

CENTRAL ADMINISTRATIVE TRIBUNAL**BANGALORE BENCH: BANGALORE****ORIGINAL APPLICATION NO.170/00300/2019****DATED THIS THE 13th DAY OF NOVEMBER, 2019****HON'BLE DR.K.B.SURESH, JUDICIAL MEMBER****HON'BLE SHRI C.V.SANKAR, ADMINISTRATIVE MEMBER**

1. Doordarshan Program Professionals' Association (DDPA)
Represented by its General Secretary
Sri.P.J.Francis, S/o Late P.V.Joseph
Aged 56 years, working as
Cameraman Grade-I
Doordarshan Kendra
P.B.Marg, Worli
Mumbai-400 030.

2. I.S.Ramakrishna
S/o Late L.S.Shankar Jois
Aged 57 years, working as
Cameraman Grade-I
Doordarshan Kendra
J.C.Nagar, Bengaluru-560 006.
Residing at No.4, 3rd Cross
'A' Sector, Amruthanagara
Sahakaranagara Post
Bengaluru-560 092.

....Applicants

(By Advocate Shri A.R.Holla)
Vs.

1. Union of India
By Secretary
Ministry of Information and Broadcasting
Shastry Bhavan
Dr.R.P.Road
New Delhi-110 001.
2. The Chief Executive Officer
Prasar Bharathi
Broadcasting Corporation of India
P.T.I.Buildings
Parliament Street
New Delhi-110 001.
3. The Director General (Doordarshan)

Prasar Bharati Broadcasting Corporation of India
 Doordarshan Bhavan
 Copernicus Marg
 New Delhi-110 001.

4. The Deputy Director General
 Doordarshan Kendra
 J.C.Nagar
 Bengaluru-560 006.

...Respondents

(By Advocates Sri M.Vasudeva Rao, Sr.PC for CG)

O R D E R

(PER HON'BLE SHRI C.V.SANKAR, MEMBER (ADMN))

This is a second round of litigation. Earlier the applicants had filed OA.No.1719/2018 with a prayer to restrain the respondents from promoting the 'Programme Executives' to fill up the posts of JTS of IB(P)S without including the Cameraman Grade-I and direct the respondents to ascertain the vacancies in the cadre of JTS of IB(P)S and the vacancies to be earmarked for Cameraman Grade-I for encadrement of JTS as per the Recruitment Rules of 1990. The said OA was allowed by this Tribunal vide order dtd.10.1.2019(Annexure-A10) directing the respondents 'to consider the order of the Hon'ble Principal Bench of CAT in OA.No.1895/2016 and take appropriate action for the purpose of earmarking certain vacancies in the JTS of IB(P)S rules, encadre the applicants in the JTS and give them an opportunity as has been given to the Programme Executives who are one level below them', with further direction 'to proceed with the process initiated as per Annexure-A11 only after implementation of the above orders'. It was specifically held by this Tribunal that 'all along, the Cameraman Grade-I have been considered to be one of the categories of the staff eligible to be entered into the IB(P)S and any amendment to the rules which the respondents are contemplating can have only prospective effect and not retrospective effect as has been held in a number of cases'. However, the

respondent No.1 passed a speaking order on 1.3.2019(Annexure-A11) stating that the matter relating to creation of post of Programme Officer(Cameraman) and earmarking of vacancies in Junior Time Scale of Cameraman Grade-I, has been re-examined in the light of the provision of IB(P)S Rules and found not feasible. Thus the request of the applicants for equating them to the post of Junior Time Scale Programme Officer, cannot be acceded to. Moreover, the redundant clause mentioned in Column 4 of Sl.No.5 of Schedule V., *'Likewise Cameraman Grade I in the pay scale of Rs.2375-3500 with two years regular service will be eligible against the vacancies specifically earmarked for Programme Officer (Cameraman)'* is in the process of deletion. The said order is contrary to the orders passed by this Tribunal in OA.No.1719/2018 on 10.1.2019. The respondent No.1 has misinterpreted the rules while passing the speaking order with scant regard of law and disregarded the recommendations of the 5th CPC, which were accepted by the Government. The statements made at para-21 of the impugned order at Annexure-A11 that *'as regards two orders dtd.10.1.2019 of Hon'ble Central Administrative Tribunal(CAT) Bangalore in OA.No.170/01719/2018 and No.170/01456-01457/2018, the action is being taken separately'* are nothing but mischievous. It is submitted that the respondent No.1 is duty bound to obey the directions of this Tribunal and not to take action as contemplated by him. As such, the 1st respondent has totally disregarded the directions of this Tribunal at Annexure-A10 while passing the impugned order at Annexure-A11. Therefore, the impugned order is in violation of the order passed by this Tribunal in OA.No.1719/2018. Being aggrieved by the impugned order, the Association of the applicants have again filed the present OA seeking the following relief:

