

30/10/00
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.5

O.A.No.

95/95

Misc.Petn.

C.P. No.

R.Appl:

.....D.N.Tamuli.....APPLICANT'S
frs.

.....U.C.I.Q.95.....RESPONDENT'S

.....Mr.D.K.Das.....FOR THE APPLICANTS

.....

.....
Mr. A.K. Choudhury.....FOR THE RESPONDENTS
S. Ali, Sr.C.G.S.C
Sr. Addl. C.A.S.

OFFICE NOTE ----- DATE ----- ORDER -----

this application is to
form and within time
C. F. of Rs. 50/-
deposited vide
IPO/BD No. 6845/10
Dated 26/4/95

3.5.95 Mr D.K.Das for the applicant.
Applicant present.
Mr S.Ali, Sr.C.G.S.C for the respondents.
on notice.
The applicant appears to be under some
misconception of the order dated 7.4.95 in
R.A.19/92 arising out of O.A.168/92 and the
order of the same date in O.A.168/92 by
which he was permitted to withdraw the O.A.
The order on the O.A. is very clear that
the applicant was granted liberty to urge
the grounds raised in the O.A. against the
order dated 3.8.92 in subsequent legal
proceedings if any are adopted in connection
with the orders subsequently passed by the
department dated 1.9.94, 1.12.94 and 29.12.
1994. The applicant was however, not given
liberty to file a fresh application for
challenging the order dated 3.8.92. In other
words he was given liberty to urge only
the contentions as were raised in the O.A
in support of any fresh cause of action and
when a fresh legal proceeding would be taken.

contd...

3.5.95 By the present application the applicant has sought to challenge once again the self same order dated 3.8.92. That is not permissible to him to do so. Incidentally he has also sought a direction to the respondents to implement the order dated 1.9.94. He is not aggrieved by that order. ^{What} The complaint is that the order dated 29.12.94 is contrary to the order dated 1.9.94 and therefore the direction as aforesaid is necessary. It is however, curious to note that he has not prayed any relief in respect of the order dated 29.12.94 although in para 3 of the O.A. he has stated that that was one of the orders against which the O.A. is filed. Even assuming that the O.A. could be said to be directed against the order dated 29.12.94 the applicant could not have approached this Tribunal unless he had exhausted all the departmental remedies against the order dated 29.12.94. Section 20 of the Administrative Tribunals Act would operate as a bar against entertaining the application. In para 7 of the O.A. after stating that there is no statutory appeal against the said order although the applicant refers to representations that were filed to respondent No. 2 against the order dated 3.8.92 ^{and} has also referred to the representation dated 23.5.92, he has not stated anything as to why he had not filed any representation against the order dated 29.12.94. The fact that he had earlier filed representation goes to show that he is aware that a representation can be filed to his superior authorities. The remedy of the applicant as thus has to exhaust the departmental remedy as may be available to him in the first instance and in the event he fails to get any relief he may be entitled to adopt legal remedies.

Thus as the application is ^{not} maintainable it is summarily rejected on that ground.

contd...

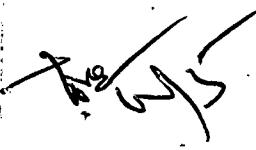
13.6.95
3.5.95

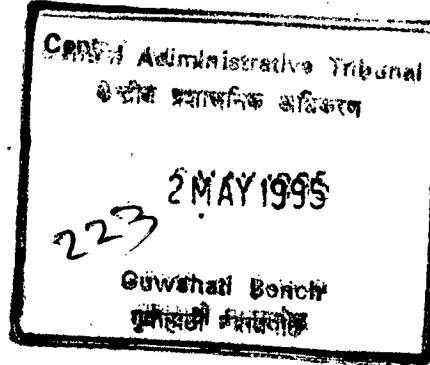
copy of order dtd.
3.5.95 issued to
all concerned by
Regd. Post and
their counsel also
vide DPO. 2437
to 2444. dtd. 13.6.95.

g/s.

It is made clear that the merits of the
order dated 29.12.94 or any other order
will not be construed as decided by this
order. liberty to approach Tribunal
after exhausting departmental remedies.
Copy of this order may be furnished
to the counsel of the parties.


Vice-Chairman

pg




BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

An application under Section 19 of
the Administrative Tribunal Act, 1985.

O.A.No. 95 of 1995.

Debendra Nath Tamuly

.... Applicant.

-Vs-

Union of India & Ors.

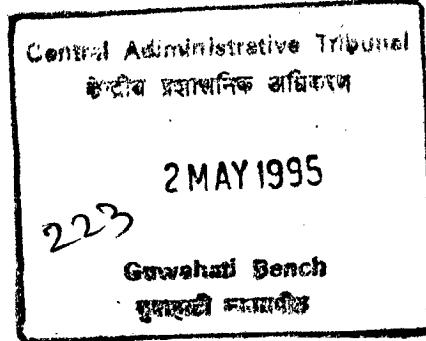
... Respondents.

2 MAY 1995

Guwahati Bench
গুৱাহাটী প্রদামনী

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Filed by applicant
through D.K.DAS
Advocate. 2.5.95

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Shri Debendra Nath Tamuly

-Vs-

Union of India and others.

1. PARTICULARS OF THE APPLICANT:

- (i) Debendra Nath Tamuly.
- (ii) Son of Khagendra Nath Tamuly,
- (iii) Aged about 37 years
- (iv) Producer Grade II,
Doordarshan Kendra, Guwahati.

2. PARTICULARS OF THE RESPONDENTS:

- (i) Union of India represented by the
Secretary to the Government of India,
Ministry of Information and Broadcasting,
Shastri Bhaban, New Delhi-110 001.
- (ii) Director General,
Doordarshan, Mandi House,
Copernicus Marg,
New Delhi-110 001.

(3) Director of Administration,
Directorate General, Doordarshan,
Mandi House, Copernicus Marg,
New Delhi-110 001.

(4) Dy. Director of Administration,
Directorate General,
Doordarshan, Mandi House,
New Delhi.

(5) Director,
Doordarshan Kendra,
R.G. Baruah Road,
Guwahati-781 024.

3. THE APPLICATION IS AGAINST THE FOLLOWING ORDERS:

(1) Order No.69/92-SIII conveyed under Memo
No.PF/269/S.III dt. 3.8.92 by Director,
Administration, Directorate General, Doordarshan,
New Delhi purportedly transferring the applicant
from his post as Producer (News and Current
Affairs) to PPC (NE) at Guwahati.

(2) Order No.204/94/S III conveyed under Memo
No.PF/267/SIII dt.1.12.1994 by the Dy. Director
of Administration, Directorate General,
Doordarshan, New Delhi, Transferring and posting
the applicant at Doordarshan Kendra, Shillong
in the same capacity with immediate effect.

(3) Order No.218/94/S.III conveyed under Memo No.PF/267/SIII dt. 29.12.94 by the Dy.Director, Administration, Directorate General, Doordarshan partially modifying the earlier order dated 1.12.94 and posting the applicant once again at PPC, Guwahati with immediate effect.

4. The applicant declares that the subject matter of the order challenged is- within the jurisdiction of this Tribunal.

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

6. FACTS OF THE CASE:-

(i) By an advertisement in "The Telegraph" dated 31.3.84, the Directorate General, Doordarshan, New Delhi invited applications for various posts at Doordarshan Kendra, Guwahati, including for producer (News current Affairs), There were vacancies for six other producers in Grade II in various divers sections viz, drama, music and dances, rural programmes, childrens and women's programmes, sports and general programmes. The qualifications

laid down for the different producers in different sections were all different from each other. There was nothing in the said advertisement that incumbents of Producers Grade II were transferable inter se between the diverse sections. The essential qualifications being different and nothing contrary having been stipulated, it was ex facie clear that one has to apply for a specific post in a specific section.

