

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

(1) M.P. 11/03 under page-1 dtd 10.3.03
(2) M.P. 20/03 under page-1 dtd 10.3.03
(3) M.P. 21/03 under page-1 dtd 10.3.03

INDEX

O.A/T.A No 11/102
R.A/C.P No.....
E.P/M.A No.....

1. Orders Sheet..... O.A Pg. 1..... to 3.....
2. Judgment/Order dtd 10.3.2003 Pg. 1..... to 7..... dismissed
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... 4/11/02 Pg. 1..... to 22.....
5. E.P/M.P. 2/11/03 Pg. 1..... to 24.....
6. R.A/C.P. Pg. 1..... to 24.....
7. W.S..... Pg. 1..... to
8. Rejoinder..... Pg. 1..... to 15.....
9. Reply..... Pg. 1..... to 16.....
10. Any other Papers..... Pg. 1..... to
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

Barha
5/12/17

(SEE RULE - 4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

ORDER SHEET

Original Application No : 411/2002
Misc. Petition No. _____
Contempt Petition No. _____
Review Application No. _____

Applicant(s): Pao Kholian Singson

- Vs. -

Respondent(s): U.O.I. Mors

Advocate for the Applicant(s): Mr. B.K. Sharma, learned Sr. Advocate
Mr. M. Chanda & Mr. S. Ghosh

Advocate for the Respondent(s): C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>Application is in form but not in time. Contonation Petition is filed/ not filed C.F for Rs. 30/- deposited vide IPO/BD No 76605145 Dated 19.12.2002</p> <p><i>By Register 30.12.2002</i></p>	30.12.2002	<p>Heard Mr. B.K. Sharma, learned Sr. counsel for the applicant and also Mr. B.C. Pathak, learned Addl. C.G.S.C. for the respondents.</p> <p>Issue notice of motion.</p> <p>Also, issue notice to show cause as to why interim order as prayed shall not be granted.</p> <p>List on 17.1.2003 for admission</p> <p>Mr. B.K. Sharma, learned Sr. counsel for the applicant informed that the applicant has not been relieved so far, nor handed over the charge of the post of D.D.G.N.E. Region, Doordarshan</p> <p>After hearing learned counsel for the parties, it is directed that the order No. N.10/17/2002-PPC dated 26.12.2002 is stayed till the next date.</p>

Notice forwarded and sent to DIs for enquiring the respondent No 1 to 3 by Regd. A.D.

11/1/03

DINo 30/12/02 add 8/1/03

mb

K. K. Shar
Member

17.1.2003. There is no bench.
The case is adjourned to 24.1.2003.

M. G. An

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

Order dtd. 24/1/03
Communicated to the
Parties Council.

DD
25/1/03

No. rejoinder has
been filed.

DD
18.2.03

pg

The respondents has filed written statement. The case is admitted. The matter may now be posted for hearing on 19.2.03. The applicant may file rejoinder, if any, within 3 weeks.

Interim order dated 30.12.02 shall continue until further orders.

Vice-Chairman

19.2.2003

Heard Mr M. Chanda, learned counsel for the applicant, who has prayed for little accommodation on the ground of absence of Mr B.K. Sharma, learned Sr. counsel for the applicant, who, according to Mr Chanda, is not keeping well. Also heard Mr Rajiv Sharma, assisted by Mr P.K. Deka, learned counsel for respondent Nos.2 and 3 as well as Mr B.C. Pathak, learned Addl. C.G.S.C., appearing on behalf of respondent No.1.

Upon hearing the learned counsel for the parties, since the prayer is made on personal ground, the case is adjourned and posted for hearing on 10.3.2003.

The respondents shall be free to submit its reply on the rejoinder submitted by the applicant. Interim order to continue.

Vice-Chairman

24.2.03

Rejoinder submitted
by the applicant.

nnm

DD

Notes of the Registry	Date	Order of the Tribunal
	10.3.03	<p>Heard counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets. The application is dismissed in terms of the order. No order as to costs.</p>
<p>copied received 25/3/03 CMAT & DEV SARMA (Adm) Dy. Director (Adm) P.R. Ganhati 25/3/03</p> <p>Revd Bhatia 25/3/03</p> <p>Revd Mr. Polwark 25/3/03</p>	pq	 Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. / R.A. No. 411 of 2002.

10-3-2003.

DATE OF DECISION

Sri Pao Kholien Singson

APPLICANT(S).

Sri M.Chanda

ADVOCATE FOR THE
APPLICANT(S).

- VERSUS -

Union of India & ors.

RESPONDENT(S).

Sri Rajeev Sharma

ADVOCATE FOR THE
RESPONDENT(S).

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

THE HON'BLE

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 ?

Yes
J Judgment delivered by Hon'ble Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 411 of 2002.

Date of Order : This the 10th Day of March, 2003.

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

Sri Pao Kholien Singson
Son of late S. Singson,
Deputy Director General,
North Eastern Region,
Doordarshan, Guwahati.

...Applicant

By Advocate Sri M. Chanda.

- Versus -

1. Union of India,
represented by the Secretary to the
Government of India,
Ministry of Information & Broad Casting,
New Delhi.
2. The Director General,
Doordarshan Directorate,
Doordarshan Bhawan,
Copernicus Marg,
New Delhi-1.
3. Prasar Bharati,
represented by Chief Executive Officer,
Prasar Bharati,
Prasar Bharati Secretariat,
(Broadcasting Corporation of India)
P.T.I. Building (2nd Floor)
Parliament Street,
New Delhi-110001.

...Respondents

By advocate Sri Rajeev Sharma.

O R D E R

CHOWDHURY J. (V.C)

The issue pertains to posting and transfer of an officer in the following circumstances.

The applicant is an officer working under the respondents as Deputy Director General, Doordarshan, North Eastern Region. By the order dated 26.12.2002 the applicant was transferred and posted to the Directorate General, All India Radio, New Delhi alongwith the post to work as Deputy Director General with immediate effect till further orders. The impugned order is assailed in this application as

arbitrary, discriminatory and unlawful. In the application the applicant pleaded that the impugned order was passed not in the public interest but the same was passed as a punitive measure on the footing of some complaints made by the North East T.V. Producers Association. The applicant pleaded that the foundation on which the transfer was based is the complaint lodged by the T.V. Producers Association. In the application the applicant referred to Director General's letter dated 16.12.2002 by which the respondents authority had sought for his comments made against the allegation made by the Producers Association. According to the applicant the respondents without even concluding the enquiry on the matter hastily passed the impugned order as a measure of punishment. The applicant also contended that the impugned order of transfer is also contrary to the professed policy of the Doordarshan in transferring a person on the verge of the retirement. It was contended that the applicant was to retire on September 2004 and the impugned order was passed just eighteen months ahead of the retirement by violating the transfer guidelines.

2. The respondents submitted its written statement by denying and disputing the contention of the applicant. In the written statement the respondents stated that the applicant was transferred in the administrative exigencies and the said order was not passed as a punitive measure. In the written statement the respondents pleaded that the concerned authority on being satisfied on assessment of the ground situation found that the work in all India Radio, Delhi was suffering on account of the fact that out of six DDG's, two were on long leave, sensitive work could not be entrusted to another DDG on account of vigilance case against him and another DDG was due to retire shortly. As a

result All India Radio was left with only two DDG's at Delhi. Considering the fact situation the Chief Executive Officer, Prasar Bharati decided that an experienced DDG was required at All India Radio, Delhi and the applicant was found suitable as being the senior most DDG of the organisation for the post and accordingly the transfer order was passed. It was asserted that the transfer order was not punitive and the fact that a senior personnel was required at All India Radio, Delhi. As regards the policy guidelines as to the transfer of a person on the verge of superannuation the respondents contended that despite that also transfer was made due to exigency of service bonafide. It was stated that since there was no corresponding post available near the home town of the officer where he can be accommodated the respondents asserted that the said order was passed in the exigency of service.

3. I have heard Mr M. Chanda, learned counsel for the applicant and Mr Rajeev Sharma, learned counsel for the respondents at length. Mr Chanda in course of his submission also contended that the transfer order was passed in total contravention of Section 15 of the Prasar Bharati (Broadcasting Corporation of India) Act, 1990. According to Mr Chanda admittedly an enquiry was sought to be made against the allotment of commissioned programme as would be revealed from the news paper notings referred to by the applicant in a Misc. Petition filed by him on 4.3.2003. According to Mr Chanda the news paper report referred to by the applicant in the said application itself revealed that the order was passed not in the public interest, but as a punitive measure. It may be stated here that this application was on the board for hearing on

19.2.2003. On that day the applicant sought for adjournment on personal ground of absence of the senior counsel. The case was accordingly adjourned and posted for hearing today. The applicant referred to the application that was filed on 4.3.2003 for impleading the Director General, Doordarshan and Chief Executive Officer, Prasar Bharati by name to substantiate his plea of mala fide. Perused the contents of the Misc. Petition No.20 of 2003 for impleading the Respondent Nos.4 and 5 by name. The said two persons were already impleaded as respondents in their official capacities.

4. Mr M. Chanda, learned counsel for the applicant contended that the impugned order was passed as a punitive measure on alleged complaint regarding allocation of commissioned programme by Programme Production Centre and therefore contended that the impugned order of transfer smacks malafide. Mr Chanda referred to the contents of the Misc. Petition and invited my attention to the statements contained in the news items mentioned in Annexure A-1 series. A statement of fact contained in a newspaper cannot be treated as a proof of facts reported therein. The statement of facts reported in the newspaper is at best a heresay evidence and therefore is not acceptable on the face of it. Newspaper reports by themselves cannot constitute evidence unless the makers of the statement are examined. The reports by themselves are not evidence of the contents thereof. This heresay evidence needs to be proved.

5. Admissibility of newspaper report was aptly dealt with by the Supreme Court in Sumant N. Balakrishna Vs. George Fernandez and others, reported in AIR 1969 SC 1201. The issue in the aforementioned case was as to whether the

Contd.

returned candidate, Shri George Fernandez had delivered a speech at Shivaji Park attributed to him as reported in the 'Maratha', a weekly circulated Marathi Newspaper in Mumbai. In the aforementioned case, the Supreme Court made the following observation:

"A newspaper report without any further proof of what had actually happened through witnesses is of no value. It is at best a second hand secondary evidence. It is well known that reporters collect information and pass it on to the editor who edits the news item and then publishes it. In this process the truth might get perverted or garbled. Such news items cannot be said to prove themselves although they may be taken into account with other evidence if the other evidence is forcible."