a) To quash the Order F.No.A—56011/12/2016-BAP dated the

01.03.2019, issued by the respondent No.1, Annexure-A11 and

b) Grant such other relief deemed fit, having regard to the facts and circumstances of the case.

2. At the cost of repetition, the case of the applicants' association is as below:

The applicant No.1 is an association of officials espousing the cause of the Cameraman Grade-1 working in Doordarshan Kendras all over India. The details of 93 Cameraman Grade-1 working in Doordarshan as on 01.01.2018 are furnished in the official memorandum dtd.16.5.2018(Annexure-A1). Applicant No.2 was appointed as Cameraman Grade-II initially and promoted to Cameraman Grade-I on 08.11.2007 in Doordarshan. He is working in Doordarshan Kendra, Bengaluru at present. The applicant No.2 possesses the qualification of Diploma in Cinematography. As per the 5th Pay Commission recommendation, the Government vide order dtd.06.02.1998(Annexure-A2) has revised the scale of pay for Cameraman Grade-I from Rs.2375-3500 (Gr.B) to Rs.8000-13500(Gr.A) and also decided to encadre the Cameraman Grade-I in Indian Broadcasting (Programme) Service(IB(P)S) at Junior Time Scale level. Accordingly, respondent No.3 has been advised to keep the recommendations of 5th Central Pay Commission in view while framing regulations for the programme service of Prasar Bharati vide order dtd.20.09.2000(Annexure-A3). However, the upgradation of the post of Cameraman Grade-I and the recommendations of the 5th CPC to encadre the said post to IB(P)S have not been reflected in the IB(P)S Rules, 1990 which were brought into force w.e.f. 05.11.1990(Annexure-A4). As per Schedule V of these rules, Cameraman Grade-I in the pay scale of Rs.2375-3500 with two years regular service will be eligible against the vacancies specially earmarked for Programme Officer (Cameraman). However, no vacancies have been earmarked for Programme Officer (Cameraman) in terms

of the said rules so far. In the above circumstances, some of the similarly situated Cameraman approached CAT, Principal Bench in OA.No.1176/2013 with a request to re-designate the post of Cameraman Grade-I as Programme Officer and include them in IB(P)S as per the above rules and the same was disposed of vide order dtd.08.07.2015(Annexure-A5) directing the 1st respondent to earmark the vacancies of Programme Officer(Cameraman) from among the Cameraman Grade-I with two years regular service for their inclusion in feeder category for post of Junior Time Scale Programme Officer and extend the consequential benefits. In spite of which, the 1st respondent passed order dtd.30.11.2015(Annexure-A6) holding that earmarking of the vacancies of Programme Officer(Cameraman) from among the Cameraman Grade-I with 2 years regular service for their inclusion in feeder category for post of Junior Time Scale under IBPS is not feasible and the request of the applicants therein for re-designating the post of Cameraman Grade-I as Programme Officer and encadrement of applicants into IBPS cannot be acceded to. Aggrieved by the same, the applicants therein have filed CP for non-compliance of the order before CAT, Principal Bench which gave a direction to the respondent No.1 to reconsider the matter in the light of the Recruitment Rules as well as order of the Tribunal and to comply with the same in letter and spirit vide order dtd.01.12.2015(Annexure-A7). The said order was questioned by the respondents before the Hon'ble High Court of Delhi in WP(C) No.670/2016 which was disposed of on 04.04.2016(Annexure-A8) without expressing any opinion and giving liberty to the private respondents to challenge the order dtd.30.11.2015 before CAT. Thereafter, some of the Cameraman Grade-I approached the CAT, Principal Bench again in OA.No.1895/2016 with a prayer to re-designate the post of Cameraman Grade-I as Programme Officer and to

