

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00660/2018

Wednesday, this the 19th day of September, 2018

CORAM:

Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member
Hon'ble Mr. Ashish Kalia, Judicial Member

1. Baiju Chandran, Assistant Director (Programmes),
 Doordarshan Kendra, Thiruvananthapuram, residing at
 Jaysree Buildings, Opposite to Kerala Child Welfare Council,
 PRS Road, Thycaud, Thiruvananthapuram.
2. K.R. Beena, Assistant Director (Programmes),
 Doordarshan Kendra, Thiruvananthapuram, residing at Madhavam,
 Ullas Nagar, Peroorkkada, Thiruvananthapuram – 695 005.
3. K.T. Sivanandan, Assistant Director (Programmes),
 Doordarshan Kendra, Thiruvananthapuram, Residing at House
 No. 284, Karthika, Kulangaralane, Pattom Palace PO,
 Thiruvananthapuram – 695 004.
4. V.S. Geetha, Programme Executive, Doordarshan Kendra,
 Thiruvananthapuram, Residing at TC9/1238, Kunnil Compound,
 CPGP Lane, Sasthamangalam, Thiruvananthapuram,
 Pin -695 010. **Applicants**

(By Advocate : Mr. Noble Mathew)

V e r s u s

1. Union of India, represented by the Secretary,
 Ministry of Information and Broadcasting,
 Sastri Bhavan, New Delhi – 110 001.
2. The Chief Executive Officer, Prasar Bharati Secretariat,
 7th Floor, Prasar Bharati House, Copernicus Marg,
 New Delhi – 110 001.
3. Sandeep Kumar Sinha, Deputy Director (PARL)/LO,
 7th Floor, Prasar Bharati House, Copernicus Marg,
 New Delhi 110 001, Phone No. 011-2311841.
4. R. Krishnadass, Dy. Director General Engineering,
 DDK, Thiruvananthapuram, Now transferred to DDK,

Chennai. **Respondents**

[By Advocate – Mr. N. Anilkumar, Sr. PCGC ® (R1&2)]

This application having been heard on 11.09.2018 the Tribunal on 19.09.2018 delivered the following:

ORDER

Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member –

OA No. 180/660/2018 is filed by Shri Baiju Chandran, Assistant Director (Programmes), Doordarshan Kendra, Trivandrum along with three others who are also Assistant Directors (Programmes) in the same organization seeking to set aside Annexure A1 order dated 19.7.2018 of respondent No. 3 posting 4th respondent, who had already been transferred to Doordarshan Kendra, Chennai as Deputy Director General (Engineering) in the vacancy of Director (Programmes)/DDG(Programmes) at Trivandrum Centre. The reliefs sought in the OA are as follows:

- “i) Set aside Annexure A1 order, in so far as it retains the fourth respondent at DDK Thiruvananthapuram against the post of Director (P)/DDG(P) with additional responsibilities of Commercial South Zone (AIR & DD).
- ii) Direct the third respondent to withdraw the order No. F.A-10011/4/2017-PPC dated 19.7.2018.
- iii) Command the first respondent to direct the second respondent to convene the DPC meeting at the earliest in order to fill up the high level vacancies like Deputy Director General Programmes from the stream of Assistant Directors Programmes from the Indian Broadcasting (Programme) Service.
- iv) Command the fourth respondent no to relieve the applicant No. 1 from the post of Head of Programmes in the DDK Thiruvananthapuram till an eligible candidate from the Indian Broadcasting Programmes Service join as Deputy Director General (Programmes) at DDK, Thiruvananthapuram.
- v) To pass such other reliefs that the Hon'ble Tribunal deems fit in the facts and circumstances of the case.”

2. It is maintained in the OA that Deputy Director General (Engineering) and Deputy Director General (Programmes) belong to two different cadres governed respectively by the Indian Broadcasting (Engineers) Service Rules, 1981 and Indian Broadcasting (Programmes) Service Rules, 1990, Prasar Bharati respectively. It is argued that these are water tight cadres and an employee belonging to one of the cadres cannot be posted to the other cadre. The 1st applicant has served in the Doordarshan Kendra, Trivandrum for the last 34 years. He has built up considerable expertise in arranging programmes and producing them, so much so that, he is currently designated as Head of Programmes, there being no Deputy Director General (Programmes) in place. Due to reasons associated with the delay in convening DPC for promotions as per Indian Broadcasting (Programmes) Service Rules, 1990, the 1st applicant as well as the other applicants have been denied an opportunity for justified advancement in their careers. They are all forced to remain at the much lower category of Assistant Directors on *ad hoc* basis.