A copy of the said advertisement is attached herewith and is marked as Annexure-A.

(ii) The applicant applied for the post of Producer (news and Current Affairs) by his application dated 2.4.84 and pursuant thereto was called for an interview which he appeared for the said post.

A copy of the application dated 2.4.84 is attached herewith and marked as Annexure-B.

(iii) By letter No.14(4)84-85 dated 10.5.84, the applicant was appointed as a Staff Artist as Producer Grade II on a monthly fee of Rs.650/- in the scale of Rs.650-1200/- plus allowances

as admissible. It was stated in the said letter that the initial period of two years will be treated as probation period.

A copy of the appointment letter dated 11.5.84 is attached herewith as Annexure-C.

(iv) By Office Order No.112/90-S III conveyed under Memo No.A-29012/3/89/SIII dated 14.9.90, the competent authority approved the termination of the probationary period in respect of the applicant from 18.5.86 and the Doordarshan Kendras were permitted to take necessary action for extension of contract upto the age of 58 years.

A copy of the said order dated 14.9.90 is attached herewith as Annexure-D.

(v) Subsequently options were obtained from the applicant for conversion into a Government servant from staff artist so that his service may be treated as Government service vide letter dated 12.3.92. The applicant exercised his option to be treated as a Government servant as per

existing terms and conditions by his option letter dated 25.3.92 which has been accepted by the competent authority.

A copy of the option dated 25.3.92 is attached herewith as Annexure-E.

(vi) Throughout his service with the Guwahati Doordarshan Kendra since its inception on 25.3.85, the applicant has served with rare distinction, efficiency and sincerity as a Producer (News). The applicant has completed a four months course on ~~Broadcasting~~ Journalism at the Indian Institute of Mass Communication as an inservice training course in 1985. The applicant has attended a 10 days course on "TV New Production" at DDK, New Delhi conducted by the News Chiefs of National Broadcasting Corporation, ~~and~~ American Broadcasting Corporation and Columbia Broadcasting services in 1989. The applicant has also received training on production of News in Elections at DDK, New Delhi in May, 1991. The applicant is the only producer at Guwahati Kendra having the basic qualifications and experience in News. The applicant has independently covered the General Elections of Nagaland, Mizoram and Meghalaya. He has been profusely praised by the

Deputy Press Secretary to the President of India for efficient coverage of the President's visit to Assam. In view of his professional expertise, the applicant had reasons to believe that his name would be included in the list of Doordarshan Producers/Correspondents to be attached with V.V.I.Ps foreign tours/trips for adequate national exposure. This is one of the most coveted experience of any TV News producer.

(vii) However, as an act of brutal victimisation, the applicant by an order No.69/92-S III conveyed under Memo No.PF/267/S-III dated 3.8.92 has been transferred and posted as Producer Grade II at Programme Production Centre at Guwahati without any authority of law in a most arbitrary, unfair and unreasonable and capricious manner. The purported transfer removes the applicant from News Section and posts him in a section/department to which he never even applied for.

A copy of the transfer order dated 3.8.92 is attached herewith and marked as Annexure-F.

(viii) That your applicant thereafter filed various representation before the competent authorities for withdrawal/revocation of the

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impugned transfer order dated 3.8.92. In the said representation the applicant contended that the said transfer order had serious adverse civil consequences inasmuch as inspite of his specialized qualification in T.V.News Productions, he was purportedly being transferred to a non-functioning organisation and that too having no news production resulting in his talents being unutilised.

Copy of the representation dated 17.8.92 is attached herewith and marked as Annexure-G.

(ix) That thereafter the applicant failed to get a positive response from the Respondent authority with regards to the transfer order dated 3.8.92 and as a result being aggrieved by the action of the Respondent preferred an O.A. being No.168/1992 before the Central Administrative Tribunal, Guwahati, challenging the impugned transfer order dated 3.8.92 as arbitrary, unfair, unreasonable and capricious, the applicant. It was further urged that the said order had serious adverse civil consequences inasmuch as the new centre did not deal in News and Current Affairs for which the applicant was duly qualified and also initially appointed, and as such he could

not be legally and bonafide be transferred to a post in which he had no connection with his personal expertise, choice and contractual relationship with his employer.

(x) That after the Respondents filed their written counter to the aforesaid original application filed by the applicant, the matter was finally heard and by order dated 30.9.1992 the learned Tribunal rejected the said application on the sole ground that since transfer was an incident of service, the same cannot be interfered by the Courts.

A copy of the order dated 30.9.1992 in O.A.No.168 of 1992 is annexed herewith and marked as Annexure-H.

(xi) That thereafter the applicant filed another representation, before the competent authority on 23.5.1994 against the injustice being meted out to him in so far as his posting in News and Current Section was concerned, as the transfer violated Doordarshan accepted transfer policy which stipulates that persons having specialised training in certain fields should not

be transferred and posted outside that specialised field. That on consideration of the aforesaid representation dated 23.6.92 submitted by the applicant, the competent authority decided that his service be placed at the disposal of News Set up of the Kendra. Though till date this order dated 1.9.94 of the Directorate the Respondents have failed to place him in the News and Current Affairs Section and has thus not implemented the said orders.

Copies of the representation dated 23.6.94 and order dated 1.9.94 are annexed herewith and marked as Annexure-I and J respectively.

(xii) That curiously by order dated 1.12.1994, the applicant was again transferred and posted at Doordarshan Kendra, Shillong in the same capacity with the approval of the Director General, Doordarshan, where there was no News and Current Affairs Section. The applicant further states that the action of the Respondents clearly speaks of malafide inasmuch as the earlier order dated 1.9.1994 placing him at the disposal of the News was sought to be diluted by the said subsequent order of transfer and the said order is liable to be set aside and quashed.

A copy of the order dated 1.12.1994 is annexed herewith and marked as Annexure-K.

(xiii) The applicant states that a further order was passed by the Deputy Director, Administration Doordarshan, New Delhi on 29.12.94 partially modifying the earlier order dated 1.12.1994 and the applicant was once again posted at PPC, Guwahati.

A copy of the order dated 29.12.1994 is annexed herewith and marked Annexure-L.

(xiv) That in the meantime the Review Application No.19/1992 filed by the applicant came up for final hearing before the Hon'ble Tribuhal and the order dt. 7.4.1995 allowed the Review applicant. The order of this Tribunal dt.30.9.1992 rejecting the original application COA No.168/92 was set aside only in order to enable the Hon'ble Tribunal to permit the withdrawal of the original application.

Thereafter on the same date a seperate order allowing the applicant to withdraw the original application with liberty to the applicant to urge the grounds raised in the application against the impugned order dt.3.8.1992, in subsequent legal proceedings was also passed.

A copy of the order dt.7.4.1995 passed by the Hon'ble Tribunal is annexed herewith and marked as Annexure-M.

passed by the Hon'ble Tribunal is annexed herewith and marked as Annexure-M.

7. DETAILS OF REMEDIES EXHAUSTED:

There is no statutory appeal against the said order. However, the applicant has by his representation dated 17.8.92 moved the Respondent No.2 to revoke the impugned transfer order. The concerned Union has also taken up the matter with the Respondent No.2 as well as the Hon'ble Minister of State for Information and Broadcasting by representations dated 18.8.92 and 23.8.92. By a communication dated 18.8.92, the Respondent No.4 has refused to alter and/ or modify the said order. Thereafter the applicant has again filed representation on 23rd May, 1994 to the Respondent No.2.