The aforementioned statement of law was adhered to by the Supreme Court.

6. The statement of law referred to therein was consistently followed by the Supreme Court in Laxmi Raj Shetty and another Vs. State of Tamil Nadu, reported in AIR 1988 SC 1274 and in the case of Quamarul Islam Vs. S.K. Kanta and others, reported in AIR 1994 SC 1733. There is nothing on record to substantiate the facts reported in the newspaper.

7. The respondents placed before the Bench the record relating to transfer and posting of the applicant. More particularly I have also perused the noting of the Chief Executive Officer which was dated 20.12.2002 and finally acted upon by the authority in transferring and posting the applicant at New Delhi alongwith the post. On perusal of the materials on record it is difficult to hold that the transfer of the applicant was made other than administrative ground. Considering the pleadings and other connected materials on record it cannot be said that the transfer order was made with improper motive or as a punitive measure. From the records it revealed that the authority concerned considered the seniority of the applicant his

Contd.

ability and thereafter had passed the impugned order which seemingly has no nexus with the allegations made by the T.V. Producers Association.

8. Needless to state that transfer of an employee is not only an incidence of service, but also a condition of service. There is no contravention of any Statutory Provision nor Act on the discern of any apparent illegality in the order of transfer. In the absence of any material showing that the transfer order was the outcome of malafide exercise of power or any contravention of the statutory power it is not for the Bench to interfere with the administrative decision in exercise of judicial review. Those who are entrusted to administer is to be left to judge the situation and appreciate and weigh the relevant factors in administering confronting the administration.

9. I have also given my anxious consideration on the plea of Mr Chanda as to the impact of the order on the applicant and his family at the fag end of his career. The learned counsel pointedly referred to the policy decision professed by the respondents in this regard. The learned counsel for the respondents, Mr R. Sharma, on the other hand did not deny as to the existence of the professed policy of transfer mentioning paragraph 21 of the Memorandum dated 31.12.1992. The learned counsel for the respondents, however, contended that the said policy has no statutory flavour, but is only a non-statutory guideline.

10. No doubt it is only the rule that binds, but then, administrative instructions which have been non-statutory is to be treated as its guide. Such policy guidelines thus cannot be ignored without any weighty reasons. I have already mentioned as to the materials including the

contd.....

circumstances for transferring the applicant to take charge at Delhi. On the whole the materials clearly indicated that the transfer order of the applicant was made in recognition of his seniority and efficiency, keeping in mind the career progression of the applicant. In the circumstances the transfer order also cannot be flawed on the aforesaid ground.

11. For all the reasons stated above I do not find any justification to intervene in the matter of posting and transfer of the applicant, more so, when the order was passed taking note of the career advancement, efficiency and seniority of the applicant.

12. The application is accordingly dismissed. There shall, however, be no order as to costs. The dismissal of the application shall not preclude the applicant to point at his personal as well as domiciliary problems, on his shifting from Guwahati on transfer and the hindrance likely to be set on adjusting and in reintegrating on attaining the age of superannuation which the applicant is attaining very soon. If such application is received by the respondents the respondents shall consider the same justly and fairly in consonance with the professed policy and pass appropriate order as per law as expeditiously as possible preferably within two months from the date of receipt of the representation of the applicant.

(D. N. CHOWDHURY)
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An Application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the case : O. A. No 411 /2002

Sri Pao Kholen Singson : Applicant

- Versus -

Union of India & Others: Respondents.

INDEX

SL. No.	Annexure	Particulars	Page No.
01.	----	Application	1-15
02.	----	Verification	16
03.	1	Copy of News Item published on 23.12.2000	17
04.	2	Copy of the letter dated 16.12.2002	18
05.	3	Copy of reply dated 20.12.2002	19-20
06.	4	Copy of impugned order dated 26.12.2002	21-22
07.	5	Copy of representation dated 27.12.2002	23

Filed by

Date : 2012.2002

Bijitshesh
Advocate

Bijitshesh

14

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

(An Application under Section 19 of the Administrative
Tribunals Act, 1985)

O. A. No. 411 /2002

BETWEEN

Sri Pao Kholian Singson
Son of late S. Singson
Deputy Director General
North Eastern Region
Doordarshan
Guwahati

...Applicant

-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of Information & Broad Casting,
Doordarshan
New Delhi.
2. The Director General,
Doordarshan Directorate
Doordashan Bhawan

S.15

Concurred 2
2
Pras Ad 1990
Pras

R.K. Dube

Filed by
Sri Pao Kholian Singson
... applicant
through
Lalitha
Adv.

Copernicus Marg,

New Delhi-110001

3. Prasar Bharati

Represented by Chief Executive Officer,

Prasar Bharati,

Prasar Bharati Secretariat,

(Broadcasting Corporation of India)

P.T.I. Building (2nd Floor),

Parliament Street,

New Delhi-110001

DETAILS OF THE APPLICATION

1. Particulars of order(s) against which this application is made.

This application is made against the impugned order of transfer and posting issued under Office Order No. 124/2002-PPC dated 26.12.2002 whereby the applicant is sought to be transferred and posted on the verge of retirement to the office of the Directorate General, All India Radio, New Delhi along with the post, in the same capacity in total violation of professed norms and in colourable exercise of power and also praying for a direction upon the respondents to allow the applicant to continue in his present place of posting in the same capacity till the date of superannuation.

R.K. Dugar

16

2. Jurisdiction of the Tribunal.

The applicant declares that the subject matter of this application is well within the jurisdiction of this Hon'ble Tribunal.

3. Limitation.

The applicant further declares that this application is filed within the limitation prescribed under section-21 of the Administrative Tribunals Act, 1985.

4. Facts of the Case.

4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

4.2 That your applicant presently holding the post of Deputy Director General, Doordarshan, North Eastern Region, Guwahati. Be it stated that the applicant is permanent resident of North Eastern Region having his house located at G.S.Road, Bhangagarh, and also intended to settle down at Guwahati on his retirement on superannuation. It is pertinent to mention here that the applicant is retiring on superannuation on 30.9.2004 and as such only one year nine months service left into his credit.



4.3 That the applicant begs to state that he has lost his eldest son in the month of December 2001. In this connection it may be stated that the daughter of the applicant had donated one of her kidney to save the life of his deceased son and as a result she has not yet been fully recovered after donation of her one kidney as stated above.

4.4 That it is stated that the applicant joined the Doordarshan on the basis of his option before bifurcation of Doordarshan and All India Radio and the option submitted by the applicant was duly accepted by the Union of India and accordingly he was accommodated in Doordarshan.

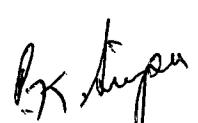
4.5 That it is stated that applicant also being instrumental in bringing about All Assam Satellite Net Working of Doordarshan from the coverage of Doordarshan only in and around Kamrup District at the time of his joining in Doordarshan Kendra, Guwahati as Director. Be it stated that the applicant is also instrumental for introduction of North East Regional Services of Doordarshan via Satellite which covers the whole of North Eastern Region which is widely appreciated. During the tenure of the applicant the North East News Bulletin in English is also introduced. He has also started the sponsored serial programme for Doordarshan North East Service which really caters the entertainment needs of the people of the region. At the

R.K. Dey

18

initiative of the applicant an important cultural dances and music of different Tribes of North Eastern Region has also projected through the Doordarshan as a regular measure and thereby bringing the cultural interaction among the people of Seven Sisters of North Eastern region. The applicant also launched 24 hours North Eastern Satellite service. It is pertinent to mention here that the applicant is nominate by the Ministry of Information and Broadcasting, Government of India, as Chairman of inter media publicity coordination committee, Assam consisting of all Central Media Units located in Assam and the State Directorate of Information and public relations as well as other agencies like N.F.Railway, Defence, SBI etc. and other public Undertakings by virtue of the senior most media man in the State. Be it stated that he is also the senior most Programme Officer in the cadre of Indian Broadcasting Programme Service (Both Doordarshan and All India Radio) all over India.

The applicant was felicitated by the North East Chamber of Commerce for his outstanding performance and exemplary achievement in the field of Broadcasting which would be evident from the News Item published in the **North-East Daily** on 23.12.2000(A local Daily News Paper). It is ought to be mentioned here that the applicant was deputed by the Government of India in 1983 to BBC, London, United Kingdom for training in



6
9

Radio and Television and he had completed the said assignment successfully.

A copy of the said News Item published on 23.12.2000 is annexed as **Annexure-1**.

4.6 That it is stated that the applicant received a letter bearing No. 31/27/2002/P-IV dated 16.12.2002 from the office of the Directorate General, Mandi House, New Delhi whereby the applicant has been asked to furnish his comments to the Directorate, New Delhi by return Fax on a representation received through Ministry of Information and Broadcasting regarding attempt to deprive Programme Producers of North East in matters relating to Commissioned Programmers by Programme Production Centre (North East Doordarshan). The applicant immediately after receipt of the letter dated 16.12.2002 from the office of the Director General, New Delhi, submitted his detail comments vide letter bearing No. DDG(NER)/DO/Guw/Programmer(Asso.)/2002-P/737 dated 20.12.2002. After submission of his comments to the Directorate, Doordarshan, no further query advice or guidelines on that score tendered by the Directorate to the applicant.

A copy of the letter dated 16.12.2002 and reply dated 20.12.2002 are annexed as **Annexure 2 and 3** respectively.

