. The pay of the officers promoted on regular basis will be fixed in the higher post under FR 22@ straight away without any further review or accrual of increment in the pay scale of the lower posts. If any officer exercises an option in terms of para 2(b) of DP&AR's O.M.No.F.1/17/80 Est.P.I dated the 26<sup>th</sup> Sept., 1981 within a period of one month from the date of issuance of this order, the pay of the officer concerned on promotion will be fixed initially in the manner as provided under FR 22(A)(1) which may be refixed on the basis of provisions of FR 22(c) on the date of accrual of next increment in the scale of pay of the lower post.

9. The pay of the officers promoted on notional basis indicated with (\*) mark in para 3 above will be notationally fixed in the pay scale of Rs.8000-275-13500 with effect from the date mentioned against each and annual increments allowed in the same scale from that date to the date of their actual taking over of charge in Junior Time Scale post. However, they will not be entitled to draw any arrears of pay and allowances for the period from the date of their notional promotion to the date of actual taking over in JTS level on the principle of "No Work No pay".

(S. Twickly)

Under Secretary to the Govt. of India  
Tele.No.3398683

## Copy to:

1. Shri R.R.Shah, Chief Executive Officer, Prasar Bharati, Mandi House, New Delhi.
2. The Pay & Accounts Officer (IRLA), Ministry of I&B, AGCR Building, I.P.Estate, New Delhi.
3. DG: AIR (Shri K.C.Khosla, Director (A&F))
4. DG: DD (Shri D.V.S.Ranga, DDG(A))
5. The President, Programme Staff Association of AIR and Doordarshan, Room No.406, Akashwani Bhavan, New Delhi.
6. All Officers concerned through their respective Directorates.
7. Vig. Section, Min. of I&B/DG: AIR/DG: DD
8. PS to I&B/PPS to Secy./PS to JS(B)/Dir(BA&BD), Min. of I&B
9. Personal file of the officers concerned
10. Guard file.
11. Spare copies - 10.

(S. Twickly)

Under Secretary to the Govt. of India  
Tele.No. 3388605

This Annexure A 1 is the true copy of the  
Original document.

M. R. Rajendran Nair,  
Advocate.

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. 1046/94 & 1069/94

MONDAY, THIS THE 9TH DAY OF DECEMBER, 1996.

CORAM:

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR. A. M. SIVADAS, JUDICIAL MEMBER

O.A. 1046/94

1. R.A. Maraleedharan,  
Junior Time Scale Officer  
All India Radio,  
Thiruvananthapuram.
2. C.P.R. Nair,  
Junior Time Scale Officer,  
All India Radio,  
Thrissur.

..Applicants

By Advocate Mr. M.R. Rajendran Nair

Vs.

1. Union of India represented by the Secretary,  
Ministry of Information & Broadcasting,  
New Delhi.
2. Director General,  
All India Radio, New Delhi.
3. E.S. Guha, Programme Executive  
All India Radio, Raipur.
4. C.S. Kumadum, Programme Executive  
All India Radio, Madras.
5. M. Vasudevan, Programme Executive,  
All India Radio, Kavar.

..Respondents

By Advocate Mr. S. Radhakrishnan, ACGSC for R 1 & 2

O.A. 1068/94

R.S. Iyer S/o Rama Iyer  
Junior Time Scale Programme Officer,  
Doordarshan Kendra, Trivandrum  
residing at IC 5/1573, Government Survey School Road,  
Peroorkada, Trivandrum-5.

..Applicant

By Advocate Mr. M.R. Rajendran Nair

Vs.

1. Union of India represented by Secretary to Government  
Ministry of Information & Broadcasting,  
New Delhi.

PRASAR BHADATI  
(BROADCASTING CORPORATION OF INDIA)  
DIRECTORATE GENERAL : DOORDARSHAN  
DOORDARSHAN BHAWAN, NEW DELHI-110001  
.....

No.C-17011/24/2000/S-III

Dated : 10.1.2001

Subject : OA No 279/2000 filed by Shri C.P.F. Nair,  
DDP, DDK, Shillong.

Reference O/o DDG(NER)'s letter No DDG(NER)/DD/  
279/2000/4976 dated 21.12.2000 on the subject noted  
above.