8. That the applicant further declares that he has previously filed an O.A.168/1992 before this Hon'ble Tribunal which was later withdrawn on by order dated 7th April, 1995 with liberty to the applicant to urge the grounds raised in the aforesaid application in a subsequent legal proceeding. That at present no such application pending before any court/ Tribunal.

9. RELIEFS SOUGHT FOR AND GROUNDS:-

In the premises aforesaid, the applicant prays for an order setting aside and/or quashing the impugned Transfer order dt.3.8.92 and for a declaration to the Respondents for implementation of the order dt.1.9.1994 placing the applicant service at the disposal of the News Set up of the Kendra.

G R O U N D S

(a) For that the impugned transfer orders has been passed in a most arbitrary, unfair, unreasonable and capricious manner and in complete violation of the rights guaranteed to the applicant under Article 14 and 16 of the Constitution of India.

(b) For that the impugned orders are discriminates against the applicant without any reasonable basis or justification and denies the applicant equality before law and/or equal protection under the laws.

(c) For that the impugned orders has been passed without any jurisdiction and is void-ab-initio inasmuch as the applicant cannot be legally transferred from a News Section to a section which does not deal with News.

(d) For that the impugned orders reflects colourable exercise of power for collateral purposes inasmuch as the impugned order is an outright act of victimisation for legitimate and lawful action on the part of NFIBE for getting redressal of their grievances relating to Special Duty Allowances.

(e) For that the impugned orders having caused adverse civil consequences on the applicant, the same could not have been passed legally without giving an adequate opportunity to the applicant to represent against the same. The said order having been passed without any such opportunity to the applicant is void as being without jurisdiction and in violation of the principles of natural justice.

(i) For that the impugned transfer orders have been passed in a most mechanical manner on the basis of irrelevant and extreaneous considerations and in fact without any application of mind to the relevant factors. The impugned order is malafide in fact as well as in law and no reasonable person properly instructed in law could have passed the impugned order as has been done in the instant case.

(g) For that the impugned order of transfer and/or the impugned action of the Respondents is not giving effect to the order dt.1.9.1994 by subsequent modifications dt.~~20~~¹.12.94 posting the applicant once again at ~~DDK, Silchar~~ ^{DDK, Silchar} Guwahati is violative of the terms and conditions of his service since he had applied and was appointed against the post of Producer (News and Current Affairs), the entire action of the Respondent in denying the applicant his legitimate claim over the aforesaid post in News and Current Affairs is violative of the principles of Natural

Justice and suffers from vice of arbitrariness and malafide and hence liable to be set aside and quashed.

(h) For that the impugned orders is most arbitrary and malafide and not even in public interest. The order also ex facie does not disclose that the same is in public interest. The condition precedent for exercise of power of transfer is totally absent in the instant case.

(i) For that in any view of the matter, the impugned orders of transfer are illegal and contrary to law and therefore liable to be set aside.

10. INTERIM ORDER:

11. Postal Order No. 803884510
issued by Post Office at Guwahati.

VERIFICATION

I, Shri Debendranath Tamuly, son of Shri Khagendra Nath Tamuly, aged about 37 years, working as Producer (News) at Doordarshan Kendra, Guwahati, do hereby verify that the contents of paragraphs 1 to 8, 10 and 11 are true to my knowledge and those made in paragraphs 9 are believed to be true on legal advice and that I have not suppressed any material fact.

Debendre Nath Tamuly
APPLICANT.

six-member
tee to run the

DIRECTORATE GENERAL DOORDARSHAN

Applications are invited by the Directorate General, Doordarshan, New Delhi for the following posts at Doordarshan Kendra, Gauhati upto 14.4.1984.

I. PRODUCER GR. II

(a) PRODUCER (DRAMA) : Qualifications : Essential : (1) A degree from a recognised University. (2) Degree or diploma in Direction/Dramatics from a recognised Institute. (3) Background of literature in Assamese language. (4) Should have passed examination of matriculation standard with Assamese language as one of the subjects or medium of instruction. Desirable : (1) Training or experience in production techniques of Television. (2) Knowledge and experience of various forms of cultural/artistic expressions in the country.

(b) PRODUCER (MUSIC & DANCE) :

Qualifications : Essential : (1) Matriculation or its equivalent. (2) A degree or diploma in Music from a recognised University or Institution. OR At least five years experience in the field of Dance/Music as composer or performing artist with a good record of composing for the Film, Stage, Television or Radio approved by AIR. In the case of a performing artist in Music he should be graded at least 'B' High. (3) Acquaintance with the theory of Music/Dances. (4) Knowledge of the forms of Traditional Music and dance of the country, particularly folk and traditional music and dances of the North Eastern Region. Desirable : (1) Training/experience in production techniques of TV. (2) Experience of Choreography. (3) Ability to write music in any recognised notation system.

(c) PRODUCER (RURAL PROGRAMMES) :

Qualifications : Essential : (1) Degree in Agriculture (other things being equal, post graduates will be preferred). (2) Should have passed examination of matric standard with Assamese language as one of the subjects or medium of instruction. (3) Knowledge of modern agricultural practice with special reference to the crops and conditions of the region. Desirable : (1) Training/experience of production techniques of TV. (2) Experience of writing in the field of Rural Development or Adult Education. (3) Knowledge of rural environment of the art, special conditions, traditions and the folk art forms prevalent in the art.

(d) PRODUCER (CHILDREN'S AND WOMEN'S PROGRAMMES) :

Qualifications : Essential : (1) Degree of a recognised University. (2) Degree/diploma in Home Science or Sociology or Psychology. (3) Should have passed examination of matric standard with Assamese language as one of the subjects or medium of instruction.

(4) Knowledge of rural environment of the art, special conditions, traditions and the folk art forms prevalent in the art.

(e) PRODUCER (SPORTS) :

Qualifications : Essential : (1) Degree of a recognised University. (2) Degree/diploma in Sports/Physical Education from a recognised Institute OR

Three years experience as a Sports Journalist/Commentator with evidence of writing articles on sports in newspapers/journals of all India repute or evidence of broadcasting on sports. (3) Intimate knowledge of national and international sports, acquaintance with major development in sports. (4) Should have passed examination of Matric standard with Assamese language as one of

the subjects or medium of instruction. Desirable : (1) Knowledge of production techniques of TV. (2) Experience as a Television/Radio sports commentator. (3) Experience of participation in competitive sports. (f) PRODUCER (GENERAL PROGRAMMES) :

Qualifications : Essential : (1) Degree from a recognised University. (2) Degree or diploma in TV Production/Film Direction from a recognised Institute. OR Three years experience of making short films/documents. (3) Good knowledge of contemporary literature and arts and of the social and cultural environment and traditions of the North Eastern region. (4) Interest in National and International affairs. (5) Should have passed matriculation or equivalent examination with Assamese language as one of the subjects or medium of instruction.

Desirable : (1) Training and experience in production techniques of Television. (2) Knowledge and experience of various forms of cultural/artistic expressions in the country. (3) Good knowledge of contemporary literature and arts and of the social and cultural environment and traditions of the North Eastern region. (4) Interest in National and International affairs. (5) Should have passed matriculation or equivalent examination with Assamese language as one of the subjects or medium of instruction. (6) Ability to handle a wide variety of subjects for production of TV Programme e.g., features, interview, etc., including outdoor work.