4.7 That, most surprisingly the applicant has received the impugned order of transfer and posting bearing Office

P.K. Gupta

Order No. 124/2002-PPC under letter No. N.10/17/2002-PPC dated 26.12.2002 after a gap of 6 days, by which he has been transferred and posted to the Directorate General, All India Radio, New Delhi along with the post to work as Deputy Director General. Vide the same order Smt. V.Sekhose, Deputy Director General, NE Region I & II AIR, Guwahati has been directed to look after the work of Deputy Director General, Doordarshan N.E. Region. It may be stated here that in the event the applicant undertakes the transfer as ordered he would be proceeding to New Delhi along with the post held by him and as such it is not understood as to how Smt. V. Sekhose has been directed to look after work of the post of Deputy Director General, Doordarshan. This goes to show that the only objective behind the issuance of the impugned order is to somehow keep the applicant away from Gauhati so as to advance the interest of the vested circle, who were not able to get the applicant dance to their tune. Moreover the post currently being held by the applicant is the only post of Deputy Director General sanctioned for the N.E. Region. As such it appears that the impugned transfer and posting of the applicant has not been ordered in any public interest, rather the same has been so ordered in colourable exercise of power and the same also smacks mala fide.



A copy of the impugned order of transfer and posting dated 26.12.2002 is annexed as

Annexure-4.

4.8 That states that the transfer and posting of the employees of Doordarshan is guided by the provisions of the transfer policy circulated vide Office Memorandum dated 31.12.1992. As per clause xxi of the said policy a member of the staff who is within three years of reaching the age of superannuation should not be shifted from the place where they are currently posted in the event the same happens to be their home town or any place near to their home town. The applicant is slated to retire on reaching his superannuation with effect from September, 2004, and as such as per the provisions of the said transfer policy he should not have been transferred out of Guwahati. The applicant has already settled down at Guwahati and has his own house herein, and as such his case is squarely covered by the provisions of the said transfer policy. The Vth Central Pay Commission recommendation have also incorporated the provisions as existing in the said transfer policy. In the event any deviation is sought to be made from the said transfer guidelines good and adequate reasons are required to be communicated. In the case on hand, no such reason has been disclosed. It is pertinent to mention here that the applicant has only about 18 months of service left.

12x9

21

B. Singh

4.9 That it is stated that in event of any complaint made against any officer of Doordarshan in that case the necessary action can be initiated against the officer concerned either by the Broadcasting Council or Board of Prasar Bharati after affording all reasonable opportunity to the officer concerned as provided in Section 15 of Prasar Bharati (Broadcasting Corporation of India) Act, 1990. But in the instant case it seems that the impugned order of transfer and posting has been issued at the instance of the concerned Ministry following complaint received as indicated in the letter dated 16.12.2002. In this connection it may be stated that such arbitrary action in total violation of existing rules, regulations, professed norms, demoralizes the officer concerned. Therefore protective measure provided in the Prasar Bharati Act, 1990 but the impugned order of transfer and posting of the applicant has been issued contrary to the said rules. In the facts and circumstances stated above the Hon'ble Tribunal be pleased to call for the relevant records pertaining to the transfer and posting of the applicant. Be it stated that there was no policy decision at any point time for curtailment of sanctioned post of Deputy Director General, Doordarshan from North Eastern Region or to shift the same in the Headquarter in New Delhi. As such the impugned order of transfer and posting of the applicant has been issued in colourable exercise of power and on that



score alone the impugned order dated 26.12.2002 is liable to be set aside and quashed.

The applicant urge to produce a copy of the transfer policy guidelines as well as the relevant policy laid down in Prasar Bharati Act, 1990 at the time of hearing.

4.10 That it is stated that the shifting of the sanctioned post of Deputy Director General meant for North Eastern Region to New Delhi is highly arbitrary, unfair and illegal and the same will also cause irreparable and injury to the interest of the people of the North Eastern Region.

4.11 That it is stated that the applicant submitted a representation hurriedly without highlighting all the grounds addressed to the Chief Executive Office, Prasar Bharati, New Delhi on 27.12.2002 stating the domestic as well as medical problems of the applicant. But to no result till filing of this application. It is apprehended that at any moment may be relieved unilaterally. Therefore Hon'ble Tribunal may please be passed an appropriate interim order protecting the rights and interests of the applicant.

A copy of the representation dated 27.12.2002 is annexed as **Annexure-5**.

4.12 That your applicant begs to state that in the facts and circumstances stated above he has no alternative but

R.K. Gupta

to approach this Hon'ble Tribunal for protection of his valuable rights and interests by passing an appropriate interim order staying the operation of the impugned order dated 26.12.2002 and further be pleased to set aside the said impugned order of transfer and posting on hearing both the counsel of the parties.

4.13 That it is stated that the impugned order of transfer and posting dated 26.12.2002 has not yet been executed till filing of this application. It is stated that this application is drafted hurriedly and as such the applicant craves leave of the Hon'ble Tribunal to file additional statements on facts by way of amendment of the Original Application, if the same is necessary.

4.14 That this application is made bonafide and for the cause of justice.

5. Grounds for relief(s) with legal provisions.

5.1 For that, the impugned order of transfer and posting dated 26.12.2002 has been issued in total violation of professed norms/transfer guidelines on the verge of the retirement of the applicant on superannuation.

5.2 For that, the impugned order of transfer and posting dated 26.12.2002 has been issued on the basis of some alleged complaint regarding allocation of Programme Production Allocation in total violation of the relevant provision laid down in Prasar Bharati (Broadcasting Corporation) Act, 1990.



5.3 For that, the impugned order of transfer and posting has been issued in respect of the applicant on the verge of his retirement on superannuation.

5.4 For that, while only one year 9 months service is left in the credit of the applicant, such transfer and posting is not warranted at this fag end of his service career.

5.5 For that, shifting of the sanctioned post of Deputy Director General, North Eastern Region from Guwahati to New Delhi without any prior policy decision smacks malafide and such arbitrary action will adversely affect the interest of this backward region.

5.6 For that, Vth Central Pay Commission also recommended not to disturb the Government employees, who are on the verge of retirement on superannuation besides the clear provisions laid down in transfer and posting guidelines of Doordarshan.

5.7 For that there will be serious dislocation of family of the applicant in the event of implementation of the impugned order of transfer and posting dated 26.12.2002.

5.8 For that the impugned order of transfer and posing has not been passed on public interest but the same has been passed at the dictation of a vested circle.

Raj Kumar

6. Details of remedies exhausted.

That the applicant states that he has exhausted all the remedies available to him and there is no other alternative and efficacious remedy than to file this application.

7. Matters not previously filed or pending with any other Court.

The applicant further declares that he had not previously filed any application, Writ Petition or Suit before any Court or any other authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief(s) sought for:

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief(s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

8.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned order of transfer and posting

D. K. Dijam

issued under Office Order No. 124/2002 bearing letter No. N.10/17/2002-PPC dated 26.12.2002 (Annexure- 4).

8.2 That the Hon'ble Tribunal be pleased to direct the respondents to allow the applicant to continue in his present place posting in the same capacity till retirement on superannuation i.e. up to 30.9.2004.

8.3 Costs of the application.

8.4 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for.

During pendency of this application, the applicant
prays for the following relief: -

9.1 That the Hon'ble Tribunal be pleased to stay the operation of the impugned order of transfer and posting dated 26.12.2002 issued under Office Order No. 125/2002 bearing letter No. N.10/17/2002-PPC dated 26.12.2002 (Annexure-4) till disposal of this Original Application.

9.2 That the Hon'ble Tribunal be pleased to direct the respondents to allow the applicant to continue to work in the same capacity in his present place of posting till disposal of this Original Application.

B. Super

10.

This application is filed through Advocates.

11. Particulars of the I.P.O.

- i) I. P. O. No. : 7G 605145
- ii) Date of Issue : 19-12-02
- iii) Issued from : G.P.O. (Gumhat)
- iv) Payable at : G.P.O. Gumhat.

12. List of enclosures.

As given in the index.

B.K. Dube

VERIFICATION

I Shri Pao Kholien Singson, aged about 58 years, son of late S. Singson, presently working as Deputy Director General (NER) Doordarshan, Guwahati, do hereby solemnly affirm and verify that I am the applicant in this instant application and conversant with the facts and circumstances of the case. I am competent to verify this case and the statements made in paragraphs 1 to

A _____ are true to my knowledge ; those made in paragraphs _____
_____ are true to my information derived from records and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 20th day
of Dec. 2002.

B. K. Siegel
Applicant

30 (B)

~~Guwahati, Dec 22: The North East Chamber of Commerce & Industry (NECCI), in an impressive function held here on Friday, felicitated five distinguished personalities of the region, who have excelled in their respective fields. Consultations were already in progress to break the deadlock on the Women's Reservation Bill. (Agencies)~~

NECCI felicitates five NE personalities for service

By OUR STAFF REPORTER

GUWAHATI, DEC 22: The North East Chamber of Commerce & Industry (NECCI), in an impressive function held here on Friday, felicitated five distinguished personalities of the region, who have excelled in their respective fields.

Assam governor Lt. Gen (retd) SK Sinha felicitated chairman-cum-managing director of Oil & Natural Gas Corporation (ONGC), BC Bora, chairman and managing director of Oil India Limited (OIL), BB Sharma, managing director of the Numaligarh Refinery Limited, RK Dutta, deputy director general of Doordarshan and All India Radio (NER) PK Singson and Justice B Lamare of Gauhati High Court in the function.

In his welcome address, NECCI president HP Barooah said that the chamber has decided to felicitate personalities of the region every year. He described the five felicitated persons as "adroit in their respective fields."

Elaborating the thrust areas of the NECCI, Barooah said that it has been giving emphasis on the development of entrepreneurs in the northeastern region.

Turn to Page 2

NECCI felicitates five NE...

Delivering the keynote address, NEDFi chairman Dr Jayanta

Madhav said that Assam is now running in a very critical economic phase. "If immediate steps are not adopted soon, the Ulfa would prove to be a major bane in the next decade," he said.

Dr Madhav said that the state is lagging far behind than the rest of the country in all spheres - be it in economic growth; per capita investment or in other areas. He said that every year around Rs. 12,000 crore is being pumped to the region but no developmental activities took place. "Only a few government officials are benefited out of it," he added.

The NEDFi chairman said that Assam is not at all been benefited from the new economic policy of the centre and the gap between the rich states and Assam is widening day by day.

In his address, governor Sinha asked the states to be economically united. "Though the states are politically fragmented, let us ensure that economically the region is not be fragmented," he said.

The governor said that the economic growth of Assam has been very alarming and there is a need to give emphasis on tourism sector and marketing of local produced goods. "The flow of tourist to Assam have declined because of the recent violence especially after the Black November, but it would be over very soon," he said. In his address, the CMD of the ONGC, Bora said that there are vast areas in the Northeast, where oil and gas explorations yet to be properly carried out.