2. Enclosed please find draft counter reply as amended  
and vetted by Min of Law. The same may be filed  
before the Hon'ble CAT, Guwahati Bench and a copy  
of reply as filed may also be made available to this  
Directorate. The latest position of the case along-  
with the next date of hearing may also be intimated.

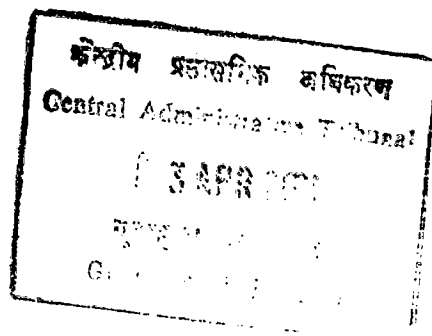
3. Shri P.K. Singson, DDG(NE) is hereby authorised  
to sign the Counter Reply to the above mentioned OA  
and file the same in the Hon'ble CAT on behalf of  
the Respondents.

Encls : as above

K. S. S. S. S.  
(Mashoda Lal)  
Dy Director (Admn)

Shri P.K. Singson  
Dy Director General (NER)  
Doordarshan Kendra  
Guwahati

1850



Filed by  
M. Pathak  
Advocate  
3/4/2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH ::: GUWAHATI

O.A. NO. 279 OF 2000

Shri C.P.R. Nair

- Vs -

Union of India & Others.

- And -

In the matter of :

A counter affidavit against the  
Written Statement of the respondents  
No. 1, 2 and 3.

I, Shri C.P.R. Nair, son of late Purushottam Nair,  
aged about 52 years, resident of Kailas, Cherror, Trichur Kerch,  
do hereby solemnly affirm and declare as follows :

1. That I am the applicant in the instant original  
application No. 279/2000. A copy of the written statement  
filed the respondents No. 1, 2 and 3 has been served on my  
counsel. I have gone through the same and understood the  
contents thereof. Save what has been specifically admitted  
in the affidavit, all the averments made in the written state-  
ment may be taken to have been denied by this deponent.

2. That with regard the statements made in para 1  
of the written statement, the deponent has no comments as the  
same are stated in the original application.

3. That with regard to the statements in para 2, this answering deponent would like to reiterate that his seniority has been over looked while making promotion to the programme management cadre of Doordarsan. Mr. B.G.S. Rao and Mr. B.S. Chowhan were not born in feeder cadre . (The J.T.S. Group A ~~series~~ service) while the deponent was appointed on 26.2.93 by the review DPC. As per the review DPC following the SLP order of the Supreme Court, Mr. B.G.S. Rao was appointed to the post of J.T.S. cadre only on 12.7.93 and Mr. B.S. Chowhan was appointed on 2.9.93. But on the other hand, this deponent was appointed on 26.2.93. The promotion to senior time scale cadre is done on the basis of seniority in the Junior Time Scale Cadre, the feeder cadre and so the deponent is senior than the other two in Junior Time Scale. But the seniority of the deponent was over looked by more than 50 Junior in Radio Management cadre. The deponents seniority position in the Junior Time Scale list was <sup>45</sup>~~43~~ and the promotion to Senior Time Scale has been given up to the seniority no. 90 and 50 others, without considering the case of the deponent.

4. That with regard to the statements made in para 3, this deponent has relied upon the records as stated in the original application.

5. That with regard to the statements made in para 4 of the written statement, this deponent beg to state that the cadre allocation was made strictly in accordance with the directions of the Apex Court in SLP No. 21747/97 dated 30.8.99. As a matter of fact no such instructions was given by the

Contd.....

Hon'ble Supreme Court to change the cadre of any incumbent which was allocated earlier. The Hon'ble Supreme Court had up held the Judgement made by the Central Administrative Tribunal, Ernakulam Bench on in O.A. No. 1046/94 dated 9.12.96. As directed by the Supreme Court, name in promotion list as well as in the seniority list of the Deponent was confirmed with retrospective effect.

6. That with regard to the statements made in para 5 of the written statement this deponent beg to reassert and reiterate the foregoing statements of this affidavit and also the statement made in the original O.A.

