

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00933/2016

Tuesday, this the 14th day of August, 2018

CORAM:

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

1 K. Wilson,
Cameraman Grade-III, Camera Section, Doordarshan Kendra,
Kudappanakkunnu P.O., Thiruvananthapuram – 695 043,
Residing at C-6, DDK Staff Quarters, Kudappanakkunnu,
Thiruvananthapuram – 695 043.

2 M. Sritharan,
Cameraman Grade-III, Camera Section, Doordarshan Kendra,
Kudappanakkunnu P.O., Thiruvananthapuram – 695 043,
Residing at C-6, DDK Staff Quarters, Kudappanakkunnu,
Thiruvananthapuram – 695 043. **Applicants**

(By Advocate – Mr. Vishnu S. Chempazhanthiyil)

V e r s u s

1 The Deputy Director General,
Doordarshan Kendra, Kudappanakkunnu P.O.,
Thiruvananthapuram – 695 043.

2 The Director General,
Doordarshan, Doordarshan Bhawan,
Copernicus Marg, New Delhi – 110 001.

3 The Chief Executive Officer,
Prasar Bharati, 2nd Floor, PTI Building,
Parliament Street, New Delhi – 110 001.

4 Union of India,
Represented by the Secretary,
Ministry of Information and Broadcasting,
New Delhi – 110 001. **Respondents**

(By Advocate – Mr. N. Anilkumar, Sr. PCGC(R))

This Original Application having been heard on 08.08.2018, the
Tribunal on 14.08.2018 delivered the following:

O R D E R

Per: E.K. Bharat Bhushan, Administrative Member

1. OA No. 180/933/2016 is filed by Shri. K. Wilson and Shri. M. Sritharan, Cameraman Grade-III, Doordarshan Kendra, Thiruvananathapuram. They were initially appointed as Lighting Assistants w.e.f. 03.09.1997 and on transfer from DDK, Chennai and later, after attending conversion course for Lighting Assistants promoted as Cameraman Grade-III. The Pay Scale of Lighting Assistants was Rs. 4500-7000 and for the Cameraman Grade-III, it was Rs. 5000-8000. A copy of the promotion order issued on 07.12.2005 is at Annexure A3. The Lighting Assistant's Scale of Pay was revised and made equivalent to that of Cameraman Grade-III w.e.f. 2005 onwards. This, according to the applicants, nullifies the benefits flowing out of the promotion granted to them.

2. The Applicants contend that as Cameraman Grade-III, they are discharging duties of Cameraman Grade-II. The latter category is granted a Pay Scale of Rs. 6500-10500. Being assigned same set of duties, the applicants, in view of the fact that they have not got any benefits out of the earlier promotion from the category of Lighting Assistant, demand that they may be given Cameraman Grade-II Scale of Pay of Rs. 6500-10500 as a replacement Scale. They have repeatedly taken up their case with the authorities and finally are in receipt of impugned order at Annexure A10 dated 04.09.2015 rejecting their contentions.

3. The applicants claim that Prasar Bharati being the employer organization, under whom Doordarshan Kendra functions, had equated the Pay Scale of Lighting Assistant with that of Assistant Cameraman in Film

Division in pursuance of the Judgment of the Hon'ble High Court of Delhi in W.P.(C) No. 6544/2007 (***Union of India & Others Vs. Sanjiv Kumar & Others***). It was due to this that the Lighting Assistants in DDK also came to be granted the higher Scale of Pay, which is the same as Cameraman Grade-III. As the respondents have acted to merge the Pay Scales of Lighting Assistant and its promotion post of Cameraman Grade-III, it is maintained that it would be just and proper that the applicants are also equated with Cameraman Grade-II and granted higher Scale w.e.f. 07.12.2005 i.e., on the date on which the Lighting Assistants were given the upgradation.

4. The reliefs sought are as follows:

- i) Call for the records leading to the issue of Annexure A10 and set aside Annexure A10.
- ii) Direct the respondents 2 to 4 to consider granting the scale of pay of Rs. 6500-10500 to the applicants from 07.12.2005.
- iii) Any other further relief or order as this Hon'ble Tribunal may deem fit and proper to meet the ends of justice;
- iv) Award the cost of these proceedings to the applicant.

5. By way of reply statement, the respondents have disputed the contentions of the applicants. It is submitted that the applicants had earlier filed OA No. 219/2015 before this Tribunal and the same was disposed of at the admission stage directing the respondents to take a decision on the representations after according an opportunity of personal hearing. This was done and the order dated 04.09.2015 was issued (impugned Annexure A10/Annexure R1(a)). It is clearly stated therein that Cameraman Grade-II is a separate cadre and the promotional hierarchy above this grade is Cameraman Grade-I and Video Executive. While, the nature of duties/work of Cameraman Grade-II is contained in the Doordarshan Manual,

Cameraman Grade-III post, which came into existence as an avenue of promotion for the Lighting Assistant is distinct and separate. The fact that Lighting Assistant and Cameraman Grade-III share the same Scale of Pay does not constitute an anomaly as such situations exist in several cadres in Central Services. The educational and other essential qualifications for Cameraman Grade-III and Cameraman Grade-II are different and distinct as per the Recruitment Rules.