The chairman and managing director of OIL, Sharma said that his organisation would emphasise on more natural gas exploration in view of the recent gas supply deal with Reliance Industries Limited for Assam gas cracker project.

In his address, Mr Singson described his felicitation as a "Christmas gift." "It would encourage me to do more for the success of the proposed 24-hour Doordarshan channel for the northeast," he said. In his speech, Justice Lamare said that he has been trying to give due justice to all sections of people and will continue to do so in future too.

True copy

Sijitbhash
Advocate

SPEED POST

PRASAR BHARAT REGD.
DIRECTORATE GENERAL DOORDARSHAN
MANDI HOUSE, NEW DELHI

No: 31/27/2002, P-IV

Subject: Representation by N. E. TV Producers

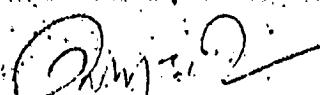
Sir,

Please find enclosed herewith a representation received through Ministry of Information and Broadcasting regarding attempt to deprive programme producers of North East in matters relating to allocation of Commissioned Programmes by Programme Production Centre (North East) Doordarshan.

In this connection, you are requested to kindly furnish the comments to this Directorate by return fax.

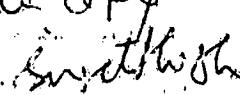
Thanking you,

Yours faithfully,


 (Nand Bhardwaj)
 Dy. Director of Programmes

Encl: As above

The Dy. Director General,
 Doordarshan Kendra,
 Guwahati.


 True copy
 S. N. Singh

SPED POST

32

Prasar Bharati
 (Broadcasting Corporation of India)
 Office of the Deputy Director General(NER)
 Doordarshan :: R.G.Baruah Road :: Guwahati-781024

NO.DDG(NER)/DD/GUW/Producer(Asson.)/2002-P/787 Dated Guwahati, the
 20th December, 2002

Subject:- Representation by NE TV Producers.

This has a reference to Directorate's letter No.31/27/2002-PIV dated 16/12/2002 on the above subject. The following para-wise comments are being offered for further necessary action :-

1. No comments.
2. This is as per Guide Lines circulated by Prasar Bharati for Commissioning of Programmes for Doordarshan.
3. Rest of the essential conditions laid down as per the above Guide Lines except Trade Licence which, of course, is included to proof the bonafide of the Producer of a particular firm to avoid inclusion of Benami or Non-existent firms without proper registration. This is only one of the essential conditions to proof the domicile status of the Producers.
4. The extension of the last date of submission of proposals for 24 days from 16.11.2002 was done as per the instruction received from the Directorate General of Doordarshan, New Delhi which may not mean calculated attempt by Doordarshan to facilitated the entry of big production house in to the North East as alleged by the said representation.

Contd.. page No.2/-

True Copy

Sigitosh

Adm.

5. The Producers and Directors belonging to North Eastern Region are being given due weightage to Producers/Directors from other region and there is no chance of giving out major chunks of the Commissioned Programme as apprehended by the members of the above association. One thing they should remember is that North-East is also a part of India and the Producers from outside this region have also rights to apply for such Commissioned Programmes and the Guide Lines only mentioned that other conditions being equal due weightage be given to the Producers/Directors belonging to North-East. Even other wise the Producer Associations of other North-Eastern States also represented that major share of the amount for Commissioned Programme from PPC(NE) : Doordarshan, Guwahati should not be taken by Producers from Assam but the same be equitably distributed among the seven sister states as per representations recently received by the DDG(NER) : Doordarshan, Guwahati. (Copies enclosed)

6. Every attempt is being made to give fair justice to all proposals received from outside Producers on merit.

Endo:- As above.

PKS
(P.K.Singon)
Dy. Director General (NER)
Doordarshan : Guwahati

The Director General
(Shri Nand Bhardwaj, DDP : by name),
Doordarshan Directorate,
Doordarshan Bhawan,
Copernicus Marg,
New Delhi-110 001.

SL

23/12/02

Sign of Director General
Office of Director General
Doordarshan

Prasar Bharati
(Broadcasting Corporation of India)
Prasar Bharati Secretariat
Personnel, Policy & Coordination Section
PTI Building, 2nd floor
Sansad Marg

No. N.10/17/2002-PPC

New Delhi, dated. 26.12.2002

Office order No. 124/2002-PPC

Shri P.K. Singson presently working as Deputy Director General (NE), Doordarshan, Guwahati is hereby transferred and posted to Directorate General, All India Radio alongwith the post to work as Deputy Director General with immediate effect and till further orders.

2. Smt V. Sekhose, Deputy Director General, NE Region I & II, AIR Guwahati will look after the work of Deputy Director General (NE), Doordarshan in addition to her present charge until further orders.
3. This issues with the approval of CEO.

M.K.Pandey

(M.K. Pandey)

Assistant Manager(PPC)

Copy to:

1. All Chief Engineers/DDG(Progs.)/DDG(A), DG: AIR & DG: DDn
2. IFA, DG: AIR, Akashvani Bhavan /DDG(Fin.), DG: DDn, Doordarshan Bhawan, New Delhi
3. Consultant /All Directors, DG: AIR
4. All DDAs/DDO(A) of DG: AIR and DG: DDn
5. All Section Officers of DG: AIR and DG: DDn
6. Head of all AIR Stations/Offices/Audience Research Unit/CCW
7. Officers concerned
8. Dy. Secy. (BA)/Dy. Secy.(BD), Ministry of I&B
9. Reference Folder

Copy for information and necessary action to:

1. Ministry of I&B, B(D) Section)/B(A)Section/Finance Sections
2. Controller of Accounts, Ministry of I&B, Tropical Building, 'H' Block, Cannaught Circus, New Delhi
3. All PAOs, Akashvani, New Delhi/Calcutta/Chennai/Nagpur /Guwahati /Lucknow

Copy for kind information to:

1. PS to C.E.O/Member(Finance).
2. PS to DG: DDn
3. PS to E-in-C, DG: AIR and DG: DDn / Spl. DG(News), NSD, AIR/ADG(News), DDN, CPC

M.K.Pandey

(M.K. Pandey)

Assistant Manager(Pers)

True copy
Rajiv Singh
Aroor

35

To

The Chief Executive Officer
Prasar Bharati
(Broadcasting Corporation of India)
Prasar Bharati Secretariat
PTI Building (2nd Floor)
Parliament Street,
New Delhi-110 001.

Subject:- Request for cancellation of transfer.

Sir,

I have received my transfer order to Directorate General : All India Radio in the same capacity vide Office Order No.124/2002-PPC communicated vide letter No.N.10/17/2002-PPC dated 26.12.2002. In this connection I want to state the following few lines for your kind consideration and favourable action.

That I have hardly 1½ years now for my retirement on superannuation and I have recently lost my eldest son due to Kidney failure. My youngest and only daughter who sacrificed and donated one of her Kidneys for her deceased elder brother is yet to be fully recovered from the operation of Kidney transplant. I would also like to mention that I am the one who have been instrumental in commissioning of all Kendras in North-East as well as streamlining the overall administration despite facing so many problems from the insurgents working actively in this region. As such, may I request you to kindly get my above transfer cancelled on humanitarian ground as well as in recognition to the valuable service I have rendered in this region for the organisation since last several years.

Yours faithfully,

Meel
(P.K.Singon)
Dy. Director General (NER)
Doordarshan : Guwahati

Place : Guwahati
Date : 27.12.2002

True up
S. Jitendra
A. S. S. S. C. A.

23

IN THE GENERAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O.A. No. 411 OF 2002

Filed by:-
B. C. Pathak
23/1/03

(B. C. Pathak
Addl. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench : Guwahati)

IN THE MATTER OF:

Sri Pao Khotten Singson

... Applicant

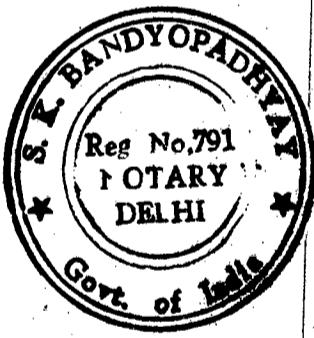
Versus

Union of India & Ors.

... Respondents

REPLY ON BEHALF OF THE RESPONDENTS

PRELIMINARY SUBMISSIONS:



1. That by the original application, the applicant seeks to impugn an order transferring him from Guwahati to New Delhi. It is well settled by a catena of authorities that a transfer communicated in exercise of administrative exigencies is not a punishment and does not call for any judicial intervention. In this view of the matter it is submitted that the application merits rejection.

2. That in the application it has been contended by the applicant that he has been transferred from Guwahati to New Delhi on account of certain complaints received against him and that the transfer is in violation of the guidelines circulated vide Memorandum dated 31.12.1992. In this regard it is submitted that the applicant has not been

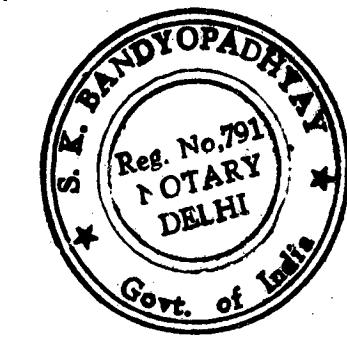
SK Bandyopadhyay

(24)

3X

transferred on account of any complaint or representation received against him. Rather the applicant has been transferred on account of administrative exigencies as there was a pressing requirement for a Deputy Director General (DDG) level officer in All India Radio at New Delhi. The applicant being the senior most Deputy Director General available in the organisation was accordingly transferred to Delhi.

3. That it is also pertinent to state that as per the guidelines in force, the normal tenure of a person at a Category 'A' station like Guwahati is four years. The applicant has already served for nine years at Guwahati. The applicant cannot claim any vested right to serve only at Guwahati. The applicant has already enjoyed more than double the tenure at Guwahati. The applicant having been transferred since the services of a senior DDG were required at Delhi, it cannot be said that the transfer is malafide or uncalled for. The transfer is purely on account of administrative exigencies and, therefore, does not call for any interference.
4. That a grievance has been made by the applicant that his transfer from Guwahati to Delhi is violative of the terms of the transfer policy circulated vide memorandum dated 31.12.1992. At the outset it is submitted that law is well settled that non-statutory orders regarding transfers etc. are in the nature of guidelines and do not have binding force.



