

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A No. 1895/2016

This the 25th day of September, 2018

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)

1. Udey Ram, aged about 53 years,
S/o. Lat Sh. Ram Charan,
R/o. 39-B, Pocket-A, GTB Enclave,
Dilshad Garden,
Delhi – 110 093.

2. Ram Kumar Gaur,
Aged about 56 years,
S/o. Sh. B. N. Gaur,
R/o. Qtr. No. 471, Type-IV,
Laxmi Bai Nagar,
New Delhi.

3. Dindayal Deb Burma,
Aged about 57 years,
S/o. Sh. Braja Kishore Mohanty,
R/o. A-212, Pandara Road,
New Delhi – 110 003.

4. Dillip Kumar Ray,
Aged about 52 years,
S/o. Sh. D. K. Ray,
R/o. Mohamadia Bajar,
Chandni Chowk, Cuttack,
Orissa.

...Applicants

(By Advocate : Mr. S. S. Mishra)

Versus

1. Union of India & Ors. through :
The Secretary,
Ministry of Information and Broadcasting,
Shastri Bhawan,
New Delhi.

2. The Secretary,
Union Public Service Commission (UPSC),

Dholpur House,
Shahjahan Road,
New Delhi – 110 069.

3. The Secretary,
DoP&T,
North Block,
New Delhi.

...Respondents

(By Advocate : Mr. G. S. Virk)

O R D E R (O R A L)

Justice L. Narasimha Reddy, Chairman :

The applicants held the post of Cameraman Grade-I in Doordarshan. They approached this Tribunal by filing O.A. No. 1176/2013 with a prayer to direct the respondents to implement the Indian Broadcasting (Programme) Service Rules, 1990 in true spirit, in respect of the post of Cameraman Grade-I, to re-designate the post of Cameraman Grade-I as Programme Officer and to include them in the Indian Broadcasting (Programme) Service. Their contention was that the post of Cameraman Grade-I carried the pay scale of Rs.2200-4000, which is the same, as that of Junior Time Scale Programme Officer of the Programme Production Cadre of the IB (P) Service and there was no justification for not merging the post of Cameraman Grade-I, into that cadre. Their further plea was that under the service rules for promotion to the post of Junior Time Scale Programme Officer, the Cameraman Grade-I with two

years of service is treated as one of the feeder categories but, there was no opportunity for them on account of not earmarking vacancies for their cadre.

2. The O.A was disposed of on 08.07.2015 with a direction to reconsider the entire issue and to earmark the vacancies of Programme Officers (Cameraman) for the Cameraman Grade-I with two years regular service, and to consider the cases of the applicants with others; and to extend the consequential benefits.

3. The respondents passed a detailed speaking order dated 30.11.2015 refusing to accede to the request of the applicants. A Contempt Petition was filed and it was closed leaving it open to the applicants to challenge the said speaking order. Hence this O.A.

4. The applicants contend that once there is a specific direction to earmark posts of Programme Officer (Cameraman) for Cameraman Grade-I, there was absolutely no basis for refusing to accede to the request of the applicants through the speaking order.

5. The respondents filed a detailed counter affidavit and other supporting documents. According to them,

Cameraman Grade-I happens to be a feeder category for the post of Video Executive and question of its being treated as part of the Indian Broadcasting Programme Service does not arise. It is also stated that over a period, several developments have taken place on account of which, the necessity to earmark posts of Programme Officers in favour of Cameraman Grade-I ceases to exist. Other contentions of the applicants are also dealt with.

6. Heard Mr. S. S. Mishra, learned counsel for applicant and Mr. G. S. Virk, learned counsel for respondents.

7. The operative part of the order passed by the Tribunal in the O.A reads as under :-

“10. We, therefore, dispose of this OA with a direction to the respondents-Ministry of Information and Broadcasting to re-consider the matter in the light of the aforesaid provisions of the Recruitment Rules and to first of all earmark the vacancies of Programme Officer (Cameraman) from among the Cameraman Grade-I with two years regular service for their inclusion in feeder category for post of Junior Time Scale Programme Officer under the IB(P) S. If the applicants are found eligible, they shall be given the consequential benefits. The aforesaid directions shall be complied with, within a period of two months from the date of receipt of a certified copy of this order. There shall be no order as to costs.”