(g) PRODUCER (NEWS & CURRENT AFFAIRS) :

Qualifications : Essential : (1) At least II Class degree from a recognised University. (2) Diploma or degree in Journalism from a recognised University or Institution. (3) At least two years experience in newscasting/reporting in broadcasting organisation, reputed newspapers or news agency/TV News Agency. (4) Should have studied Assamese as one of the subjects or medium of instruction at least upto matric level. Desirable : Awareness of National and International affairs.

II. PRODUCTION ASSISTANT :

Qualifications : Essential : (1) Degree from a recognised University. OR Degree/diploma in Direction in TV/film/stage from a recognised Institute. (2) Should have passed matriculation with Assamese language as one of the subjects or as the medium of instruction. (3) Knowledge of the culture and literature of the North Eastern Region. (4) Adequate knowledge of the programme discipline related to a particular vacancy viz. (a) Music and dance, (b) Drama, (c) Rural, (d) Education, (e) Children and Women (f) General, (g) Agriculture, (h) News & Current Affairs, (i) Sports.

III. FILM EDITOR :

Qualifications : Essential : (1) Matriculation or equivalent. (2) Degree/diploma in Film Editing from a recognised Institution. (3) Should have passed examination equivalent to Middle School standard with Assamese language as one of the subjects (Not applicable if Assamese language is the mother tongue of the candidate or the medium through which he has had schooling in Primary and Secondary Schools). (4) Acquaintance with current developments in the field of Art, Literature and Science. (5) Acquaintance with health, maternity, family welfare and child welfare programmes and problems. Desirable : (1) Training/experience of production techniques of TV. (2) Experience of social work or in an organisation of child or women's welfare programmes. (3) Acquaintance with the law relating to women and children. (4) Knowledge of current Indian and World affairs.

IV. FLOOR MANAGER :

Qualifications : Essential : (1) Matriculation or equivalent. (2) Diploma from a recognised Institution in stage craft. (3) Should have passed examination Matric Standard with Assamese language as one of the subjects or as medium of instruction. Desirable : Three years experience of Floor Management in Stage, Film or Television. (Qualifications relaxable, if adequate number of qualified candidates do not become available).

V. GRAPHIC ARTIST :

Qualifications : Essential : (1) Diploma in Fine/Commercial Art from a recognised Institute. (2) Two years experience of preparation of visuals and lettering in a Government Institute or a commercial organisation. (3) Should have passed Matric

ulation or equivalent examination with Assamese language as one of the subjects or as medium of instruction. Desirable : Knowledge of more than one Indian language of the standard mentioned against item No. 3 under essential qualifications (Qualifications relaxable if adequate number of qualified candidates do not become available).

VI. SCENIC DESIGNER :

Qualifications : Essential : Diploma or degree from a recognised Institution in stage craft. Desirable : 3 years experience in stage craft. (Qualifications relaxable if adequate number of qualified candidates do not become available).

AGE LIMITS FOR ALL POSTS : Between 21 and 30 years as on 1.7.84 (Relaxable by 5 years in case of Scheduled Caste/Scheduled Tribe candidates).

FEE SCALES : (i) For post at Sl. No. I : Rs. 650-1200. (ii) For post at Sl. No. VI : Rs. 550-900. (iii) For posts at Sl. Nos. II, III, IV and V : Rs. 425-750. In addition, allowances as admissible to Doordarshan Staff Artists from time to time.

RESERVATION FOR SCHEDULED CASTES/TRIBES : As per normal reservation rules of the Government.

GENERAL INSTRUCTIONS :

(1) Places for holding of Tests/Interviews for the above posts will be intimated later. All candidates called for test/interview (other than those belonging to reserved communities) will have to appear for test/interview at their own expenses. Scheduled Caste/Scheduled Tribe candidates will be paid TA as admissible under the rules. (2) Persons already in Government service should route their applications through proper channel. (3) Applications received after the last date, incomplete applications or those unaccompanied by attested copies of certificates and not received through proper channel will be rejected. Candidates sending their applications through proper channel should ensure that applications routed through their employers are received by the due date. (4) Selected candidates, pending completion of necessary formalities will be engaged on a monthly renewable contract in the first instance. After completion of necessary formalities, they will be appointed as Staff Artists in the prescribed fee scale on a long term contract for a suitable period or as a government servant as per conditions of service applicable to government servants. Initial period of two years will be on probation. (5) Though the vacancies are at present at the Kendra specified above, the selected candidates will be liable to be posted at any Kendra in the country. (6) If at any time before or after the selection, it is noticed that a candidate has suppressed relevant information his/her candidate is liable to be cancelled. (7) Applications received after the last date of receipt of applications will not be accepted under any circumstances. While calling candidates for test/interview, preference will be given to candidates having higher qualifications and greater experience. (8) Canvassing in any form will disqualify the candidate.

HOW TO APPLY :

Applications on plain paper giving (i) Full name and address (ii) Age with date of birth (iii) Post applied for (iv) Name of the Kendra for which applied (v) Educational and other professional qualifications (vi) Experience (vii) Present Employment, etc., with attested copies of supporting documents and (viii) Particulars of relatives, if any, working under the Ministry of Information and Broadcasting or under any of its Media Units, should reach the Directorate General, Doordarshan (INSAT Cell), Mandi House, New Delhi, latest by 14th April 1984.

20/3/84
31.3.84
31.3.84
The Today
Afternoon 1
Afternoon
R.D.W.
Anupam
25/3/95

-2/-~~27~~ 25

To

The Director General,
Doordarshan (INSAT Cell)
Mandi House,
New Delhi.

Dated Gauhati the 2nd April, 1984.

Sub : Application for the post of
Producer (News & Current Affairs),

Sir,

In response to your advertisement published in the Telegraph for the above mentioned post, I do hereby intend to offer myself as a candidate for one of the same. Necessary particulars regarding my candidature are given herein below in prescribed proforma.

ATTESTED
S. D. DAW
2/5/95

i) Full Name and Address : SHRI DEBENDRA NATH TAMILY.
LICI, DIVISIONAL OFFICE,
P&E DEPTT., GAUHATI-781001.

ii) Age with Date of birth : Age-29 yrs. 7 months 12 days as on 1.3.84.

Date of birth - 19.7.1954.

iii) Post applied for : PRODUCER (News & Current Affairs)

iv) Name of the Kendra for which applied : Gauhati.

v) Educational and other professional qualification : EDUCATIONAL

(a) Passed H.S.L.C. Exam. in 1st Divn in 1971.

(b) Passed P.U.(Sc) in 1972.

(c) Passed B.A. with Honours in English in 1976.

(d) Passed Diploma in Journalism in 1980.

(e) Passed M.A. in English.

PROFESSIONAL

(1) Edited G.U. Journal (Dept. of Journalism) for the year 1980.

(2) Member of the Editorial Board of 'PADATIK' a fortnightly journal for 1975-76.

(3) Member of the Editorial Board of 'SAPTAHIKA JANAJIWAN' a weekly paper published from Gauhati since into publication.

Contd...2.

vi) Experience : Wrote a good number of Articles, short stories etc. in all the leading news papers, journals of the state.

vii) Present employment : Asstt., LICI, Gauhati D.O.

viii) Particulars of relatives, if any, working under the Ministry of Information and Broadcasting on under any of its Media Units : NIL

With best regards,

Yours faithfully,

(DEBENDRA NATH TAMILY)

Enclo :

(19)

Annexure C

Smt P. S. G.