Rekha Dey

The transfer order cannot be challenged on the ground that it is violative of a non-statutory guidelines. The applicant has cited paragraph 21 of the memorandum dated 31.12.1992 which provides that an employee, who is within three years of reaching the age of superannuation, will, if posted at his home town, not be shifted therefrom and if it becomes necessary to post him elsewhere, effort will be made to shift him to a station nearest to his home town, to the extent possible. A bare reading of para 21 clearly indicates that the same is not mandatory but is directory. It is submitted that exigencies of administration are such that there is no corresponding post available near the home town of the petitioner where he can be accommodated. Be that as it may, it is submitted that since para 21 is not mandatory and is merely directory or recommendatory, non-compliance therewith cannot vitiate the transfer.



That another issue raised by the petitioner is that it is not permissible to transfer him from Doordarshan (DDN) to All India Radio (AIR) and that too along with the post. In this regard, it is submitted that there are numerous precedents of persons being transferred from Doordarshan to All India Radio and vice-a-versa. It hardly needs to be emphasized that Doordarshan and All India Radio fall within the umbrella of Prasar Bharati and person whether posted in All India Radio and Doordarshan are primarily employees of Prasar Bharati. It is not as if a person working in

REK Dey

(2b)

39

Doordarshan cannot be transferred to All India Radio and vice versa. In fact, officers are frequently transferred from Doordarshan to All India Radio and vice versa.

6. It is pertinent to state that the applicant himself was earlier serving in All India Radio (AIR) and from AIR he was transferred to Doordarshan. At present two DDGs level officers of Doordarshan Cadre, Smt. M. Rugmuni and Shri K.M. Anis-ul-Haq are presently serving in AIR. Similarly one officer of AIR Cadre, Shri R.A.P. Rao is working as DDG in Doordarshan. In the past also one Shri T.R. Malakar who belonged to the AIR Cadre worked as DDG, Doordarshan. Similarly Shri P.C. Henbrum and Shri A.K. Biswas (both retired DDGs) served in All India Radio, even though they belonged to Doordarshan Cadre. The contention of the applicant that he belongs to Doordarshan Cadre and therefore, he could not be transferred to All India Radio is untenable.

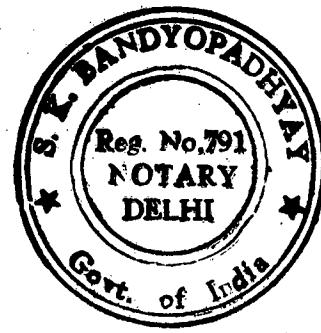
7. That before setting out the parawise reply to the averments made in the original application, the respondents also wish to place all circumstances on which the order transferring the applicant from Guwahati to New Delhi came to be passed. In this regard it is submitted that at present the C.E.O., Prasar Bharati is also functioning as the Director General, All India Radio. By a Resolution passed by the Prasar Bharati Board on June 6-7, 2002, it was resolved that



PKD-dey

all transfers above the rank of SAG in AIR or Doordarshan shall be done with the approval/orders of the CEO, Prasar Bharati. While functioning as Director General, AIR, the CEO, Prasar Bharati found that the work in All India Radio at Delhi was suffering on account of the fact that out of six DDG's, two were on long leave, sensitive work could not be entrusted to another DDG on account of a vigilance case against him and another DDG was due to retire shortly. As a result, All India Radio was left with only two DDG's at Delhi. Having regard to these circumstances, the CEO, Prasar Bharati was of the view that an experienced Deputy Director General was required in Delhi at All India Radio. The applicant being the senior most Deputy Director General in the organisation was considered by the CEO to be best suited for taking charge at Delhi. Accordingly on 26th December, 2002 the CEO passed an order that the applicant be transferred to Delhi along with his post. From the facts set out herein above, it is evident that the transfer of the applicant to Delhi was not on account of any complaint or representation received against him. The transfer was not punitive. Rather it was in recognition of the seniority of the applicant and the fact that a senior personnel was required at Delhi in All India Radio. In the circumstances, it is submitted that the transfer of the applicant from Guwahati to Delhi was effected bona fide on account of administrative exigencies and, therefore, it does not call for any interference.

JK Dey



8. That another ground urged by the applicant for challenging the transfer is that on account of his family circumstances his transfer shall cause personal hardship to him. In this regard it is submitted that it is well settled that hardship is not a ground for judicial interference against a transfer. As such the transfer of the applicant to Delhi on administrative grounds cannot be interdicted on the ground of personal hardship.

PARAWISE REPLY:

1. That in reply to para 1 it is denied that the transfer of the applicant is in violation of professed norms and is a colourable exercise of power. It is submitted that the applicant has already served for 9 years at Guwahati. The applicant cannot claim that he has a vested right of serving at Guwahati and Guwahati alone. The transfer of the applicant has been effected on account of administrative exigencies. It is, therefore, submitted that there is no merit in the contention of the applicant that the transfer is a colourable exercise of power.
2. That the contents of para 2 call for no reply.
3. That the contents of para 3 call for no reply.



REKDAJ

✓✓

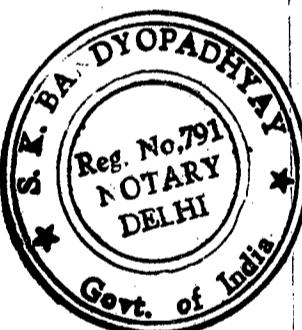
4.1 That the contents of para 4.1 are wrong and are denied.

4.2 That the contents of para 4.2 to the extent there are not contrary to the record are not denied.

4.3 That the contents of para 4.3 are denied for want of knowledge.

4.4 That in reply to para 4.4, it is submitted that Doordarshan and All India Radio are two wings of Prasar Bharati. It is not as if a person working in Doordarshan cannot be transferred to All India Radio and vice versa. In fact, officers are frequently transferred from Doordarshan to All India Radio and vice versa. The applicant also came to Doordarshan via All India Radio. In this regard a copy of the order dated 11th November, 1991 is annexed as **ANNEXURE R-1** to this reply. The instances cited in the preliminary submissions also demonstrate that transfer of employees from Doordarshan to All India Radio and vice versa is permissible.

4.5 That in reply to para 4.5 it is submitted that the averments made therein are extraneous to the point in issue. The transfer of the applicant has not been effected on account of any complaint or any act of omission or commission. The transfer of the applicant has been effected on account of administrative exigencies in as much as there was a requirement for a senior DDG level officer in All India Radio

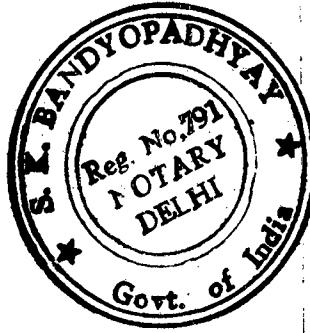


REK Dadey

at Delhi. It is further stated that the credit for any achievement by a particular department goes to all the persons working in the department and not to any one individual.

4.6 That the contents of para 4.6 to the extent they are not contrary to the records are not denied. However, it is reiterated that the transfer of the applicant has no connection whatsoever with the representation referred to in the para under reply.

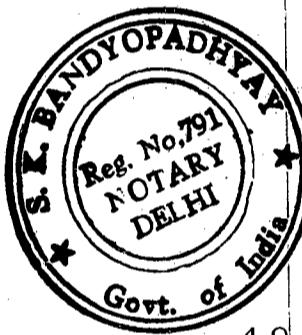
4.7 That the contents of para 4.7 as stated are wrong and are denied. It is denied that transfer of the applicant has been effected so as to advance the interest of a vested circle or to keep him away from Guwahati. It is denied that the transfer has not been ordered in public interest. It is also wrong to suggest that the transfer is a colourable exercise of power and smacks of malafides. The circumstances in which the transfer order was issued have already been set out in detail in the preliminary submissions. The same may kindly be read as part of this para. It is wrong to suggest that because the applicant has been transferred to Delhi along with post held by him, it will not be possible for anyone to look after the work of DDG, Doordarshan. It is also wrong to suggest that the circumstances show that the transfer of the applicant is malafide or a colourable exercise of power. It is pertinent to state that a number of regional channels are



TEK Dey

being run from New Delhi. For instance, the Kashir Channel is a channel meant primarily for Kashmiri audiences, which is headquartered at New Delhi.

4.8 That the contents of para 4.8 as stated are wrong and are denied. As already stated above, the Memorandum dated 31.12.1992 is in the nature of a non-statutory guideline. The same does not have binding force and law is well settled that a transfer cannot be challenged on the ground that it is violative of a non-statutory guidelines. Para 21 of the Memorandum dated 31.12.1992, which is relied upon by the applicant, is a directory provision. Para 21 clearly permits transfer of a person about to superannuate out of his home town. It is submitted that in this case there are sufficient reasons for transferring the applicant to Delhi.

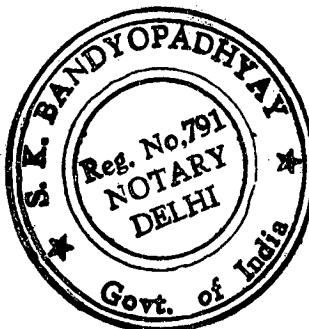


4.9 That the contents of para 4.9 are wrong and are denied. The averments made in the para under reply are based on the assumption the transfer of the applicant was on account of a complaint made against him. It is reiterated that the transfer of the applicant was not a result of any complaint or representation against him. The same also has no nexus with any alleged act of omission and commission on the part of the applicant. The applicant was transferred solely on account of the fact that the services of a senior DDG level officer are required in AIR at New Delhi. It is denied that the order of transfer and posting has been issued at the instance

DKR/Jey

of the concerned Ministry. It is denied that the transfer order is arbitrary and in violation of rules, regulations and professed norms. It is submitted that the transfer of the applicant as well as the transfer of the post has been solely dictated by administrative exigencies as a short-term measure in view of the requirement of a DDG level officer in AIR.