7. That with regard to the statements made in para 6, the deponent beg to state that the regular DPC held in 1994 did not recommend the name of the deponent for promotion and as such his cadre allocation was also not done by that DPC, which was his due. Against that illegal act of the respondents, the deponent filed an application before the Central Administrative Tribunal, Ernakulam, No. O.A. 1046/94, thereby challenging the relevant rules and his seniority, which was over looked by the respondents. The Hon'ble Tribunal of Ernakulam passed an order in favour of the deponent and directed the respondents to promote the deponent. On the basis of the order dated 9.12.96 the respondents had promoted the deponent on regular basis allocating him the Management Cadre of AIR vide letter No. 45013/1/97-B(A) dated 11.4.97 (Annexure-6), thereby giving retrospective effect from 18.7.94, the very date on which the DPC was held. So the deponent's promotion as well as his cadre was declared by the



same letter dated 11.4.97. So, it is not correct that no cadre was allocated to the deponent earlier. In the said order it was clearly stated that the deponent was promoted to Junior Time Scale w.e.f. 18.7.94 in the Management Cadre of <sup>All</sup>~~AIIL~~ India Radio and he had been working in the same cadre from the last 6 ~~xxx~~ years.

It is fact that deponent's first option was Door-darsan Cadre, which was given by him on 1992 depending upon the vacancies available in Doordarsan. But respondents had denied his option and was placed him in Radio Management Cadre in 1997 w.e.f. 1994 as there was no vacancy in Doordarshan. It is not correct that the cadre of the deponent was changed just to implement the order dated 30.7.1999 passed by the Hon'ble Supreme Court, as there was no such direction to change the officer's Cadre. The content of the Hon'ble Supreme Court order was only with regard to promotion from Programme Executive to Junior Time Scale. There was no mention about the charge of cadre of senior Time Scale Officers.

It is not correct that none of the Juniors in the Programme Management Cadre of Doordarshan had been promoted to Senior Time Scale. This statement is contradictory to the respondent's order No. 32013/3/2000/B(A) dated 25.8.2000 (Annexure-7). The review DPC, held as per direction of the Hon'ble Supreme Court had appointed Mr. B.G.S. Rao only on 12.7.93 and Mr. B.S. Chowhan only on 2.9.93, while the deponent was appointed on 26.6.93 in the Junior Time Scale Cadre (Group A Service). But subsequently, above Juniors were illegally

promoted by over looking the Seniority of the deponent. Because the rules of the DPC clearly states that it is the "Position" given after the DPC, that decides the seniority and as such the deponent was positioned much above then the other two.

8. That with regard to the statements made in para 7 of the written statements the deponent denied the statements. The action of the ~~deponent~~ respondents have taken away the right of the <sup>Petitioner</sup> ~~petition~~ upon him pursuant to the order of the Apex Court dated 30.7.99. The statements of the Respondents are contradictory that they changed the cadre as per the directions of the Supreme Court. It is stated by the respondents that "it is admitted that the applicant is found eligible for promotion by the Tribunal". and in accordance with the order of the Apex Court the deponent has now been promoted on regular basis with retrospective effect. So, the deponents future promotion should be ~~normal~~ normal on the basis of the seniority. Moreover, putting the deponent to his earlier option to Doordarshan after a long back also reflect the malafide intention of the respondents, which violates the rules in the Indian Broadcasting Service Recruitment Rules of 1990, which reads as "the cadre once allocated is irrevocable". Because of placement of the deponent from Radio Management to Doordarshan Management has affected his seniority and 50 numbers of Juniors than that of the deponent in AIR had got promotion to senior Time Scale.

9. That with regard to the statements made in para 8 and 9 of the written statement, this deponent rely upon the records submitted before this Hon'ble Tribunal and deny the statements.

10. That with regard to the statements made in para 10 of the written statement this deponent beg to state that it is not correct and he is the eligible person to get the senior Time Scale of programme Management cadre of All India Radio .

11. That with regard to statements made in para 11 of the written statement this deponent beg to state that the statement is not based on records and law. The seniority conferred on the deponent can not be taken away under any provisions of law.

12. That with regard to statements made in para 12 of the written statement , this deponent beg to state that it is not correct that Shri B.G. Shankar Rao and Shri B.S. Chowhan were senior to the deponent, which is the matter of records. As per rules, seniority is maintained on the basis of date of joining and merit, not as per position in the promotion panel or the rank list, as stated by the respondents.