REGISTERED
IMMEDIATE

(23A)

GOVERNMENT OF INDIA
DIRECTORATE GENERAL DOORDARSHAN
MANDI HOUSE, NEW DELHI

635

22/5/84

3733

Dated : 10-5-84 2370

No. 14(4) 84-35

10/5/84

MEMORANDUM

Consequent upon his/her selection for appointment as producer Gr. II in Doordarshan, Shri/Smt M. M. Bhattacharya is offered a staff Artist Position of producer Gr. II on a monthly fee of Rs. 850/- in the pay scale of Rs. 850-10-240-38-810-150-35-880-40-1000-150-40-1200 plus allowance as admissible to Staff Artist position in Doordarshan.

Attestd
Advocate

2/5/85

15/84 6. His/Her appointment in the first instance will be for a period of six months pending completion of requisite formalities. On completion of these formalities, he/she will be considered for appointment as a Staff Artist position on contract upto 3 yrs. In the aforesaid scale subject to his/her work and conduct being found to be satisfactory. The renewable of contract thereafter will be decided by mutual agreement for a further period as considered appropriate. The initial period of two years will, however, be treated as probation period, which will be extended for another year, if considered necessary.

3. His/Her present posting will be at Doordarshan Kendra. He/She is, however, liable to be transferred to Doordarshan/Upgrah Doordarshan Kendra.

4. In case, he/she is in Govt. service, he/she will have to resign from his/her existing job.

5. Detailed instructions regarding the assignment of duties to be performed will be given to him/her by the Director, Doordarshan Kendra, Bombay which may be subject to alteration according to the programme requirements.

6. He/She will be required to take the oath of allegiance to the Indian Republic at the time of engagement.

7. He/She will be governed by the rules on Staff Artist Position.

8. His/Her appointment as a Staff Artist Position will be further subject to his/her being medically examined and found fit. At the time of his/her appointment, he/she will be required to submit a certificate from a Civil Surgeon to the effect that he/she is not suffering from any communicable disease.

9. No travelling allowance or any incidental expenses will be admissible to him/her on his/her first joining the position. He/She will be required to produce the following at the time of joining:-

a. Original Certificate in proof of his/her age and academic qualification.

Contd....2/-

24A

20

b. Declaration (Annexure-I) as mentioned in the following para. (Enclosed)

c. Two vouching certificates from two Gazetted Officers (as per Annexure-II) enclosed.

10. In accordance with the rules in regard to recruitment to services under the Government of India no person who has more than one spouse living or who having a spouse living, marries again, in which case such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to service provides the Central Government may, if satisfied that there are special grounds for so ordering, exempt any person from the operation of this rule. The offer of appointment is, therefore, conditional upon his/her satisfying the requirement mentioned above and to furnishing to this office a declaration in Annexure-I to this letter alongwith his/her reply. If however, he/she has more than one spouse living or having a spouse living have married again in which case such marriage is void by reason of its taking place during the life time of the above mentioned rule or any special reasons, he/she should make a representation in this behalf immediately. The offer of appointment should in that case be treated as cancelled and a further communication will be sent to him/her in due course, if upon consideration of his/her representation, it is decided to offer him/her an appointment in the position of Producer Grade-II in Doordarshan.

11. If the offer is acceptable to Shri/ ~~XXXXXX~~ DEBENDRA NATH TAPULI on the terms and conditions mentioned above, he/she should report for duty to the Director Doordarshan Kendra, Guwahati on or before 16th May, 1984 after which the offer will be treated as cancelled without notice.

Sd-

(B.S. SANDHU)

By. DIRECTOR (ADMINISTRATION)
FOR DIRECTOR GENERAL

To Shri Debendra Nath Tapuli
Asstt, LICI, Divisional Office,
P&E Department, Gauhati (Assam).
781001

Copy to :-

1. Director, Doordarshan Kendra, Bombay
2. Personal file of Sh./Smt./Kum. Debendra Nath Tapuli
3. XXXXXX The Divisional Manager, LICI, Gauhati, Divisional Office, Gauhati-1 for information necessary action for Director General.

1/3/84

(2) 25 a
a/1

Government of India
Directorate General: Doordarshan
Mandi House: New Delhi.

No. A-29012/3/89-S.III

Dated, the 14th September, 1990

ORDER NO. 112/90-S.III

Competent authority has approved the termination of probationary period in respect of the following Producers Grade II with effect from the dates mentioned against each:-

Sl. No.	Name	Doordarshan Kendra	Date from which probation has been terminated
1.	Sh. Sankar Das	Guwahati	15.5.86
2.	Sh. D.N. Tamul	-do-	18.5.86
3.	Sh. Mukul Kumar Talukdar	-do-	15.5.86
4.	Sh. Rupendra Narayan Sora	-do-	24.6.86
5.	Sh. Bharati Sharma	-do-	15.6.86
6.	Smt. Jiji Barakakoty (nee Pandey)	CFC, Delhi.	6.7.86
7.	Sh. R.K.P. Nishad	Delhi	18.12.85
8.	Sh. Ashok Bishnuprasad	-do-	14.12.85
9.	Ms. Ranjana R. Jaiswal	-do-	31.5.86
10.	Sh. Anil Kumar Srivastava	Lucknow	18.12.85
11.	Sh. R.S. Tripathi	Gorakhpur	30.7.86
12.	Smt. Riffat Shaheen	Jaipur	1.1.86

Approved
21/5/95

2. Doordarshan Kendra concerned may take further necessary action regarding extension of contract upto the age of 58 years in respect of the officers mentioned above.

hur
(K.C. SETH)
Dy. Director of Admin.

Copy to:-

1. Director, Doordarshan Kendra, Guwahati (10 copies)/ Central Production Centre (2 copies)/Doordarshan Kendra, Delhi (5 copies)/Doordarshan Kendra, Lucknow (2 copies) DDK, Gorakhpur (2 copies)/DDK, Jaipur (2 copies).
2. Pay & Accounts Officer, Doordarshan, Calcutta P&AO, Doordarshan, New Delhi/P&AO, All India Radio, Lucknow.
3. All officials concerned (through office)
4. Personal file of the officers concerned.
5. Guard File.
6. Spare copies-15.

hur
cc: Director, DDCB

GOVERNMENT OF INDIA
DIRECTOR OF DOORDARSHAN
DOORDARSHAN KENDRA: NEW DELHI HOUSE
SARASWATI

Encl: 56/1/91-SI

Dated: 14-1-1992

OPTION MEMORANDUM

Subject:- Conversion of staff Artists/Artists
into Govt. Servants.

In continuation to this Directorate O. I. No. 56/1/91-SI, dated 31.12.91 on the above subject, All Kendras PPCs/PGCs/CPC are requested to get options of such of staff Artists/Artists who wish to remain as staff Artist and not to be treated as Govt. Servants in the of Directorate of I & B letter dated 29.11.91 and send the same to this Directorate at the earliest. A Specimen Form for exercising such option is enclosed herewith.

Encl: As above.

6-1-1992
(P.S. R.G.)
DY. DIRECTOR OF ADM.
TEL: 389722

All Heads of Kendras PPCs/PGCs/CPC

GOVERNMENT OF INDIA
DOORDARSHAN KENDRA: GUWAHATI

NO: DDK/GUW/14(5)/92-SI (29/3)

Dated: 12-3-92

The prescribe option forms for conversion of Staff Artist/Artist into a Govt. Servants is put up herewith the request to exercising of their own option to remain as Staff Artist or their service may be treated as Govt. Service. May be furnished to the Office on or before 31st March '92 for onward transmission to Director please.

