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

O.A. NO. 2539/2003

NEW DELHI THIS THE... 23rd ... DAY OF JANUARY 2005

**HON'BLE SHRI SHANKER RAJU, MEMBER (J)
HON'BLE SHRI S.A. SINGH, MEMBER (A)**

Gopal Dass,
Lighting Assistant,
Under ADG (News) CPC Khelgaon, New Delhi

.....Applicant

(By Advocate: Shri Yogesh Sharma)

VERSUS

1. Union of India through its Secretary,
Ministry of Information and Broadcasting
Govt. of India, New Delhi
2. The Director General,
Door Darshan, Mandi House, New Delhi
3. The A. Director (News)
CPC Khelgaon, New Delhi

.....Respondents

(By Advocate: Shri Rajiv Sharma)

ORDER

BY HON'BLE SHRI S A SINGH, MEMBER (A)

The applicant, who is presently working as Lighting Assistant in Door Darshan, Delhi seeks consideration of his case for promotion to the post of Cameraman Grade III at par with his juniors and all consequential benefits by extending benefit of the judgement in OA 1184/2000 of the Chennai Bench of CAT.. The applicant claims that the respondents published a seniority list vide OM dated 9.6.1995 wherein his name was shown at serial number 51. The name of one Shri B. Justin Immanual was , at serial No. 63. Even though Shri Immanual was junior he has been promoted to the post of Cameraman Grade-III without considering the case of applicant and other similarly situated persons.

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2. The Recruitment Rules for the post of Cameraman Grade-III stipulate that the posts should be filled 50% by promotion and 50% by direct recruitment, hence the applicant is eligible for promotion under the rules. The Madras Bench of this Tribunal in OA 1184/2000 in the case of N. Suresh and Ors Vs. Union of India and Ors has passed the direction that the criterion for determining seniority should be the date of initial appointment, as under:

“(a) The impugned order dated 9.10.2000 is quashed.

(b) We direct the first respondent to recast the seniority list of the applicants vis-à-vis the respondents 2 to 8 by reckoning the date of initial engagement as the criterion for determining the seniority. The applicants based upon such recast seniority shall be entitled to all monetary and service benefits such as pay fixation on par with their juniors and promotion to higher grades based on the said recast seniority.”

3. The applicant was regularized on 20.1.1993 whereas B. Justin Immanual has been regularized on 23.11.1994 and as such he is senior and should be extended the same benefits as have been extended to B. Justin Immanual. The applicant takes support of the law laid down by the apex court in the case of **Girdhari Lal Vs UOI and Ors**, and the case of **Shiv Charan & Ors. Vs UOI & Ors.**, and also in the catena of judgement that benefits granted to juniors and similarly situated persons should be extended to seniors, even if they may not have been parties to the cases. In support the following cases were cited:

- i) **Inderpal Yadav Vs UOI & Ors.**
- ii) **Raj Pal Vs State of Haryana, 1996(1) SC SLJ 92.**
- iii) **K.C. Sharma Vs UOI & Ors (Five Judges Bench of Supreme Court) 1998 (1)SC55.5LJ**

4. The claims of the applicant have been contested by the respondents stating that in 1995 posts of Cameraman Grade III were created by abolishing certain posts of Cameraman Grade-II. These posts are Group 'C' posts and as per Recruitment Rules 50% posts are to be filled up by promotion from the post of Lightening Assistants. The Director of each Kendra is the appointing authority and accordingly promotions are made Kendrawise on the basis of Kendra-wise seniority. This is

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apparent from col. 13 of the Recruitment Rules (Annexure R-2) where it is shown that DPC will consist of the Director of concerned Kendra, Video Executive or Senior Cameraman Grade I and representative of DG, Doordarshan not below the level of Deputy Controller of Programmes. At one point of time, there was apprehension that in a particular , Kendra wise promotion may lead to, many Lighting Assistants having no chance of being promoted due to lack of posts of Cameraman Grade III. To address this problem a proposal for promotions on All India basis was made and as part of this proposal a draft seniority list of Lighting Assistants on All India Basis was issued. However, this proposal was dropped after weighting the pros and cons and it was decided that by re-distributing the posts of Cameraman Grade-III it should be possible to provide possibility of promotion to every Lighting Assistant in his Kendra. Accordingly Memo dated 17.3.1997, re-distributing all the 150 posts of Cameraman Grade III was issued (Annexure R-3). No formal All India seniority list was published. Thereafter promotions are being made Kendrawise. . It is incorrect on the part of the applicant to state that promotions are being made on the basis of the draft All India Seniority list. Further, the applicant does not claim that any junior Lighting Assistant working in Delhi has been promoted. The applicant cannot claim parity with B. Justin Immanual as he has been promoted against a vacancy of Cameraman Grade III in his Kendra. The Application is therefore , without merit and needs to be dismissed.

5. We have heard the learned counsel for the parties and also gone through the documents on record. The short question before the Tribunal is whether the judgement of Madras Bench of the Tribunal in OA1184/2000 is applicable on all India Basis and do the Recruitment Rules provide for promotion Kendrawise or on All India Basis.

6. It is not contested that the applicant was appointed and regularized earlier than Shri B. Justin Immanual . In the draft seniority list he is shown senior to Mr. Immanual. In OA 1184/2000 the issue before the Tribunal was the date for determining seniority of the Lighting Assistants who had joined Door Darshan


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Kendra Chennai. Direction of the Tribunal thus pertains to recasting seniority list of the applicants in the said OA vis-à-vis the respondents 2 to 8, by reckoning the date of initial engagement as the criterion for determining seniority. The case is therefore, distinguishable as it deals with the inter-se-seniority of persons appointed in Door Darshan Kendra, Chennai and does not deal with the question of All India seniority of Lightening Assistants. The applicant was not appointed at Chennai as such he is not similarly placed and cannot claim benefit of this judgment.

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 re-structuring the posts of Cameramen Grade -III in such a manner that every Lightening Assistant has a possibility of promotion in his Kendra. This re-distribution 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.

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


(S.A. Singh)
Member (A)


(Shanker Raju)
Member (J)

Patwal /