13. That with regard to the statements made in para 13 of the written statement, this deponent beg to state that the respondents have wrongly intertreated the order of the Apex Court dated 30.7.99.

14. That with regard to the statements made in para 14 and 15 of the written statement this deponent beg to state that it is not correct that the deponent has not exhausted the departmental ~~a~~ remedy open to him. The deponent had submitted the ~~representation~~ representation to

-7-

respondents on 4.9.2000 with a copy to DG AIR, and DG Doordarshan.

15. That with regard to the statements made in para 16 and 17, this deponent reiterate and reassert the foregoing statement of this affidavit and the O.A.

16. That with regard to the statement made in para 18 and 19 of the written statements, I say that it is the respondents for whose mistake and non-application of mind. I am put to suffer irreparable loss and injuries. I being in long chefrished service of the Department and to serve in future till retirement, has the legitimate expectation to retain seniority and to get consequential promotion which is the life of a government servant. The actions of the respondents is arbitrary and illegal and violative of the provisions of <sup>Art.</sup> 14, 16 and 21 of the Constitution of India. It is the fit case where this Hon'ble Tribunal should allow to continue to interim order and fixed the matter for an expeditious hearing.

Contd.....

13. That the statements made in this affidavit in para 1 to 6, 8 to 17 are true to my knowledge and belief, those made in para 7 - being matter of records are true to my informations derived therefrom and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this affidavit on this the 3rd day April, 2001, at Guwahati.

Identified by  
*M. Pathak*  
Advocate

*C. P. Rajasekharan Nair*  
Deponent

Solemnly affirmed and declared  
by the deponent who is identified  
*Shri Dr. M. Pathak* Advocate  
on this the 3rd day of April, 2001,

*Dilip Baruah*  
Advocate.

No. 45013/1/97-B(A)  
Government of India  
Ministry of Information & Broadcasting  
\*\*\*\*\*

New Delhi, dated 11.4.1997

ORDER NO. 23/97-B(A)

In compliance with the Hon'ble Central Administrative Tribunal, Ernakulam Bench's Order dated 9.12.1996, in O.A. No. 1046/94 and 1069/94, the President is pleased to cancel this Ministry's Order No. 20/94-B(A) dated 18.7.1994 in so far as it relates to reversion of Shri K.A. Muraleedharan (S.No.17), Shri R.S. Iyer (S.No.19) and Shri C.P.R. Nair (S.No.20).


2. The President is further pleased to promote them viz. S/Shri K.A. Muraleedharan, R.S. Iyer and C.P.R. Nair to Junior Time Scale (Scale Rs.2200-4000) of Programme Management Cadre of All India Radio of Indian Broadcasting (Programme) Service on regular basis w.e.f. 18th July, 1994.

3. All the above three officers would be entitled to receive all the benefits consequent to their promotion to the Junior Time Scale on regular basis.

(S. D. KUMAR)  
DEPUTY SECRETARY TO THE GOVT. OF INDIA  
TELE. NO. 3385016

Copy to:-

1. DG: AIR {Shri S.K. Kapoor, DG}.
2. DG: Doordarshan {Dr. P.K. Seth, DDG(F&T)}
3. The P&AO {IRLA}, Min. of I&B, AGCR Building, New Delhi.
4. PS to IBM/PPS to Secretary/PS to AS(B)/PS to AS&FA/JS(B)/DS(BA), Min. of I&B.
5. Vigilance Section, M/o. I&B/DG: AIR.
6. The officers concerned through DG: AIR.
7. Personal files of the officers concerned.
8. Guard file.
9. Spare copies - 5.

