

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 1118/2014

New Delhi, this the 17th day of September, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Gopal Dass
S/o Late Sh. Shyam Lal
R/o G-650, Raj Nagar, Part-II
Palam Colony,
New Delhi.

.. Applicant

(By Advocate: Shri M.K. Bhardwaj)

Versus

UOI & Ors. through

1. The Secretary
Ministry of Information & Broadcasting
Govt. of India, New Delhi.
2. The Director General
Doordarshan Bhawan
Mandi House, New Delhi.
3. The Director (News)
CPC Khelgaon,
New Delhi.

.. Respondents

(By Advocate : Shri Saket Chandra for Shri Rajeev
Sharma for R-2 & 3)

O R D E R (ORAL)**Justice L. Narasimha Reddy, Chairman**

This is the 2nd round of litigation, which is instituted by the applicant in the context of his claim for promotion to the post of Cameraman Grade-III, in Doordarshan. The applicant was appointed as Lighting Assistant in the Doordarshan, Delhi in 1983 on casual basis and his services were regularised w.e.f. 20.01.1993. He filed O.A. No.2539/2003, stating that one Mr. B. Justin Immanuel, a Lighting Assistant in Chennai Kendra of Doordarshan, who was junior to him, was promoted to the post of Cameraman; and he is also entitled for the same benefit.

2. The O.A. was opposed by the respondents. It is pleaded that the post of Cameraman is Kendra based, each Doordarshan Kendra is Unit of appointment and the applicant cannot compare himself with the Lighting Assistant of another Kendra. It was also stated that a Provisional Seniority List for the post of Lighting Assistant was prepared, with a view to examine the feasibility of making promotions from that post, on All

India basis, but that idea was given up. Taking these aspects into account, the Tribunal dismissed the O.A., through an order dated 21.03.2005.

3. The applicant pursued the proceedings by filing an application to prosecute the deponent, on the ground that deliberately wrong statement was made in the counter affidavit, as to the nature of post of Lighting Assistant. A Review Application was also filed, and thereafter a Writ Petition. By availing liberty to him in the Writ Petition, he filed the present O.A., with a prayer to promote him to the post of Cameraman Grade-III on par with Mr. Immanuel.

4. Respondents filed a counter affidavit opposing the O.A., reiterating their stand, taken in earlier O.A.

5. We heard Shri M.K. Bhardwaj, learned counsel for the applicant and Shri Saket Chandra, proxy counsel for Shri Rajeev Sharma, learned counsel for respondent Nos. 2 and 3.

6. It is rather unfortunate that the administration in an important Broadcasting Agency of the Nation, like

Doordarshan, hardly has any sanctity for its service rules. Adhocism as well as placing of twisted interpretation on rules became the order of the day. It is not without reason that Doordarshan is one of the agencies, which has the largest quantum of litigation. This case itself discloses the lack of consistency and adherence of rules on the part of the administration.

7. In any organisation the cadre is fixed, the Appointing and Appellate Authorities are provided and clear indication is made as to the Unit of Appointment. There does not exist any provision of law which indicate that the post of Lighting Assistant, which is in Group 'C', is an All India Post, for the reasons best known to the respondents. They published a draft seniority list for the post of Lighting Assistant in the year 1995. The applicant was shown at Serial No.51 and Mr. B. Justin Immanuel at Serial No.63. In fact, the Officer who published the list, deserves to be proceeded against. When the post itself was a Kendra Based one, it is just ununderstandable as to how an All India seniority list was prepared for the post.

8. O.A. No.2539/2003 filed by the applicant, was dismissed by this Tribunal by making the following observations:

“7. We have perused the Recruitment Rules and we find that under column 13 the composition of DPC has been indicated. The DPC consists of Director of concerned Kendra, Video Executive or senior Cameraman Grade-I and representative of Doordarshan not below the level of Dy. Controller of Programmes. It is thus apparent that promotions are Kendra-wise as DPCs are to be constituted with Director of concerned Kendra.

8. The applicant has based his claim on the draft All India Seniority List. However, the respondents have clarified that though there was a proposal for considering promotions of Lightening Assistant on All India basis but after considering all pros and cons the proposal was dropped. And it was decided not to change the recruitment rules and continue the existing arrangement. The objective of providing equitable promotional avenues to Lighting Assistants in all Kendras was achieved by restructuring the posts of Cameramen Grade-III in such a manner that every Lightening Assistant has a possibility of promotion in his Kendra. This redistribution was made vide respondents' order dated 17.3.1997. In view of the foregoing the draft seniority list cannot be the basis of a claim for promotion against a vacancy in a Kendra different from the one where the applicant was appointed.

Therefore the application is without merit and is accordingly dismissed. No costs.”

9. Any reasonable and sensible person in the administration would not permit such misadventure to recur. However, another draft seniority list of Lighting Assistant as on 01.01.2013 on All India Basis was

published. Curious part of it is that Mr. Immanuel, who was promoted to the post of Cameraman in the year 2003, was shown as Cameraman in the year 2013. Though the draft seniority list was signed by Mr. S.N. Nautiyal, Section Officer, the administration has to examine as to who is the actual officer that become responsible for such totally impermissible things to happen. Even now, the applicant is not able to establish that the post of Cameraman is an All India post.

10. Therefore, we dismiss the O.A. We also direct that the administration of the Doordarshan shall bestow proper attention to ensure that such baseless and irresponsible exercises do not take place in the organisation and thereby at least a small quantum of litigation is avoided. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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