3. It was at this time that respondent No. 3 has issued Annexure A1 order putting respondent No. 4 who belongs to the Engineering cadre and who had already been transferred from Thiruvananthapuram to Chennai DDK incharge of Deputy Director General (Programmes) at Thiruvananthapuram clearly placing him over the applicants despite the fact that the 4th respondent has no expertise whatsoever in Mass Communication and in Programme production. They have also produced photocopies of the Indian Broadcasting (Engineers) Service Rules, 1981 and photocopy of the Indian

Broadcasting (Programmes) Service Rules, 1990 through MA No. 180/954/2018.

4. The respondents have filed a reply statement wherein they have attached copy of the office order dated 14.8.2018 as Annexure R3 whereby the offending order which has been the cause for the grievance of the applicants has been cancelled. By Annexure R3 the respondent No. 4 has been allowed to be retained in DDK, Thiruvananthapuram but not in the role of DDG (Programmes) but as DDG (Engineering) consequent to the post of DDG (Engineering) being shifted from All India Radio, Raipur to Thiruvananthapuram. Hence, there appears to be no further grievance on the part of the applicants calling for redressal in so far as their reliefs i), ii) & iv) are concerned. In so far as grievance No. iii) is concerned this relates to the larger question which has even reached the portals of the Hon'ble Apex Court. As can be seen from the reply statement as well as in the averments made in the OA there has been long standing litigation between the categories belonging to the Broadcasting and Engineering groups as well as within the respective groups themselves. It is maintained in the reply statement that urgent steps are being taken to convene DPC as ordered by the Hon'ble Supreme Court.

5. In any case coming to the issue relating to the applicants, the main grievance regarding the placement given to respondent No. 4 in the Programme cadre had since been redressed with issue of order dated 14.8.2018. In so far as the other question of DPC is concerned, we

understand that adequate steps are being taken by the respondents.

6. The standing counsel for the respondents pointed out that the applicants are trying to pursue different reliefs which are not consequential to one another through the same OA which is expressly forbidden under Rule 10 of the CAT (Procedure) Rules, 1987. We find this argument valid.

7. After examining the case, this Tribunal comes to the conclusion that there is nothing remaining in the OA with the cancellation of the impugned order at Annexure A1. The relief No. iii) sought cannot be considered by this Tribunal as it would amount to seeking multiple reliefs through one OA.

8. OA is dismissed as being infructuous. No costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K. BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

“SA”

Original Application No. 180/00660/2018**APPLICANTS' ANNEXURES**

Annexure A-1 True copy of the proceedings of the third respondent. A true copy of the order No. F No. A-10011/4/2017-PPC dated 19.7.2018.

Annexure A-2 Photocopy of the order which evidences the fact that Shri S. Sajeev had assumed charge as the post of Deputy Director General Engineering at DDK, Thiruvananthapuram dated 6.7.2018.

Annexure A-3 Photostat copy of the representation filed by the petitioners through proper channel to the second respondent.

Annexure A-4 Copy of the letter written by the Principal Adviser (Personnel & Administration) Prasar Bharati to the first respondent on 9.3.2015.

Annexure A-5 Photocopy of the Indian Broadcasting (Engineers) Service Rules, 1981.

Annexure A-6 Photo copy of the Indian Broadcasting (Programmes) Service Rules, 1990.

RESPONDENTS' ANNEXURES

Annexure R-1 True copy of the office order No. 183/2018-PPC dated 29.6.2018.

Annexure R-2 True copy of the representation dated 12.7.2018.

Annexure R-3 True copy of the office order No. 253/2018-PPC dated 14.8.2018.

Annexure R-4 True copy of the letter dated 30.1.2015.