4.10 That the contents of para 4.10 are wrong and are denied. It is denied that the shifting of the sanctioned post of Deputy Director General, North Eastern Region, Doordarshan, to New Delhi is highly arbitrary, unfair and illegal and that the same will cause irreparable loss and injury to the interest of the people of the North Eastern Region. It is submitted that the transfer order dated 26th December, 2002 also effects alternative arrangements so as to ensure that the work and functioning of DDG in North Eastern Region is not adversely affected and a senior officer of equivalent rank has been directed to discharge the duties of DDG, North Eastern Region, Doordarshan.



4.11 That in reply to para 4.11 it is submitted that the representation dated 27.12.2002 sent by the applicant was received in the office of the DDG (Administration) DDN at New Delhi on 31.12.2002 i.e. after the filing of the original application. The same shall be given due consideration.

Rekha Dey

4.12 That in reply to para 4.12 it is denied that any valuable rights and interests of the applicant has been impaired by the transfer order dated 26th December, 2002. The original application is grossly misconceived and merits rejection.

4.13 That the contents of para 4.13 are wrong and are denied.

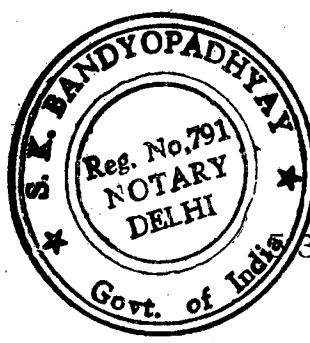
4.14 That the contents of para 4.14 are wrong and are denied.

5.1 That the contents of para 5.1 are wrong and are denied. It is denied that the transfer and posting order has been issued in violation of professor norms/transfer guidelines.

5.2 That the contents of para 5.2 are wrong and are denied. It is denied that the transfer and posting order has been issued on the basis of a complaint against the applicant.

5.3 That in reply to para 5.3 it is submitted that the transfer and posting order has been issued on account of administrative exigencies. It is well settled that the personal interest of an officer has to be subordinated to administrative exigencies and public interest.

5.4 That the contents of para 5.4 are wrong and are denied. It is wrong to suggest that the transfer and posting is not warranted.



SK Bandy

5.5 That the contents of para 5.5 are wrong and are denied. It is denied that the shifting of the sanctioned post of Deputy Director General, North Eastern Region is malafide, arbitrary and will adversely effect the interest of the region.

5.6 That in reply to para 5.6, it is submitted that for the reasons set out herein above, the averments made therein are untenable.

5.7 That in reply to para 5.7, it is submitted that law is well settled that hardship is not a ground for interdicting a transfer.

5.8 That the contents of para 5.8 are wrong and are denied. It is denied that the transfer order has been dictated by a vested circle and is not in public interest.

6. That in reply to para 6, it is submitted that the applicant has not exhausted all the available remedies. In fact, just three days prior to the filing of the original application the applicant had submitted a representation. However, without awaiting its result, he has rushed to the Court.

7. That the contents of para 7 call for no reply.

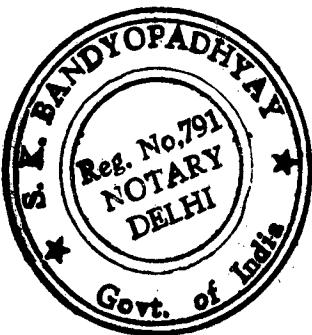
8. That in reply to para 8, it is submitted that the prayers made therein are misconceived and are legally untenable. The

REK Dey



transfer effected on account of administrative exigencies does not call for judicial intervention. As such the original application merits rejection.

9. That in reply to para 9, it is submitted that the prayers made therein are misconceived and legally untenable. It is submitted that the original application does not disclose any circumstances so as to warrant the passing of an interim order staying the transfer order dated 26.12.2002. Law is well settled that no employee has the right to dictate as to where he should be posted /transferred. A transfer effected in exercise of administrative discretion is ordinarily not to be subjected to judicial review. It is submitted that no circumstances exist so as to stay the operation of the transfer order. Therefore, the interim prayer merits rejection.



10-12 That the contents of paras 10 to 12 do not call for any reply.

M.K.Pandey

RESPONDENTS

THROUGH

M. K. PANDEY
Asstt. Manager
Prasar Bharti Sectt,
P.T.I. Building N. Delhi

ADVOCATE

New Delhi.

Dated:

M.K.Pandey

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O.A. No. 411 OF 2002

IN THE MATTER OF:

Sri Pao Khotten Singson

... Applicant

Versus

Union of India & Ors.

... Respondents

AFFIDAVIT

I, M.K. Pandey, Assistant Manager (PPC), Prasar Bharati, PTI Building, Sansad Marg, New Delhi, do hereby solemnly affirm and declare as under:

1. That in my official capacity I am duly authorised and competent to swear this affidavit.
2. That the facts stated in the accompanying reply to the original application are true and correct to my knowledge derived from official records.

That the annexures to the reply are true copies of their respective originals.

NEK Pandey

VERIFICATION:

M. K. PANDEY

Asstt. Manager

Prasar Bharati Sectt.,
January, 2003 Nthayam

Verified at New Delhi on this 20th day of January, 2003. N. D.

the contents of my above affidavit are true and correct to my knowledge derived from official records.

Rekha Dey

DEONENT

M. K. PANDEY

Asstt. Manager
Pravasi Bharati Sectt.,
P.T.I. P.T.I. N. Delhi

CERTIFIED that the deponent
Shri..... M.Y. Deponent May
S/o Shri R/o
I identified by Shri D. M. J.
has solemnly affirmed before me at Delhi
on 20 JAN 2003
that the contents of this affidavit which
have been read over & explained to him
are true and correct to his knowledge

knowledge
Shandy Ghadli
NOTARY PUBLIC
Govt. of India
S. No. 1234567890

20 JAN 2003

GRAM : DOORDARSHAN

-15-

379
ANNEXURE : R

file
S. K. U.C (R)
GOVERNMENT OF INDIA
DOORDARSHAN KENDRA : GUWAHATI
£££££££££

TELE : 40163

NO : DDK/GUW/14(2)/91-S/8311-26

Dated Guwahati, the
8th November, 1991

115

To
The Director General,
Doordarshan,
Doordarshan Bhavan,
Mandi House, Copernicus Marg,
NEW DELHI-110 001.

Sub : Assumption of charge of the office of the Director,
Doordarshan Kendra, Guwahati by Shri P.K.Singson.

Sir,

As per Director General, All India Radio, New Delhi and Joint Secretary(B), Ministry of I and B, New Delhi's telephonic messages conveyed on 21-10-91, Shri P.K.Singson, Station Director, All India Radio, Guwahati has assumed charge of the office of the Director, Doordarshan Kendra, Guwahati on the fore-noon of 22nd October, 1991.

His assumption charge reports are forwarded herewith in duplicate.

Enclo : As above.



Yours faithfully,

(B.K. DAS)
Administrative Officer
for DIRECTOR

Copy to :-

1. The Director General, All India Radio, Akashvani Bhavan, Parliament Street, New Delhi-110 001 w.r.t. his telephonic message on 21-10-91.

2. Joint Secretary(B), Min. of I & B, Shastri Bhawan, New Delhi-1. Kindly refer to this office earlier order No: DDK/GUW/14(2)/91-S/7885-902 dated 31-10-91 regarding relinquishing of charge by Shri K.Tlanthanga, the date of telephonic message may please be read as 21-10-91 instead of 22-10-91.

3. Pay & Accounts Officer(IRLA Group), Min. of I & B, AGCR Bldg., Computer III Section, Indraprastha Estate, New Delhi-110 002 along with 2(two) copies of charge assumption reports. His IRLA A/C Number is 08870.

4. Pay & Accounts Officer, Doordarshan, Min. of I & B, 8-Esplanade East, Calcutta-700 069 for kind information.

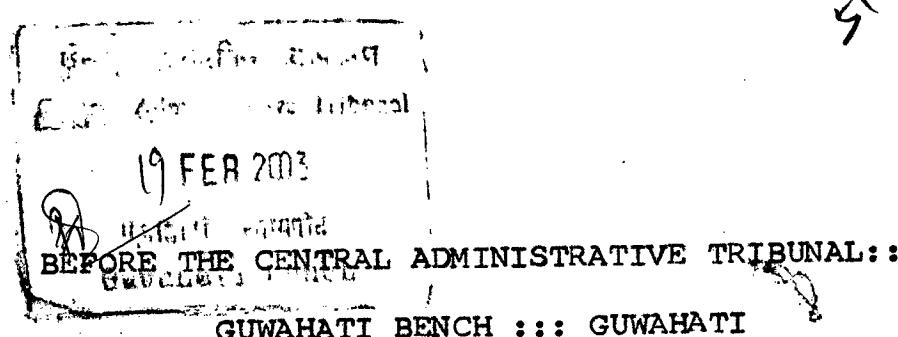
5. Pay & Accounts Officer(NER), Doordarshan, M/I&B, Panbazar TV Complex, Guwahati-781 001 for kind information.

6. Dy. Director General(NE), AIR, Guwahati for kind information.

7. Station Director, AIR, Guwahati for kind information.

8. Station Director, PPC(NE), Doordarshan, R.G. Baruah Road, Guwahati-781 024 for kind information.

9. Branch Manager, State Bank of India, Panbazar, Guwahati-1.



IN THE MATTER OF :

O.A. No. 411 of 2002

Sri P.K. Singson

- Versus -

Union of India & Others

- And -

IN THE MATTER OF :

Rejoinder submitted by the applicant
against the written statement filed
by the Respondents.

Most humbly and respectfully applicant begs to state
as under :

1) That your applicant categorically denies the
contention raised by the Respondents in their preliminary
submissions. It is well settled that when a
transfer order is vitiated by malafides of infraction
of any professed norm or principle governing the
transfer, which alone can be scrutinised judiciously.

In the instant case the impugned order or transfer
and posting dated 26.12.2002 has been passed with a
malafide intention and also the impugned order has been
passed in colourable exercise of power by the
Respondent No.3 on the basis of complaints received by
the Respondent No.3 endorsed by the Ministry of

contd...p/2

B.K. Singh

Filed by the applicant
through advocate Sri
G.N. Chakravarty on
19-2-2003.

