

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.2970/2013

New Delhi this the 16th day of August, 2018

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)

S.S. Rahman
S/o Late Shri Abdul Nafey
B-8/8, D.D.A, MIG Flats
Sarai Khaleel,
Sadar Bazar, Delhi-06.

-Applicant

(By Advocate: Shri Rajesh Srivastava)

Versus

1. Union of India
Through Secretary,
Ministry of Information and Broadcasting
Government of India
Shastri Bhawan
New Delhi.
2. The Chief Executive Officer,
Prasar Bharati,
Broadcasting Corporation of India,
PTI Building,
Parliament Street,
New Delhi.
3. The Director General Doordarshan,
Doordarshan Bhawan,
Copernics Marg,
New Delhi.
4. The Director General All India Radio,
Doordarshan Bhawan,
Copernics Marg,
New Delhi.
5. Smt. S.B. Kalra,
Director, C/o Chief Executive Officer,
Prasar Bharati Broadcasting Corporation of India,
New Delhi.

6. Smt. Usha Basain,
Chief Producer,
C/o Chief Executive Officer,
Prasar Bharati Broadcasting Corporation of India,
New Delhi.
7. Shri V.A. Magazine,
Chief Producer,
C/o Chief Executive Officer,
Prasar Bharati Broadcasting Corporation of India,
New Delhi.
8. Shri B. Chakravorty,
Executive Producer,
C/o Chief Executive Officer,
Prasar Bharati Broadcasting Corporation of India,
New Delhi.
9. Shri L.K. Chopra,
Chief Producer,
C/o Chief Executive Officer,
Prasar Bharati Broadcasting Corporation of India,
New Delhi.
10. Shri S.P. Saxena,
Chief Producer,
C/o Chief Executive Officer,
Prasar Bharati Broadcasting Corporation of India,
New Delhi.
11. Ms. Ananaya Banerjee,
Chief Producer,
C/o Chief Executive Officer,
Prasar Bharati Broadcasting Corporation of India,
New Delhi.
12. Shri V.S. Pansare,
Executive Producer,
C/o Chief Executive Officer,
Prasar Bharati Broadcasting Corporation of India,
New Delhi.
13. Shri A. Das Gupta,
Executive Producer,
C/o Chief Executive Officer,
Prasar Bharati Broadcasting Corporation of India,
New Delhi.

14. Smt. Mukesh Sharma,
Deputy Director,
C/o Chief Executive Officer,
Prasar Bharati Broadcasting Corporation of India,
New Delhi.
15. Shri A.K. Chakravorty,
Station Director,
C/o Chief Executive Officer,
Prasar Bharati Broadcasting Corporation of India,
New Delhi.
16. Smt. Sukhjinder Kaur,
Director,
C/o Chief Executive Officer,
Prasar Bharati Broadcasting Corporation of India,
New Delhi.
17. Shri A.M. Sakat,
Executive Producer,
C/o Chief Executive Officer,
Prasar Bharati Broadcasting Corporation of India,
New Delhi.
18. Shri E.S. Issaee,
Executive Producer,
C/o Chief Executive Officer,
Prasar Bharati Broadcasting Corporation of India,
New Delhi.
19. Shri H.N. Narang,
Executive Producer,
C/o Chief Executive Officer,
Prasar Bharati Broadcasting Corporation of India,
New Delhi.
20. Shri Alok Nath Sen,
Executive Producer,
C/o Chief Executive Officer,
Prasar Bharati Broadcasting Corporation of India,
New Delhi.