12-3-92
(B.K.DAG)
Administrative Officer
For DIRECTOR.

(C) To

Mr. D.N. Tamuly, Producer
DDK, Guwahati.

23

24

FORM C. CERTIFICATE OF APPROVAL OF THE STATE DIRECTOR
FOR THE RECALL ELECTION, SERV. #1

e9

(... to file by the 1st of artists)

1. DEBENDRA NATH TAMILY son/wife/daughter of
(Ex. in/infu.)

Sophia Khoganderi with La engaged as staff artist
in the category of Producer, Gr. II working at
(unspecified)

Doordienster, ~~English Communication~~: Ref. No./1443/PHG/191. General
I have read the contents of Ministry
of Information and Broadcasting's letter No. 45011/20/91-
B(2), dated 29.11.91 and I state that I want to ~~remain as~~
~~staff artist on the existing terms and conditions and that~~
~~to be promoted~~
I am not willing to be treated as Government Servant. as per
existing terms and conditions.

Dated: 25.03.92

Signature

④ - W. H. G.

Place :- Guwahati

Name DEBLENDRA NATH TA

Designation PRODUCER, SR.

THE 1911 BOSTON MASSACRE

THE TALENTS AND THE TALENTLESS

112 *Journal of Health Politics, Policy and Law*

Annexe F

Government of India
Directorate General: Doordarshan
Mandi House: New Delhi.

Dated, 3rd August, 1992

No. PF/267/S.III

ORDER NO. 69/92-S.III

Sh. D.N. Tamuli presently Producer Gr.II,
Doordarshan Kendra, Guwahati is hereby transferred and
posted in the same capacity at PPC Guwahati with immediate
effect.

P.M. Chakraborty
(P. MOHAN)
Director of Admin.

Copy to:-

1. Director, Doordarshan Kendra, Guwahati/PPC,
Guwahati.
2. Sh. D.N. Tamuli, Producer Gr.II.
3. Pay & Accounts Officer, Doordarshan, Guwahati.
4. Hindi Section for Hindi version.
5. Guard File.

for Director General.

PPC
3/8

Attested
R.D.P.
21/5/95

25/8/92
28/8/92

39

✓ Finance G
30
Dated : Guwahati,
the 17th August, 1992

To
The Director General,
Doordarshan,
Mandi House,
Copernicus Marg,
New Delhi - 110 011.

Sub : Request for withdrawal of
Transfer Order.

Sir,

With due permission I would like to inform you that I have come to know from a reliable source that I have been transferred from D.K, Guwahati to PPC(NE). I am on leave because of the death of my eldest brother on 1-8-92 and also because of my suffering from disease. It seems that my transfer order is nothing but a victimisation for SDA agitation aiming at destroying the morale of the employees. It can be mentioned here that I have been working as Producer ('News & Current Affairs') since one and a half years of Doordarshan Kendra, Guwahati and since then I have been working alone very hard to improve the standard of TV news in Guwahati. I was given 4 months' course (in service course) on 'Broadcast Journalism' at the Indian Institute of Mass Communication, i.e. Delhi in 1975. I was also selected for attending the 10 day workshop on 'TV News Production' at DDK, New Delhi in 1979 conducted by the then Chiefs of Columbia Broadcasting Services, American Broadcasting Corp. & National Broadcasting Corp. I was also selected for having the training about 'Election Bulletin Production' in May, 1971. I independently covered the General elections of Nagaland, Mizoram and Meghalaya very successfully. I have been profusely praised by the Deputy Press Secretary to the President of India for efficient coverage of the Hon'ble President's visit to Assam. I am really surprised that inspite of having all these specialities in TV News productions, you have transferred me to a non-functioning organisation and that too having no news production. Therefore, I am convinced that this is a clear cut case of victimisation and request you kindly to withdraw/cancel the said order.

Thanking you, Sir,

Yours faithfully,

22/8/92
Ranu Biplab

Attested
Ranu
(Advocate)
2/5/95

Annexure H.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(30)

O.A.No. 168 of 1992

Shri Debendra Nath Tamuly : Applicant
-Vs-
Union of India & Others : Respondents

For the applicant : Mr A.K. Phukan &
Mr A. Roy, Advocates

For the respondents : Mr S. Ali, Sr. C.G.S.C.

PRESENT:

THE HON'BLE JUSTICE SHRI S. HAQUE, VICE-CHAIRMAN

Date of order: 30.9.1992

ORDER


The applicant Shri Debendranath Tamuly has filed this application under Section 19 of the Administrative Tribunals Act, 1985 assailing the Order No.69/92-S.III conveyed under Memo No.PF/267/S-III dated 3.8.1992 by the Director of Administration, Directorate General, Doordarshan, Government of India, New Delhi. Shri D. Tamuly, Producer Grade II, Doordarshan Kendra, Guwahati has been transferred and posted as Producer Grade II at Programme Production Centre (PPC), Guwahati vide the impugned order dated 3.8.1992 (Annexure 'F'). The Respondents have filed objection at the admission stage. The matter was heard on 22.9.1992.

Learned Sr. counsel Mr A.K. Phukan submits that Shri Tamuly applied for the post of Producer (News & Current Affairs) and had been appointed as Staff Artist category Producer Grade II and is serving throughout with Guwahati Doordarshan Kendra as Producer (News) and also received special training on production of news, and so, his transfer to PPC is illegal and malafide. Mr Phukan further submits that the applicant is made to sit idle as the PPC has not started functioning and his special knowledge/experience in News Production will remain unutilised. He refers the decisions reported in AIR 1986 SC 1200 and AIR 1988 SC 78 in support of his submissions.

30.9.92

Attested
R. K. Roy
(Advocate)
215/95

Learned Sr. C.G.S.C. Mr S. Ali submits that

Shri Tamuly was appointed as Staff Artist Position of Producer Grade II and not particularly classifying for the News Section and so liable to be transferred to any Section as Producer Grade II. He further submits that the PPC has been established for the entire North Eastern Region and the Station Director, Assistant Station Director, Programme Administrative, Engineering and Administrative Staff have been posted and joined and have started producing programmes, and so, there will be no occasion for Shri Tamuly to sit idle at PPC.

The appointment order No.14(4)84-85 dated 10.5.1984 (Annexure 'C') discloses that Shri D.N. Tamuly was appointed as Staff Artist Position of Producer Grade II and not particularly for News Section. On 25.3.1992, Shri D.N. Tamuly opted to be treated as Government Servant under the Directorate General, Doordarshan, Government of India and therein he described himself as Staff Artist in the category Producer Grade II working at Doordarshan Kendra, Guwahati. There is no record to find that he was fixed permanently with the News Production Section by an order of the authority or appointed specifically for News Section only and not liable for transfer to other Sections. It was clearly mentioned under clause No.5 of the terms/ conditions in the appointment order (Annexure 'C') that detailed instructions regarding assignment of duties to be performed will be given to him by the Director, Doordarshan Kendra, Bombay which may be subject to alterations according to the programme requirements. Thus transfer is an incident of service and he is liable to be transferred from one Section to the other. The PPC is located within the same campus of Guwahati Doordarshan. There can be no question of adverse civil consequences in his service by the transfer order as his status, salary and other facilities will not be affected in any way, and he will also not lose his seniority in service. The decisions referred by Mr Phukan are on different facts and not applicable in the instant case.

32

: 3 :

Normally a transfer order is not interferred unless it is found to be malafide or illegal. There is no malafide nor illegality in the impugned transfer order.