✓
(2)

Information and Broadcasting as indicated in the letter dated 16.12.2002 (Annexure - 2 of the OA) . As such it is a fit case where interference of the Hon'ble Tribunal is necessary for protection of the right and interest of the applicant.

It is emphatically submitted that the impugned order of transfer and posting neither passed in public interest nor in the interest of service as alleged by the Respondents in their written statement but the order has been passed with an ulterior motive. Therefore none of the preliminary submission is tenable in the eye of law.

It is further submitted that the impugned order of transfer and posting is penal in nature and as such the same is liable to be set aside and quashed.

Most humbly and respectfully it is submitted that that the affidavit/Reply submitted by the respondents is illegal and unlawful, because it has been signed sworn-in by an officer who is not authorised to do so as per the legal procedure. Sh. M.K. Pandey, who has signed/sworn-in the affidavit is a group 'B' gazetted officer of the grade of Section Officer of CSS cadre (designated as Asstt. Manager of Prasar Bharati). As per the normal rule, the affidavit/reply on behalf of the Department should be ~~signed~~ filed by Class I Officer, at least equivalent to the post of Under Secretary. The Hon'ble Tribunal may therefore, be pleased not to accept the reply filed by the respondents, as it is not signed by the competent officer.

contd....p/3

B. Singh

It is submitted that there is no administrative exigency or requirement of any more. Dy. Director General at the Hqrs of All India Radio. The sanctioned strength in the cadre of Dy. Dir. General (~~EAO~~ of IB (P)S) at DG; AIR in 6 and all are filled up at present. That is why the applicant has been transferred alongwith post. Secondly, no DDG in DG: AIR is on long leave. Thirdly, AIR has enough number of DDGs ~~xxxx~~ and many of them are working as Station Directors, viz. Sh V. W. Dixit is working as SD, AIR, Mumbai, Ms Noreen Naqvi as SD, AIR, New Delhi; Sh. B.R. Kumar as SD, AIR Chennai. Apart from this, the original one zone has been bifurcated in two zones, so that Regional DDGs may have some works. Had there been any functional requirement at DG, AIR there was no need to allow the DDGs to work as Station Directors. They should have been posted at AIR Hq3s.

The most important fact, which would prove that there is no functional requirement of DG, AIR is that the powers/functions of DG, AIR have been delegated to the Regional DDGs. In this regard, it is submitted that the DDGs in DG, AIR were looking after the work.

~~xx~~ But after Order No. 73/PPC dated 19.8.2002 almost all powers and functions have been delegated in the Regional DDGs. So, virtually, there is minimum work at DG, AIR at present. Due to this position one of the six DDGs at DG, AIR has been given the work of ~~xxxx~~ Akashvani Annual Awards and Public Service Broadcast Award which are occurring once in a year. So, when there is

R.K. Singh

no enough work for the DDGs presently posted in DG,AIR, the respondents' submission that there is pressing requirement at DG, AIR is wrong and misleading to the Hon'ble Tribunal. It also proves that there is no ~~maxima~~ Administrative exigency/compulsion behind the applicant's transfer, but it is malafide and just to harass him because he has not succumbed to the ill-wills of some Private Producers & authorities in DG,DDN/Prasar Bharati.

With regard to the respondents' submission that the applicant is the seniormost DDG available in the organization, it is stated that he was/is senior most DDGs from Nov. 2000 when Mr. S. Krishnan retired. So, if he ~~xxx~~ is transferred due to this reason, he should have been transferred at that time, but not now when he is on the verge of retirement and planning to settle down at Guwahati after retirement.

2) That the contention of the respondents stated in paragraph-1 of the parawise reply is categorically denied.

It is further submitted that the applicant is being highly aggrieved for the manner adopted by the Respondents for shifting the applicant from Guwahati to New Delhi on receipt of a complaint through Ministry of Information and Broadcasting as indicated in the letter dated 16.12.2002 (Annexure- 2 of OA), without ascertaining the correctness of the complaints and also without verification of involvement of the applicant. No enquiry is made regarding the alleged involvement of the applicant

R. Singh

contd...p/5

5

(5)

is made regarding the alleged involvement of the applicant as indicated in the letter dated 16.12.2002. Therefore order of transfer and posting dated 25.12.2002 is punitive in nature.

It is submitted that the applicant has completed 9(nine) years of service at Guwahati, but during this period he had requested the department to transfer him to Bangalore but , they did not accede to his request. Now, when he is retiring within one and half years, the respondents have raised the question of tenure. It is relevant to mention to mention here that the respondents are not applying the question of tenure to other DDGS who are continuing at one place for the period longer than him, e.g. (i) Ms. Naveen Naqvi, DDG working as SD, AIR, New Delhi has been in Delhi all along her service career (except one year when she was at Vishakhapatnam in 1989. Before this she was at Delhi and after this, she is continuing in Delhi till date) (ii) Smt. Urbashi Josh, DDG(WR) , Mumbai is at Mumbai for more than 10 years. Apart from this, Sh. K.Kunhikrishnan, K. Tlan Thanga are continuing at Delhi for about 10 years. As per the transfer policy, all of them should have been transferred out of Delhi. But, the respondents are applying pick and choose method. The respondents transferred the applicant in the name of Administrative exigency, tenure and seniority; whereas none of these grounds hold good in his case.

contd..p/6

P.K. Singh

It is further submitted that as per the transfer policy, a person who is on the verge of retirement should not be ~~xxxxxxxxxxxxxx~~ transferred normally. If it is necessary to transfer him, the efforts should be made to post him nearer to his hometown. Since, Guwahati is nearest to his home-town and moreover, he is planning to settle down at Guwahati itself after his retirement so he should not be transferred out of Guwahati at this juncture. There is instance when Mr. S. Krishnan, though the then seniormost DDG in the organisation, was shifted to Chennai (his hometown) from Delhi when he was on the verge of his retirement. Applying the same ideology, the applicant should also not be disturbed at the fag end of his service career.

It is further submitted that he would have accepted his transfer from Doordarshan to AIR, had it been made in the normal circumstances and without any malafide intention. But as is crystal clear from the above submission, that there is no public interest/administrative exigency/pressing requirement behind his transfer from Doordarshan to AIR. Thus, he has all reasons to believe that he is being harassed by the respondents at this fag end of his service career.

It is submitted that at present either Prasar Bharati Board or Chief Executive Officer of Prasar Bharati do not have any statutory powers to govern the employees posted in Prasar Bharati, because none of them

has opted to become as Prasar Bharati employee in terms of Prasar Bharati Act 1990. Thus the resolution passed by the Prasar Bharati Board does not have any sanctity in the ~~xx~~ eyes of law.

Further as has been already clarified vide ongoing paras, most of the work/functions of DG,AIR have been delegated to the Regional DDGs. Thus, virtually there is minimum real work to be discharged by the DDGs, posted in DG, AIR. The work of DDG (Commercial), who is going to retire in April 2003 has already been delegated to Regional DDGs. Hence, after her retirement, there would be no need to post her substitute. Similarly, the work of DDG (Inspection) - Sh. N.S. Issac (who was on leave upto January 2003) and DDG (PP & D)- Ms. V.L. Lioni (who was on leave upto December 2002); have also been delegated to Regional DDGs. Hence, their long leaves (which in fact ran between 1 to 2 months only) would not adversely affect any work in DG, AIR, which is in fact, delegated to Regional DDGs. At present, the work for DDGs in DG, AIR is supervision of programmes related to software schemes/music/transfers of station Director etc. which are being looked after by two DDGs- (i) Smt. V.L. Sinha, DDG (Prog.) and Smt. Grace Kujur, DDG (Music). The remaining 4 DDGs are either sitting ~~is~~ idle or have minimum work.

It is further submitted that respondents' submission that one DDG cannot be given sensitive work

contd...p/8

P.K. Singh

because of Vig. Case is wrong/misleading of the Court. In fact, Ms. M.S. Rugmini, DDG (Commercial) who was supervising the most sensitive work before it was delegated to the Regional DDGs, has been charge-sheeted for major penalty. Even then, the commercial work was not taken away of her, rather she still designated as DDG (Commercial). Hence, it is clear that work allocation among the DDGs does not follow any norms/guidelines; but it is decided by the authorities on whims and fancies. They can give most sensitive work even to the DDG having tainted image, if he/she succumbs to the ill-wills/sweet wills of those authorities.

In view of the above submission, it is obvious that there is no public interest/administrative exigency behind my transfer order, because there is no enough work even for the DDGs presently posted in DG, AIR. All the important functions of DG, AIR has already been shifted to the offices of Regional DDGs. Secondly, there is no such tradition/practice that the seniormost DDG is to be posted at the Headquarters. Had it been so he should have been posted at the Hqrs. in November 2000 since when he was seniormost DDG in the organisation. Contrary to this, there is precedence that the seniormost DDG of the organization (Sh. S. Krishnan) was posted out of the Hqrs. i.e., at Chennai on his request because he wanted to settle at Chennai after his retirement. The applicant is now in the verge of retirement and want to settle down at Guwahati, but the respondents want to unsettle him by transferring him to Delhi without any public interest. Thus, the impugned order

P.K. Jyoti

contd...p/9

of transfer is violative of Articles 14 and 16 of the Constitution, unlawful, violative of transfer policy and malafide. The impugned transfer has been made because the applicant did not fulfill the ill wills of some private producers who are having close contact with some officers at DG, DDN, Prasar Bharati. Hence, it is prayed that the Hon'ble Tribunal be pleased to set aside and quash the impugned order of transfer and posting dated 26.12.2002.

A copy of the complaint dated 21.11.2002 is enclosed as Annexure-A for perusal of the Hon'ble Tribunal.