  
(A.K. SAXENA)  
SECTION OFFICER  
TELE. NO. 3388685

*[Handwritten signature]*

*[Handwritten mark]*

No.32013/3/2000-B(A)-Vol.II  
Government of India  
Ministry of Information and Broadcasting  
\*\*\*\*\*

New Delhi,  
the 25th August, 2000

Order No.20/2000-3(A)

In pursuance of judgement dated the 30<sup>th</sup> July, 1999 delivered by the Hon'ble Supreme Court of India in SLP @ No. 21747 of 1997; SLP @ No.1452 and TC No.8/99 in the matter of Union of India and C.S. Naik & others and judgement dated the 17<sup>th</sup> November, 1998 delivered by the Hon'ble High Court of Delhi at New Delhi in SWP No.2119/98 in the matter of Union of India Vs. S.P. Jain, the President is pleased to terminate the ad-hoc appointment of the following officers in Programme Management Cadre of AIR in Senior Time Scale of Indian Broadcasting (Programme) Service with immediate effect:

S.No.	Name
01.	Shri Shri V.K.Banerji
02.	Shri Smt. C.S.Kumudam
03.	Shri S.K.Das
04.	Shri N.C.Narasimhacharyalu
05.	Shri R.P.Sahu
06.	Shri I.P.Srimali
07.	Dr.U.N.Raina
08.	Shri Kamal Sharma
09.	Shri K.Subramanian
10.	Shri V.Srinivasan
11.	Shri A.K.Mandoi
12.	Dr. S.K.Sinha
13.	Shri Ravi Shankar
14.	Shri D.L.Kaswalia
15.	Shri R.S.Ratonia
16.	Shri N.Murugan
17.	Shri Gautam Sen Gupta
18.	Shri S.Chakraborty
19.	Shri Mahmood Khan
20.	Shri K.A.Muralidharan
21.	Shri C.P.R.Nair

2. The President is further pleased to revert the following officers to their substantive post of Programme Executive and other equated categories in All India Radio and Doordarshan from Junior Time Scale of Indian Broadcasting (Programme) Service with immediate effect:

S.No. Name

Programme Management Cadre of AIR

01. Shri Shri V.K.Banerji
02. Smt. C.S.Kumudam
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04. Shri N.C.Narasimhacharyalu
05. Shri R.P.Sahu
06. Shri I.P.Srimali
07. Dr.U.N.Raina
08. Shri Kamal Sharma
09. Shri K.Subramanian
10. Shri V.Srinivasan
11. Shri A.K.Mandol
12. Dr. S.K.Sinha
13. Shri Ravi Shankar
14. Shri D.L.Kaswalia
15. Shri R.S.Ratonia
16. Shri N.Murugan
17. Shri Gautam Sen Gupta
18. Shri S.Chakraborty
19. Shri Mahmood Khan
20. Shri K.A.Muralidharan
21. Shri C.P.R.Nair

Programme Management Cadre of Doordarshan

01. Smt. D.Mokten
02. Shri C.T.Navani
03. Shri Janardan Rao
04. Shri N.K.Batra



3. The President is pleased to promote the following Programme Executives to the Junior Time Scale of Indian Broadcasting (Programme) Service on regular basis with effect from the dates indicated against each:

S.No.	Name	Date
<u>Programme Management Cadre of All India Radio</u>		
01.	*Shri P.N.Maduskar	16.06.93
02.	Shri K.B.Desai	11.06.93
03.	Shri D.S.Vimal	15.06.93
04.	Shri C.S.Naik	19.06.93
05.	Shri T.K.Rawal	17.07.93
06.	Shri E.L.Narayana	18.06.93
07.	Shri V.N.Prasad	18.07.93
08.	Shri M.P.Sah	30.06.93
09.	Shri B.P.Kureel	26.06.93
10.	*Shri B.S.Sawai	17.06.93
11.	Shri M.S.Sivaprasad	30.06.93
12.	Smt. Latha Raju	11.06.93
13.	*Smt. Vijaya Sadhu	27.09.93
14.	*Smt. N.K.Shadap	19.06.93
15.	Shri S.S.Agyal	02.08.93
16.	Shri A.K.Sharma	27.08.93
17.	Shri K.K.Mishra	18.06.93
18.	*Smt. M.S.Vijaya	11.06.93
19.	Shri R.Muthusubramanian	13.11.93
20.	*Smt. Mira Pahuja	11.06.93
21.	*Shri Rafiq Raaz	11.06.93
22.	*Shri D.Selvaraj	03.08.94
23.	*Shri Shivmangal	25.07.94

\*Notional promotion

Programme Management Cadre of Doordarshan

01.	Shri B.G.Sankar Rao	12.07.93
02.	Shri B.S.Chauhan	02.09.93
03.	Shri K.A.Muralidharan	16.06.93
04.	Shri C.P.R.Nair	25.06.93
05.	Shri Mohd. S.Rizvi	28.06.93