6. It is brought out that this Tribunal in OA No. 956/2012 had issued an order dated 19.10.2012, wherein, the applicants were the same, extending benefits of revision of pay with retrospective effect to their date of regularisation as Lighting Assistants. This has enabled them to obtain hike in their Pay Scale to the grade of Cameraman Grade-III but it does not mean that the promotion granted to them has been nullified.

7. The applicants have filed a rejoinder reiterating the contentions raised in the OA and the respondents have disputed this through their additional reply statement.

8. Heard Shri. Vishnu S. Chempazhanthiyil, learned counsel for the applicants and Mr. N. Anilkumar, learned Senior PCGC for respondents. All pleadings were examined.

9. The issue raised by the applicants in the earlier OA No. 219/2015 was considered by the respondents as per their order at Annexure A10, wherein, they have denied the demands of the applicants on the ground that they had joined service as Lighting Assistants and had already been given benefit of promotion in the grade of Cameraman Grade-III. The subsequent upgradation of the Lighting Assistant's Scale of Pay does not

constitute dilution of the promotion granted. It is also maintained that the promotion hierarchy of Cameraman Grade-II is Cameraman Grade-I and then Video Executive. In other words, Cameraman Grade-III does not figure in this hierarchy and it would not be feasible to amalgamate Cameraman Grade-II with Cameraman Grade-III. It is also maintained that the nature of duties and essential qualifications required for Cameraman Grade-III and Cameraman Grade-II are different as per the Recruitment Rules. Hence, the question of merging the posts does not arise. The sole argument worth consideration made on the side of the applicants is that they had not got any monetary benefit as a result of their promotion as Cameraman Grade-III from the category of Lighting Assistants. This was in consequence to the Scale of Pay for these both categories being made the same. The applicants got the benefits from a prior date to the merger on account of the order of this Tribunal in OA No. 956/2012. They have joined as Lighting Assistants fully knowing that the next level available to them was only Cameraman Grade-III. This being so, they cannot now aspire for a category, which is not part of their promotional hierarchy as per the Recruitment Rules.

10. After consideration of all facts, we are of the view that the OA is devoid of merit and we dismiss the same. No costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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List of Annexures of the Applicants

Annexure A-1 - True copy of the appointment order in respect of the 1st applicant.

Annexure A-1(a) - True copy of the appointment order in respect of the 2nd applicant.

Annexure A-2 - True copy of the transfer order from DDK Chennai to DDK Thiruvananthapuram in respect of the applicants.

Annexure A-3 - True copy of the order No. 22(9)2005-A1/DKT dated 07.12.2005 issued by the 1st Respondent.

Annexure A-4 - True copy of the representation dated 10.02.2012 by the 1st applicant to the 2nd respondent.

Annexure A-4(a) - True copy of the representation dated 10.02.2012 by the 2nd applicant to the 2nd respondent.

Annexure A-5 - True copy of the communication No. 12(1)2012/A1/DKT(KW) dated 11.05.2012.

Annexure A-6 - True copy of the representation dated 26.11.2013 by the 1st applicant to the 2nd respondent.

Annexure A-6(a) - True copy of the representation dated 26.11.2013 by the 2nd applicant to the 2nd respondent.

Annexure A-7 - True copy of the letter No. ID.No. 515/141/2012-BA(E) dated 29.01.2014 issued by the Ministry of Information and Broadcasting.

Annexure A-8 - True copy of the communication No. M-1/20/2014-PPC dated 26.02.2014 issued by the Prasar Bharati Secretariat to the Director General, Doordarshan.

Annexure A-9 - True copy of the order dated 20.05.2015 in OA No. 180/00219/2015 of the Hon'ble Tribunal.

Annexure A-10 - True copy of the order No. 2/7/2015-SI(A) dated 04.09.2015 issued by the 2nd Respondent.

Annexure A-11 - True copy of the duty chart of Cameraman in Doordarshan Kendra, Trivandrum.

Annexure A-12 - True copy of the file notings in the office of the 2nd Respondent in the matter of implementation of direction in W.P.(C) No. 6544/2007 of the Hon'ble High Court of Delhi.

Annexure A-13 - True copy of the Schedule prescribing the method of recruitment to the post of Cameraman Grade-III.

Annexure A-14 - True copy of the Office Order No. DKT:2(1) 2017/ADP dated 04.10.2017 issued by the 1st Respondent.

List of Annexures of the Respondents

Annexure R-1(a) - True copy of the Speaking order dated 04.09.2015.