Parawise Counter Reply :

1) That the statement made in paragraph 1, 4, 4, 4.5, 4.6 and 4.7 of the written statement are categorically denied and further begs to state that the impugned order has been passed immediate after submission of comments by the applicant in pursuant to Director General letter dated 16.12.2002 whereby allegation regarding attempt to deprive the programme producers of North-East in matters relating to allocation of commission programmes by Programme Production Centre ~~XXXXXX~~ (North-East, Doordarshan), as desired by the Ministry of Information and Broad-Casting vide letter dated 16.12.2002. The applicant in compliance with the direction contained in the aforesaid letter,

contd...p/10

Faz. Singh

furnished detail reply/comments vide letter dated 20.12.2002 and immediately thereafter the impugned transfer order has been passed in total violation of the relevant provision laid down in the Prasar Bharati Act/Rules and that too without providing reasonable opportunity and also without verification of facts. In this connection it may be stated that an inquiry has been conducted subsequently after the issuance of impugned order of transfer dated 26.12.2002 but no inquiry copy served upon the applicant. It is further stated that the complaint, endorsed alongwith the Directorate letter dated 16.12.2002, there is no specific allegation against the applicant, as such passing of the impugned order transferring the applicant to New Delhi is punitive in nature and the same is liable to be set aside and quashed.

It is categorically submitted that the impugned order of transfer and posting has been passed on the basis of the complaint received by the Ministry from some of the Commission Programmers of North-East Region and on the basis of the said complaint the impugned transfer and posting dated 26.12.2002 has been passed.

That the contention of the Respondent that the impugned order of transfer and posting has been issued in the interest of public service is categorically denied. Moreover, the post of Deputy Director General has been sanctioned for the entire North-Eastern Region way back in the year 1993 for expansion of the Doordarshan

programme in this back ward region, therefore decision of the Respondent to transfer the applicant alongwith the sanctioned post will likely cause irreparable loss and injury to the people of the North-Eastern Region as a whole and on that score alone, the impugned order is liable to be set aside and quashed.

2) That the statements made in paragraphs 4.7, 4.8, 4.9, 4.10, 4.11, 4.12, 4.13 and 4.14 are categorically denied. It is stated that after passing of the interim order dated 30.12.2002 in the Original Application No. 411 of 2002 the Respondents, particularly, Respondent No. 3 suspended all works relating to commission programmes in all Kendras in the North-Eastern Region. Therefore such action smacks malafide and the said order has been passed immediately after receipt of the interim order by this Hon'ble Tribunal with the view and intention to restrain the applicant in the matter of allocation of commission programmes.

A copy of the letter dated 23.1.2003
is enclosed as Annexure- 2 for perusal
of the Hon'ble Tribunal.

It is further submitted that it is a settled position of law that whenever a transfer order is passed on extraneous consideration or in colourable exercise of power, the Tribunal or court can interfere even in the

62

(12)

transfer cases and as such there is no bar to interfere with the instant case of transfer when it is evident from the records that the impugned order has been passed with a malafide intention, as such the same is liable to be set aside and quashed.

3) In the facts and circumstances stated above, the application is deserved to be allowed with costs.

Verification....

69

(13)

VERIFICATION

I, Sri Pao Kholien Singson, aged about 58 years, Son of Late S. Singson, presenting working as Deputy Director General (NER) Doordarshan, Guwahati, do hereby solemnly affirm and verify that I am the applicant in this instant application and conversant with the facts of the case. I am competent to verify this rejoinder and the statements made in paragraphs _____ are true to my knowledge; those made in paragraphs _____ are true to my information derived from records and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 19 day of February 2002.


Pao Kholien Singson

Applicant

Advisors

Mr. Samshyam Sharma
 Mr. Shabendrenath Saikia
 Mr. Jahan Barua
 Mr. Padum Barua
 Mr. Dulal Roy
 Mr. Anwar Hussain
 Mr. Abdul Majid
 Mr. Sanjoy Hazarika

President

Mr. Sisilam Baru

Working President

Bhupendra Karmakar

Vice-Presidents

Mr. G. Nirmal Kumar
 Mr. Rajen Rajkhowa
 Mr. Hem Chandra Bora
 Mr. Deepak Bhattacharjee

General Secretary

Ms. Manju Bora

Joint Secretaries

Mr. Prabin Hazarika
 Mr. Raphael Warjani
 Mr. Ranjit Das
 Ms. Kavini Shche

Treasurer

Ms. Gayathri Barua

Publicity Secretaries

Mr. Aqueenath Senapati
 Mr. Hem Chandra Doley

Organizing Secretaries

Mr. Amulya Das

Mr. Moji Riba
 Mr. Tivinuo Sakhne
 Mr. Bimal Dutta Barua

Executive Members

Wangdoo Bodesa

Sanjoo Sharma

Pankaj Barua

Anup Hazarika

Mr. Asif Iqbal

Moken Gora

General Secretary

Mr. Biju Doley

To

The Hon'ble Minister, Information & Broadcasting,
 Government of India,
 NEW DELHI 110 001

November 21, 2002

Madam,

Most respectfully it is sought to place the following few lines and seek your kind and judicious intervention in a matter in which Doordarshan's commissioning guidelines have been undermining the Union Government's special package for the Northeast.

1. The authorities of Programme Production Centre (North East) Doordarshan, recently issued a notification inviting proposals from producers and directors of the Northeast for serials and documentaries to be produced in the commissioned category with funds provided by the Union Government pursuant to its avowed policy of according special status to the Northeastern states.

A copy of the aforesaid notification is enclosed, marked 'ANNEXURE I'.

2. The aforesaid notification of Programme Production Centre (North East) Doordarshan, mentioned 15 specific subjects after which was mentioned that telefilms, and fiction serials based works of eminent writers and cultural magazines may also be proposed.

The next paragraph of the notification read as under:

"In case the applicants want an arrangement where 50% of the approved episodes in serials would be commissioned by Doordarshan and rest of the 50% will be sponsored by the applicant, Doordarshan may consider such cases. This intention should be expressed well in advance at the time of application. Such an arrangement can be decided by Doordarshan also in case of some Producers who have already established a brand name, etc. on any television channel by telecasting programmes of at least 200 hours with an average TRP of 4."

This mention at first appeared silly and redundant since proposal were invited from producers and directors of the Northeast and there is no one here who can possibly acquire such a status when the total duration of outside programmes telecast from the Doordarshan Kendra Guwahati and Programme Production Centre (North East) do not exceed six hours a week.

3. Item '4' of the details listed as essential for proposals to be submitted in response to the aforesaid notification of Programme Production Centre (North East) Doordarshan requires:

"a) Domicile status of the producer with documentary proof
 b) Who is a resident of the North East. A copy of the trade
 c) may be annexed."

Deccanagar, Zoo Narangi Road, Guwahati 24

Advisers

Mr. Arambamshyam Sharma
 Mr. Shabendranath Saikia ✓
 Mr. Jahnu Barua ✓
 Mr. Padum Barua ✓
 Mr. Dulal Roy ✓
 Mr. Anowar Hussain ✓
 Mr. Abdul Majid ✓
 Mr. Sanjoy Hazarika ✓

President

Mr. Gauram Baru

Working President

Mr. Brijendra Kaman

Vice-Presidents

Mr. G. Nirmal Kumar
 Mr. Rajen Rajkhowa
 Mr. Hem Chandra Bora
 Mr. Deepak Bhattacharjee

General Secretary

Ms. Manju Bora

Joint Secretaries

Mr. Prabin Hazarika
 Mr. Raphel Warjani
 Mr. Ranjit Das
 Ms. Givini Shohi

Treasurer

Ms. Gayatri Barua

Publicity Secretaries

Mr. Jafreenath Senapati
 Mr. Hem Chandra Doley

Organizing Secretaries

Mr. Amulya Das
 Ms. Moji Riba
 Mr. Metvinuo Sakhrie
 Mr. Bimal Dutta Barua

Executive Members

Mr. Wangdoo Bodesa

Mr. Sanjoo Sharma

Mr. Pankaj Barua

Mr. Anup Hazarika

Mr. Asif Iqbal

Mr. Moken Gora

Ms. Sunita Barua

Ms. Sreeja Barua

Ms. Sunita Barua

To

The Hon'ble Minister, Information & Broadcasting,
 Government of India,
 NEW DELHI 110 001

November 21, 2002

Madam,

most respectfully it is sought to place the following few lines and seek your kind and judicious intervention in a matter in which Doordarshan's commissioning guidelines have been undermining the Union Government's special package for the Northeast.

1. The authorities of Programme Production Centre (North East) Doordarshan, recently issued a notification inviting proposals from producers and directors of the Northeast for serials and documentaries to be produced in the commissioned category with funds provided by the Union Government pursuant to its avowed policy of acceding special status to the Northeastern states.

A copy of the aforesaid notification is enclosed, marked 'ANNEXURE I'.

2. The aforesaid notification of Programme Production Centre (North East) Doordarshan, mentioned 15 specific subjects after which was mentioned that telefilms, and fiction serials based works of eminent writers and cultural magazines may also be proposed.

The next paragraph of the notification read as under:

"In case the applicants want an arrangement where 50% of the approved episodes in serials would be commissioned by Doordarshan and rest of the 50% will be sponsored by the applicant, Doordarshan may consider such cases. This intention should be expressed well in advance at the time of application. Such an arrangement can be decided by Doordarshan also in case of some Producers who have already established a brand name, etc. on any television channel by telecasting programmes of at least 200 hours with an average TRP of 4+."

This mention at first appeared silly and redundant since proposal were invited from producers and directors of the Northeast and there is no one here who can possibly acquire such a status when the total duration of outside programmes telecast from the Doordarshan Kendra Guwahati and Programme Production Centre (North East) do not exceed six hours a week.

3. Item 'ii' of the details listed as essential for proposals to be submitted in response to the aforesaid notification of Programme Production Centre (North East) Doordarshan reads as under:

"i) domicile status of the producer with documentary proof
 ii) who is a resident of the North East. A copy of the trade
 may be enclosed."

Veetanagar, Zoo Narangi Road, Guwahati 24

PRASAR BHARATI
(Broadcasting Corporation of India)
DIRECTORATE GENERAL: DOORDARSHAN
DOORDARSHAN BHAWAN, MANDI HOUSE
NEW DELHI

ESTATE OF RAYMOND P. IV

Dated 23.01.2003

All works relating to commissioned programme in all Kendras in the NE are hereby kept in abeyance with immediate effect.

This issues with the approval of Director General.

(K. LANTHANGA)
DY. DIRECTOR GENERAL

Copy to:

1. DDGNE) Shri P.K. Singson, DDK, Guwahati
2. PS to CEO.
3. PS to DG

Described
from
Savio, 1900