4. The President is further pleased to promote, purely on ad-hoc basis, the following Junior Time Scale officers to the Senior Time Scale of Indian Broadcasting (Programme) Service with effect from the date they assume charge of the posts and upto 31.12.2000 or till the regular incumbents become available, whichever is earlier, and until further orders:

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S.No.	Name
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Programme Management Cadre of All India Radio

01. Shri P.N.Maduskar
02. Shri K.B.Desai
03. Shri D.S.Vimal
04. Shri C.S.Naik
05. Shri T.K.Rawal
06. Shri E.L.Narayana
07. Shri V.N.Prasad
08. Shri M.P.Sah
09. Shri B.P.Kurzel
10. Shri B.S.Sawai
11. Shri M.S.Sivaprasad
12. Smt. Latha Raju
13. Smt. Vijaya Sadhu
14. Smt. N.K.Shadap
15. Shri S.S.Agyal
16. Shri A.K.Sharma
17. Shri K.K.Mishra
18. Smt. M.S.Vijaya
19. Smt. Mira Pahuja
20. Shri Rafiq Raaz
21. Shri D.Selvaraj
22. Shri Shivmangal

Programme Management Cadre of Doordarshan

01. Shri B.G.Sankar Rao
02. Shri B.S.Chauhan

5. The President is further pleased to promote, purely on ad-hoc basis, the following Programme Executives or equated categories in All India Radio and Doordarshan to the Programme Management Cadres of All India Radio and Doordarshan in Junior Time Scale of Indian Broadcasting (Programme) Service with immediate effect and upto 31.12.2000 or till regular incumbents become available, whichever is earlier, and until further orders:

S.No.	Name
01.	Shri Shri V.K.Banerji
02.	Smt. C.S.Kumudam
03.	Shri S.K.Das
04.	Shri N.C.Narasimhacharyalu
05.	Shri R.P.Sahu
06.	Shri I.P.Srimali
07.	Dr. U.N.Raina
08.	Shri Kamal Sharma
09.	Shri K.Subramanian
10.	Shri V.Srinivasan
11.	Shri A.K.Mandol
12.	Dr. S.K.Sinha
13.	Shri Ravi Shankar
14.	Shri D.L.Kaswalia
15.	Shri R.S.Ratonia
16.	Shri N.Murugan
17.	Shri Gautam Sen Gupta
18.	Shri S.Chakraborty
19.	Shri Mahmood Khan
20.	Smt. D.Mokten
21.	Shri C.T.Nawani
22.	Shri Janardan Rao
23.	Shri N.K.Batra

6. The posting of above officers consequent on their ad-hoc promotion will be issued by the Prasar Bharati.

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7. The appointment of officers listed in paragraphs 4 and 5 above in the Junior Time Scale/Senior Time Scale will be on ad-hoc basis and it will not confer on them any right or privilege for continued or regular appointment in that grade. These officers will stand automatically reverted to their parent grade i.e., Programme Executive or equated category in All India Radio and Doordarshan/Junior Time Scale of Indian Broadcasting (Programme) Service after completion of the said period i.e. 31.12.2000(AN).

8. The pay of the officers promoted on regular basis will be fixed in the higher post under FR22@ straight away without any further review on accrual of increment in the pay scale of the lower posts, if any officer exercises an option in terms of para 2(b) of DP&AR's O.M.No.F.1/17/80Est.P.I dated the 26<sup>th</sup> Sept., 1981 within a period of one month from the date of issuance of this order, the pay of the officer concerned on promotion will be fixed initially in the manner as provided under FR 22(A)(1) which may be refixed on the basis of provisions of FR 22(c) on the date of accrual of next increment in the scale of pay of the lower post.

9. The pay of the officers promoted on notional basis indicated with (\*) mark in para 3 above will be notionally fixed in the pay scale of Rs.8000-275-13500 with effect from the date mentioned against each and annual increments allowed in the same scale from that date to the date of their actual taking over of charge in Junior Time Scale post. However, they will not be entitled to draw any arrears of pay and allowances for the period from the date of their notional promotion to the date of actual taking over in JTS level on the principle of "No Work No pay".

  
(S. Twigg)

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