include them in the IB(P)S and the same was disposed of vide order dtd.25.09.2018(Annexure-A9) directing the respondents to deal with the entitlement of the applicants to be considered for the post of Programme Officer(Cameraman) in the light of para 5 of the Schedule V of Indian Broadcasting(Programme) Service Rules, within 3 months. In the meantime, the 2nd respondent initiated the process of promotion of Programme Executive/equated cadres to JTS and their encadrement of IBPS. The same has been questioned by the aggrieved Cameramen before this Tribunal in OA.No.1376-1381/2018 which is pending now, saying that the Programme Executives belong to Group 'B' posts as per All India Radio (Group 'B' Posts) Recruitment (Amendment) Rules, 1984 notified on 23.10.1984.

3. They further submit that the 3rd respondent has initiated the process of promotion to the post of JTS of IB(P)S against the vacancies from 2000-2001 to 2017-2018 by seeking option of the Programme Executives who are in the Group 'B' cadre vide order dtd.24.08.2018 without considering the Cameraman Grade-I for encadrement in IB(P)S as per the rules. The said order indicates that the proposal of promotion to fill up the vacancies in JTS cadre is in accordance with the recruitment rules of 1990 but it excludes the Cameraman Grade-I from consideration for JTS cadre even though they are in the cadre of Group 'A' and the officials sought to be promoted as per order dtd.24.8.2018 are in Group 'B' cadre. The view taken that 'Programme Executive' a Group 'B' officer is preferable to Cameraman Grade-I, a Group 'A' Officer to be encadred in to IB(P)S is erroneous and arbitrary. The applicants submit that Cameraman Grade-I will be seriously prejudiced if their juniors are considered for promotion to JTS cadre disregarding their seniority and status in Group 'A' cadre. The applicants

shall have no opportunity to be the Video Executives (the post at STS level) unless they are promoted to JTS cadre. The respondents have taken steps to fill up the posts in JTS cadre for the last 18 years at a time when the issue is pending consideration in OA.1376-1381/2018 and they did not disclose the total number of vacancies to be filled up. Hence, the action of the respondents is totally unfair and unjustified.

4. In the reply, the respondents have submitted that the final seniority list of Cameraman Grade-I of Doordarshan as on 1.1.2018 at Annexure-A1 is released by the department with a condition that the seniority list will be subject to the outcome of the Writ Petition No.(C).2297/2018 in the Hon'ble High Court of Delhi. Ministry of Information & Broadcasting had advised Prasar Bharati vide order dtd.20.9.2000 to keep the recommendations of V CPC in view while framing recruitment regulations for the Programme Service of Prasar Bharati. Moreover, employees recruited till 5.10.2007 are Govt. employees on deemed deputation to Prasar Bharati governed by Recruitment Rules and not by Recruitment Regulations. The recommendations of 5th CPC were implemented w.e.f. 1.1.1996 whereas the Gazette Notification on IB(P)S rules, 1990 was published on 5.11.1990. The action to publish the IB(P)S Rules, 1990 was taken much before introduction of 5th CPC. A final decision on the matter of non-encadrement of Cameraman Grade-I into IB(P)S has already been taken by Ministry of Information and Broadcasting in consultation with Prasar Bharati. Accordingly, necessary amendments in IB(P)S Recruitment Rules are being carried out. Earlier an OA.No.1248/2001 filed by Sri Krishan and Doordarshan Cameraman Welfare Association before CAT, Principal Bench(PB) with a prayer for encadrement of Cameraman Grade-I into IB(P)S, Group 'A' with all consequential