8. In compliance to this, a speaking order dated 30.11.2015 was passed. It runs into several pages. Para

16 thereof indicates the conclusion arrived at by the respondents, and reads as under :-

“Now, therefore in compliance of the order dated 08.07.2015 of Hon’ble CAT, Principal Bench, New Delhi in the instant case, the matter has been reconsidered in consultation with Prasar Bharti and the fact that Schedule-VII of IBPS Rules providing that the posts of Video Executive will maintain their separate entity and will be filed up from the respective feeder grade (i.e Cameraman Grade-I) until they are merged at the stage of 3700-5000 (i.e JAG level IBPS) is being followed in letter and spirit and taking into consideration the other facts mentioned above, it has been decided that earmarking of the vacancies of Programme Officer (Cameraman) from among the Cameraman Grade-I with 2 years regular service is not feasible. It has also been decided that the request of the applicants for re-designating the posts of Cameraman Grade-I as Programme Officer and encadrement of applicants into IBPS cannot be acceded to.”

9. To understand the entire scenario, it is necessary to refer to certain basic facts. The Indian Broadcasting (P) Service is a separate cadre by itself and it comprises of as many as five Grades in all, which are as under :-

Sl. No.	Grade	All India Radio	Doordarshan	Scale of Pay
1.	Senior Administrative Grade Deputy Director General (Management)	10	11	Rs.5900-200-6700
2.	Junior Administrative Grade (Selection Grade) Senior Director	-	-	Rs.4500-150-5700
3.	Junior Administrative Grade Director/Controller	44	15	Rs.3700-125-4700-150-5000
4.	Senior Time Scale Deputy/Deputy Controller	130	32	Rs.3000-100-3500-125-4500
5.	Junior Time Scale Programme Officer	144	37	Rs.2200-75-2800-EB-100-4000
	Total	328	95	

10. There is a separate cadre known as the Doordarshan Programme (Technical - Camera) Group ‘A’ and Group ‘B’, under the Recruitment Rules, 1987. The post of Video Executive is at the top and the feeder category for that is Cameraman Grade-I. The other posts such as Cameraman Grade-I occur down below.

11. In the Indian Broadcasting (Programme) Service Rules also, a provision is made for promotion of Cameraman Grade-I to a post which is equivalent to Junior Time Scale Programme Officer. This is evident from para 5 of Schedule V of these rules, which reads :

5.	Junior Time Scale Programme Officer Rs.2200-75-2800-EB-100-4000	50% by promotion and 50% by direct recruitment in accordance with sub rule 2 of rule 7	<p>The following categories of staff with three years regular service in the grade will be eligible</p> <ol style="list-style-type: none">1. Producer (Selection Grade)2. Producer3. Producer Grade II4. Translator5. Editor6. Editor (Scripts)7. Reference Officer <p>Like-wise Cameraman Grade I in the pay scale of Rs.2375-3500 with two years regular service will be eligible against the vacancies specifically earmarked for Programme Officer (Cameraman).</p>
----	--	--	---

12. From this, it becomes clear that the Cameraman Grade-I is made as Feeder Category for the post of Junior

Time Scale Programme Officer on the one hand and Video Executive on the other, which occur two different services. The applicants made substantial efforts to get themselves equated to the post of Programme Officer with the pay scale of 2200-4000/-, did not fructify on account of the fact that method of selection and other attributes of the two posts are totally different. Similar prayer made in O.A. No. 1248/2001 was declined by the Tribunal vide order dated 27.06.2003. WP (C) No. 19717/2004 preferred against the Tribunal's aforementioned order was also dismissed by the Hon'ble Delhi High Court on 28.03.2008.

13. The only question, therefore, which remains to be decided, is as to whether the applicants were entitled to be considered for promotion to the post of Programme Officer (Cameraman), as per Schedule V of the Indian Broadcasting (Programme) Service Rules. The speaking order proceeded on the lines, which are inappropriate, obviously because the prayer of the applicants was totally different from the one that was canvassed before this Tribunal. They want straightaway to be equated to the post of Junior Time Scale Programme Officer. Once it is not feasible, the respondents are justified in declining to accede to the request of the applicants. The respondents made a specific mention to the orders referred to above and passed a speaking order.

14. However, the aspect of the enforcement of para 5 of the Schedule V of the Indian Broadcasting (Programme) Service Rules was not addressed. In case the post of Programme Officer (Cameraman) has not been created, the reasons as to why the provision of promotion to the post still exists, need to be mentioned. On the other hand, if the post has become redundant, even that needs to be mentioned.

15. We, therefore, dispose of the O.A and direct the respondents to deal with the only aspect namely the entitlement of the applicants to be considered for the post of Programme Officer (Cameraman) in the light of para 5 of the Schedule V of Indian Broadcasting (Programme) Service Rules. This exercise shall be completed within a period of three months from the date of receipt of a certified copy of this order.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/Mbt/