This application is rejected.

Sd. S. Hazar
Vice Chairman



RECORDED TO MR. JUSTICE

30/7/92

Deputy Registrar (Judicial)
Central Arbitration Tribunal

Guwahati Bench.

10/8/92

To,

The Director General,
Doordarshan,
Mandi House,
New Delhi.

Annexure I.

32

Dated Guwahati the 23rd May, 1994.

Sub : Appeal for justice.

Sir,

With due respect I would like to bring to your kind notice the kind of injustice meted out to me during the last two years, which is as follows.

Sir, in response to an advertisement published in 'The Telegraph', Calcutta in 1984, I applied for the post of Producer (News & Current Affairs) in Doordarshan Kendra, Guwahati. Accordingly, I was interviewed and selected against the post. Since opening of DDK, Guwahati in March, 1985, I was working as Producer (News & Current Affairs). I was given at least 6 training on TV News Production, including the 4-months long 'Broadcast Journalism' course at the Indian Institute of Mass Communication, New Delhi. But, suddenly, in August, 1992 I was transferred from DDK, Guwahati to PPC(NE), Doordarshan, Guwahati vide order no.PF/267/S-III dtd. New Delhi the 3rd August, 1992, where there is no News Production Unit. My transfer, in fact, violated Doordarshan's accepted transfer policy which stipulates that persons having specialised training in certain field should not be transferred and posted outside that specialised field. However, after considering my appeal dtd. 28.10.93, you were kind enough to transfer and post me at DDK, Guwahati vide order no.PF/267/S-III dtd.24.11.93 where I joined on 6.12.93. But, I am yet to be posted to News Section. Presently, the Producer (Agril.) has been posted to News Section who does have no sense of news and leaving the Agril. Section blank. I would, therefore, once again appeal to you to do justice to me and post me in the News Section.

Thanking you.

Yours faithfully,

Attested
D.N. Tamuly
(Ad 215) /95

(D.N. TAMULY)
PRODUCER

Copy to :-

- 1). DDG (NER), Doordarshan for information and necessary action.
- 2). Director, Doordarshan Kendra, Guwahati for information and necessary action.

(D.N. TAMULY)

(34)

Annexe J

Confidential

Government of India
Directorate General: Doordarshan
Doordarshan Bhawan, Mandi House
New Delhi

No. PF/267/S-III 1202

Dtd. 1.9.94

Subject : Regarding posting of Sh. D.N. Tamuly, PG-II in
News Unit of DDK Guwahati.

** **

The representation dated 23.6.94 submitted by Sh. D.N. Tamuly, has been considered in this Directorate and the competent authority has decided that his services may be placed at the disposal of the News set up of the Kendra.

sd/-

(H.S.CHAUDHARI)
DY. DIRECTOR (ADMIN).

Director,
Doordarshan Kendra,
G U W A H A T I

✓ Copy to 1) DDC(NE) (Sh. P. K. Singson)
DKK, Guwahati - 24

H.S.C.C
for Director General

Attested

Ram
Adviser
2/5/95

GOVERNMENT OF INDIA
DIRECTORATE GENERAL : DOORDARSHAN
MANI HOUSE, NEW DELHI

Annexure K

NO.PF/267/S.III

Dated: 1.12.1994

35

51

ORDER NO. 204/94/S.III

Shri D.N.Tamuly, Producer-Grade-II, Doordarshan Kendra, Guwahati is hereby transferred and posted at Doordarshan Kendra, Shillong in the same capacity with immediate effect.

2. This issues with the approval of Director General, Doordarshan.

3. Hindi version follows.

B.Datt
B.Datt
By. Director of Admin.

Copy to:-

1. Director, Doordarshan Kendra, Guwahati/Shillong.
2. Person concerned.
3. Pay & Accounts Officer, IRLA, Ministry of I&B, AGCR Building, New Delhi.
4. PS to DG/PS to all DDGs in the Directorate.
5. President, Programme Staff Association of AIR & Doordarshan, Broadcasting House, New Delhi.
6. Vigilance Section/ Hindi Section.
7. Guard file/ Spare copies-5

B.Datt
for Director General

Attested
B.Datt
(Administrator)
2/5/95

38

Annexure L

WD

GOVERNMENT OF INDIA
 DIRECTORATE GENERAL: DOORDARSHAN
 DOORDARSHAN BHAWAN : NEW DELHI-1
STAFF-III SECTION

NO. PF/267/S.III

DATED, 29.12.94

ORDER NO. 218/94-S.III

In partial modification of this Directorate's Order No. 204/94-S.III dated 01.12.94 posting of Shri D. N. Tamuly, Producer Grade-II, who is under order of posting to Doordarshan Kendra, Shillong is hereby changed to DDC, Guwahati with immediate effect.

2. Hindi version follows.

(A.N. SHARMA)
 DY. DIRECTOR (ADMN.)

Copy to:

1. Director, Doordarshan Kendra, Guwahati/Shillong/PPC, Guwahati.
2. DMO(IRLA), M/O I&B, AGCR Building, New Delhi-2.
3. Person concerned.
4. PS to DG/all DDGs.
5. President, Prog. Staff Assn, of AIR & DDN. Broadcasting House, New Delhi.
6. Vigilance Section/Hindi section in the Dte.
7. Guard file/spare copies.

for Director General

afflected
 2/5/95
 (Adm)

(37)

Annexe M

u1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.168 of 1992

Date of decision: This the 7th day of April 1995.

The Hon'ble Justice Shri M.G. Chaudhari, Vice-Chairman.

Shri Dabendra Nath Tamuly

.... Applicant

By Advocate Shri D.K. Das

-VERSUS-

The Union of India & Others

.... Respondents

By Advocate Shri S. Ali, Sr. C.G.S.C.

....

ORDER

Mr D. K. Das for the applicant. Mr S. Ali, Sr. C.G.S.C., for the respondents.

In view of the order passed in R.A.No.19/92 separately the original application is taken up for final orders and following order is passed:

On oral application of the learned Advocate of the applicant the original application is allowed to be withdrawn with liberty to the applicant to urge the grounds raised in the application against the impugned order dated 3.8.1992 in subsequent legal proceedings if any are adopted by the applicant in connection with the orders passed by the Deputy Director (Administration), Doordarshan, New Delhi, dated 1.9.1994, the order of the Director General, Doordarshan, New Delhi, dated 1.12.1994 and the order of Deputy Director (Administration) dated 29.12.1994.

Deputy Director (Administration) dated 29.12.1994.

For 24.4.95. No order as to costs.

Sd/-

Vice Chairman

Allied
D/R/ADW
2/5/95

38 ✓

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Review Application No. 19 of 1992

(in O.A.No.168 of 1992)

Date of decision: This the 7th day of April 1995

The Hon'ble Justice Shri M.G. Chaudhari, Vice-Chairman.

Shri Debendra Nath Tamuly

.... Applicant

-versus-

Union of India & Others

.... Respondents.

For the applicant: Shri D.K. Das

For the respondents: Shri S. Ali, Sr. C.G.S.C.

....

ORDER

CHAUDHARI.J. V.C.

Mr D.K. Das for the applicant. Applicant present.

Mr S. Ali, learned Sr. C.G.S.C., for the respondents.

By this application the applicant seeks review of the order passed on the original application (O.A.No.168/92) by the then learned Vice-Chairman dated 30.9.1992.

2. Mr D.K. Das, learned counsel for the applicant, has been very candid to submit that in view of certain subsequent events he is pressing the Review Application in the interest of the applicant's service career although he could contend that there is an error apparent on the face of record in the order as stated in the Review Application.