benefits was dismissed vide order dtd.27.6.2003(Annexure-R1) stating that Cameraman Grade-I does not belong to any of the four cadres mentioned in Recruitment Rules. Therefore, the applicants cannot claim that they have right to automatic encadrement. The order dtd.27.6.2003 of Hon'ble CAT was challenged before Hon'ble High Court of Delhi in WP(C) No.19717/2004 which was also dismissed by order dtd.28.3.2008(Annexure-R2) stating that 'the Pay Commission had not recorded any findings on the merits or otherwise and had only recommended the issue of encadrement and the final decision was to be taken by the concerned competent authority'. The Court also noted that 'the nature of functions performed by Cameraman is different from Programme Service. Work of Cameraman is technical in nature and that of programme service is to conceptualize, visualize and produce programmes. Work of Cameraman is ancillary to the programme service and cannot be equated with the same'. The Hon'ble High Court did not find error in the order dtd.27.6.2003 of CAT, PB which directed that the Cameraman Grade-I does not belong to any of the four categories or independent cadres of IB(P)S, namely Programme Management Cadre of All India Radio, Programme Management Cadre of Doordarshan, Programme Production Cadre of All India Radio, Programme Production Cadre of Doordarshan and that the applicants cannot claim that they have the right to encadrement. Despite the decision of the competent authority for non-inclusion of Cameraman Grade-I, the applicants through their Association or other individuals are approaching various judicial forums for re-agitating similar demands which is coming in the way of holding DPCs.

5. The respondents further submit that the Ministry of Information and Broadcasting have issued a speaking order dtd.30.11.2015 clarifying the stand taken to the

directions in OA.No.1176/2013 and mentioned that 'the matter has been reconsidered in consultation with Prasar Bharati and the fact that Schedule VII of IB(P)S rules providing that the post of Video Executive will maintain their separate entity and will be filled up from the respective feeder grade (i.e.Cameraman Grade-I) until they are merged at the stage of 3700-5000 (i.e.JAG level of IBPS) is being followed in letter and spirit and taking into consideration the other facts mentioned above, it has been decided that earmarking the vacancies of Programme Officer (Cameraman) from among the Cameraman Grade-I with 2 years regular service for their inclusion in feeder category for post of Junior Time Scale(JTS) under IBPS is not feasible. It has also been decided that the request of the applicants for re-designating the post of Cameraman Grade-I as Programme Officer and encadrement of applicants into IBPS cannot be acceded to'. The Hon'ble CAT, PB vide order dtd.25.9.2018 in OA.No.1895/2016 observed that once it is not feasible to equate the post of Programme Officer(Cameraman) to the post of JTS Programme Officer, the respondents are justified in declining to accede to the request of the applicants. In view of the observations of Hon'ble CAT, the Ministry of Information and Broadcasting is in process for carrying out amendments in IB(P)S Rules 1990 by removing the clauses of the Recruitment Rules, that have become redundant. The 2nd respondent has initiated the process of promotion to the post of JTS of IB(P)S against the vacancies from 2000-2001 to 2017-2018 from the officers working in Programme Management Cadre or Programme Production Cadre of either of the two media (i.e. Doordarshan/All India Radio). The respondents are taking the action to fill the vacancies as per the provision of sub rule 7(6)(A)(i) of the IB(P)S Rules, 1990. Sub-Rules (1) and (2) of Rule 6 of IBPS rules provide that only the departmental candidates holding posts on regular basis in the scale

of pay of Rs.5900-6700, Rs.3700-5000, Rs.3000-4500 and Rs.2200-4000 shall from the date of commencement of these rules be deemed to have been appointed to corresponding posts and grades in the service. Rule 2(c) of IBPS Rules, 1990 defines the departmental candidates as 'officers appointed on regular basis in consultation with the Commission on the recommendations of the DPC and who hold posts on regular basis or hold lien in Group 'A' Programme cadre of All India Radio and Doordarshan on the date of commencement of these rules' and 'all officers appointed on regular basis to the post of Video Executive in Doordarshan in the pay scale of Rs.3000-4500'. Since Cameraman Grade-I is the feeder cadre for Video Executives as per the Doordarshan Programme(Technical-Camera) Group A and Group B Recruitment Rules 1987 and there was no post as Programme Officer(Cameraman) in Group 'A' Programme cadre of All India Radio and Doordarshan, a combined reading of Sub Rule (i) of Rule 6 and Rule (C) of IBPS rules indicates that Programme Officer (Cameraman) or Cameraman Grade-I does not fall into this category of Departmental Candidates, to be inducted into IBPS at the time of constitution of the service. Since, Cameraman Grade-I has been indicated to have the pay scale of Rs.2375-3500 (at the time of notification of IBPS rules), IBPS rules do not intend to make Cameraman Grade-I as the feeder cadre for JTS Programme Officer posts. Also there is no provision in IBPS Rules, 1990 to re-designate the post of Cameraman Grade-I as Programme Officer and to include such officers in IBPS.