-Respondents

(By Advocate: Shri Rajeev Sharma with Ms. Radhalakshmi. R)

ORDER (Oral)**Justice L. Narasimha Reddy:**

The applicant joined the service of Doordarshan way back in the year 1973. He held various positions in Doordarshan upto the level of Director, and ultimately retired on attaining the age of superannuation. The Director General of Doordarshan published a Seniority List of Officers in Senior Time Scale of Doordarshan Programme Production Cadre on 16.05.1995. The 5th respondent herein, i.e., Smt. S.B. Kalra, was shown at serial No. 4, whereas the applicant was shown at serial No.32. Similarly, other private respondents were shown as seniors to the applicant. In the seniority list dated 23.10.1989 for the post of Science Officers/Producers Grade-I/Producers Grade-II/Editor(s) etc. in the All India Radio/Doordarshan, he was shown at sl. No. 19, whereas 5th respondent was shown at sl. No.26. The applicant pleads that his seniority was disturbed in the seniority list dated 16.05.1995.

2. Earlier, the applicant filed OA No.720/98 questioning the seniority list dated 16.05.1995 before the Patna Bench of the Tribunal. The OA was allowed on 31.08.2005. Aggrieved by that, the respondents filed CWJC No. 6605/2007 before the Patna High Court. The Writ Petition was disposed of on 12.05.2010 leaving open to the applicant to file a detailed representation. Accordingly, the applicant submitted a representation on 25.05.2010.

3. Dealing with the representation, the respondents passed an order dated 29.10.2010, informing the applicant that the seniority list dated 16.05.1995 does not suffer from any infirmity because the appointment of the private respondents was made strictly in accordance with the provisions of the Indian Broadcasting (Programme) Service Rules, 1990, and his case for promotion was considered, in his turn, as per the rules and regulations relating to convening of DPC.

4. Respondent Nos.2 to 4 filed their detailed counter affidavit. It is stated that the applicant has joined service as Producer Grade I (Rs.700-1300), and the post of Assistant Station Director (now Junior Time Scale) was in the pay scale of Rs.900-1400, which was a promotional post for the former post. They state that the IV Central Pay Commission recommended a common scale of Rs.2200-4000 for both these grades, and as a result, the discrepancy has arisen and the same has been reflected in the subsequent promotions and appointments.

5. We heard Shri Rajesh Srivastava, learned counsel for the applicant and Shri Rajeev Sharma, learned counsel for the respondents.

6. It may be true that the applicant entered the service in Doordarshan much earlier to the private respondents on 12.03.1973. The fact however remains that the respondent nos.5-

20 joined the service by way of direct recruitment at a higher level, whereas the applicant reached that level by way of promotion, having joined the service in a lower post, may be earlier.

7. The Indian Broadcasting (Programme) Service Rules were framed in the year 1990. There was a serious discrepancy as to the service conditions between the two groups of employees holding the posts of same level. While some were treated as performing artists others, as non-performing artists. For these categories, levels of promotion are different and conditions of service are also not uniform. Ultimately, the Hon'ble Supreme Court directed that both the categories of employees shall be treated as government servants.

8. The distinction between an employee, who is appointed as a direct recruit and another, who reaches that very post by way of promotion is not difficult to discern. Added to this complexity, the IV CPC recommended unification of two posts carrying two different pay scales, i.e., one post, that carried the pay scale of Rs.700-1300, and the other which carried the pay scale of Rs.900-1400. It is not in dispute that before the unification of the scale the applicant was holding the post in the pay scale of Rs.700-1300 whereas the 5th respondent held the post in the pay scale of Rs.900-1400. In view of this, the dates with effect from which they are entitled to be treated in the unified scale, become relevant. While the 5th

respondent was treated in the unified scale with effect from the date on which he has been inducted to the post carrying the pay scale of Rs.900-1400, the applicant was treated as being inducted in the unified scale of pay with effect from 1.1.1986, i.e., the date of implementation of IV CPC recommendations. This resulted in the 5th respondent and other similarly placed persons becoming senior to the applicant.

9. In view of this, the Service Rules framed in the year 1990, indicated certain measures. Neither Service Rules are challenged by the applicant nor it has been pointed out that the Service Rules have been violated by the respondents in the context of publishing the seniority lists.

10. We do not find any basis to quash the impugned order. The OA is dismissed. There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(L. Narasimha Reddy)
Chairman

cc.