3. The applicant had challenged the order dated 30.9.1992. The order by itself cannot be understood fully



as it merely states that the applicant has been transferred in the same post at the same Kendra. According to the applicant he was working as Producer (News and Current Affairs) to Programme Production Centre, North East at Guwahati and he is now transferred as Programme Producer, North East at Guwahati. The case of the applicant was that he had applied for the post of Producer (News and Current Affairs) in pursuance of the public notice issued by the Director General, Doordarshan and having regard to his qualifications he was interested to work as Producer (News and Current Affairs) only. The respondents, however, have designated him as Producer Grade II and purported to accord him as Staff Artist position.

4. In the order on the original application it was held that a transfer from one wing of the office to another in the same post is an incidence of service and that matter would lie within the administrative function of the authorities concerned and cannot be interfered with unless it is found to be malafide or illegal, which was not the case made out here and, therefore, the application was liable to be rejected. In that view of the matter the application was rejected.

5. I am not very much convinced with the submission that there is an error apparent on the face of the order though the grounds raised could be available in an appeal or may be relevant at a subsequent stage. I would not be inclined to allow the review on the ground that there is an error apparent on the face of the order. However, the relief that was asked by the applicant in the application was eventually made available to him by an order passed

by.....



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by the Deputy Director General, Doordarshan, New Delhi, No.PF/267/5-III/1202 dated 1.9.1994. A conflicting situation, therefore, arises in as much as the relief sought by the applicant was not granted by the Tribunal and that relief has come his way from his department itself. That however, is the result of subsequent developments. Mr Das, learned counsel for the applicant, now clarifies the exact position which appears to be as follows:

Prior to 3.8.1992 the applicant was working as Producer(News and Current Affairs) at Guwahati. From there he was transferred to PPC, NE, Guwahati, where there was no News and Current Affairs Section. Hence the applicant has approached this Tribunal in the original application. After the order in the original application was passed he joined at PPC, NE, Guwahati. However, he appealed to the Director General on 28.10.1993 that he was not being given the work of News and Current Affairs. The Director General passed an order on 24.11.1993 transferring him from PPC, NE, to Doordarshan, Guwahati, where he joined on 6.12.1993. Even thereafter he was given the work of Current Affairs only for about a month, but thereafter was not given the work of News or Current Affairs. Hence he filed representation to the Director General on 23.5.1994. That was accepted and the order dated 1.9.1994 was passed by the Deputy Director, Administration, mentioned above. That order specifically states that the representation of the applicant dated 23.6.1994 has been considered and the competent authority has decided that his services may be placed at the disposal of the News set up of the Kendra. It is the

grievance....



(A)

En grievance of the applicant that despite this order of the Directorate the respondents have not placed him in the News and Current Affairs Section and modified the aforesaid order dated 1.9.1994, By order dated 1.12.1994 he was again transferred and posted at Doordarshan Kendra, Shillong in the same capacity with the approval of the Director General, Doordarshan, where according to the applicant there is no News and Current Affairs Section. A further order was passed by the Deputy Director, Administration, Doordarshan, New Delhi on 29.12.1994 partially modifying the earlier order dated 1.12.1994 and the applicant was once again posted at PPC, Guwahati.

✓ It is the grievance of the applicant that the order dated 1.9.1994 was the correct order and the subsequent modifications are contrary to that order and ^{though} valid the terms and conditions of his very appointment since he had applied and was appointed against the post of Producer (News and Current Affairs). This ground, however, could not be the subject matter of the original application nor is the subject matter of the present review application. It may afford a fresh cause of action to the applicant which he may pursue in accordance with law if he can do so. Prima facie it appears that there is some unusual feature of in the order passed on 1.9.1994 which ^{being} was completely changed on 1.12.1994. I would not, however, express any opinion on the merits of that action and that also is not the subject matter of the present application. It, however, affords sufficient and good reasons to enable the applicant to pursue his legal remedies including the representations to the Director General against the steps taken contrary to the order dated 1.9.1994. that Mr Das submits that the



applicant

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Applicant may be allowed to withdraw the original application by allowing the review for that purpose. The learned counsel submits that the impugned order in the original application dated 3.8.1992 and the grievance in that respect would be relevant to the further steps as the applicant may be advised to adopt in law and unless the order in the original application is not set aside the applicant may be seriously prejudiced in pursuing his further remedies.

6. Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987, provides for review. The rule does not specify the grounds on which a review may be allowed. Section 22 of the Act lays down that the Tribunal shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 (5 of 1908), but shall be guided by the principles of natural justice. The instant case is a case which deserves to be considered by applying the principles of natural justice. From the subsequent events that have taken place I am satisfied that unless the original order is not set aside the applicant may suffer injustice in as much as he is being required to work against a post for which he was not appointed. Whether there is a ^{lack of} _{lack of} prejudice of the terms and conditions of appointment in doing so or whether the respondents could administratively post him in any Section is a matter which cannot be gone into at this stage. Solely, therefore, guided by the single consideration that the applicant may be prejudiced not by reason of any error apparent in the order, but by the sheer fact of the existence of the orders of the Tribunal, I am inclined in the particular facts and circumstances of the case to allow the review application for that limited purpose in the interest....



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interest of justice so that the applicant may not be prejudiced in his further representations and legal remedies.

7. In the result the review is allowed. The order of this Tribunal dated 30.9.1992 rejecting the original application (O.A.No.168/92) is hereby set aside only in order to enable me to permit the withdrawal of the original application which I am inclined to allow in the circumstances pointed out above. The review application is disposed of accordingly. No order as to costs. No order as to costs.

affidavit

Sd/- M.G.CHAUDHARI
VICE CHAIRMAN



Certified to be true Copy
प्राप्ताणि प्रतिलिपि

21.10.95

Section Officer (J)
आनुसारी अधिकारी (व्याधिक आकार)
Central Administrative Tribunal
केन्द्रीय प्रशासनिक अधिकारी
Guwahati Bench, Guwahati-8
गुवाहाटी अधिकारी व्याधिक आकार



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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :::: GUWAHATI - 5

O.A. 95/95

Sri Debendra Nath Tamuly ... Applicant
-VS-
Union of India & Ors. ... Respondents

P R E S E N T

THE HON'BLE JUSTICE SHRI M.G.CHAUDHARI, VICE CHAIRMAN.

For the Applicant ... Mr. D.K. Das.

For the Respondents ... Mr. S. Ali, Sr.C.G.S.C.

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Sd/- VICE CHAIRMAN

Memo No. :

Date :

Copy for information & necessary action to :

- (1) Shri Debendra Nath Tamuly, Producer Grade II, Doordarshan Kendra, Guwahati.
- (2) The Secretary, Govt. of India, Min. of Information & Broadcasting, Shastri Bhawan, New Delhi - 110 001.
- (3) The Director General, Doordarshan, Mandi House, Copernicus Marg, New Delhi-1.
- (4) The Director of Administration, Directorate General, Doordarshan, Mandi House, Copernicus Marg, New Delhi - 110 001.
- (5) The Deputy Director of Administration, Directorate General, Doordarshan, Mandi House, New Delhi.
- (6) The Director, Doordarshan Kendra, R.G. Baruah Road, Guwahati - 781 024.
- (7) Mr. D.K. Das, Advocate, Gauhati High Court, Guwahati.
- (8) Mr. S. Ali, Sr.C.G.S.C., C.A.T., Guwahati Bench, Guwahati.

SECTION OFFICER (3)