6. The order of this Tribunal in OA.No.1719/2018 is challenged before the Hon'ble High Court of Karnataka by filing a Writ Petition requesting the Court to set aside the orders of the Hon'ble CAT. The said WP has been admitted by the Hon'ble

High Court and granted stay on the CAT orders. Therefore, the promotion order in respect of DPCs held in December 2018 for promotion to JTS of IB(P)S were issued subject to the final outcome of Writ Petition. The speaking order dtd.1.3.2019(Annexure-R3) issued in relation to the direction issued by the Hon'ble CAT, Principal Bench vide order dtd.25.9.2018 in OA.No.1895/2016 wherein the PB directed the Ministry 'to deal with the only aspect namely the entitlement of the applicants to be considered for the post of Programme Officer (Cameraman) in the light of para 5 of the Schedule V of IB(P)S Rules' and 'once it is not feasible to equate the post of Programme Officer(Cameraman) to the post of Junior Time Scale Programme Officer, the respondents are justified in declining to accede to the request of the applicants'. In para 17 of the speaking order dtd.1.3.2019(Annexure-R3), it is mentioned that 'cameraman Grade I are getting promotion to the post of Video Executive (which is a STS level post) under the provisions of Doordarshan Programme (Technical-Camera) Group A and Group B Recruitment Rules 1987. Video Executives are getting promotion to JAG of IB(P)S against specific number of posts earmarked for them as per the IB(P)S Rules'. In para-18, it mentioned that 'since the post of Programme Officer (Cameraman) was never created, the question of its en-cadrement into the IB(P)S and thus earmarking of vacancies in Junior Time Scale of IB(P)s do not arise. Thus, the clause mentioned in Column 4 of Sl.No.5 of Schedule V, i.e. 'likewise Cameraman Grade I in the pay scale of Rs.2375-3500 with two years regular service will be eligible against the vacancies specifically earmarked for Programme Officer(Cameraman)' has become redundant. In para 19, it was mentioned that 'after the decision of the competent authority in the Min. of Information & Broadcasting, an exercise of amending the Indian Broadcasting (Programme) Service Rules, 1990 has been initiated to remove the redundant

clauses of the Rules (including clause relating to eligibility of Cameraman Grade I to the post of Programme Officer (Cameraman) as mentioned in Column 4 of Sl.No.5 of Schedule V and to incorporate other requisite changes. However, such proposed amendments in the IB(P)S Rules would not adversely affect the promotional avenues for Cameraman as they have their own line of promotion under the provisions of Doordarshan Programme (Technical-Camera) Group A and Group B Recruitment Rules, 1987. On the contention of the applicants that the respondents have now initiated the process of promotion to the post of JTS of IB(P)S against the vacancies from 2000-2001 to 2017-2018, the respondents submit that in pursuance of directions of Hon'ble CAT, Principal Bench dtd.4.11.2015 in CP.No.39/2004 in OA.No.243/2002, DPC for promotion to the post of JTS of IBPS for the vacancies of years 1993-94 to 1999-2000 has been convened by UPSC for which an order of empanelment/regular promotion to the Grade of JTS of IB(P)S has been issued on 14.9.2018. Next DPC for the years 2000-01 onwards has to be convened by the Prasar Bharati in December 2018. However, promotion orders could not be issued due to imposition of stay by this Tribunal in OA.1719/2018 vide order dtd.10.1.2019. The promotion orders were issued on 10.4.2019 after vacation of stay by Hon'ble High Court of Karnataka subject to the final outcome of the Writ Petition.

7. Despite the observations of Hon'ble High Court of Delhi and CAT Principal Bench, the applicants are re-agitating the same issue and questioning the speaking orders which have been issued by the Ministry of Information & Broadcasting, a competent authority, empowered with issue such orders from time to time and frame Rules or the Cadres working under its control and modify the Rules to suit for running of smooth Administration. It is a right vested with the

respondents to modify/amend the policy matter according to the requirement and at need of the hour and situation. On the other hand, it is coming in the way of holding DPCs that have already been delayed due to separate set of litigations which has resulted in a minimal occupancy position in Programme Cadre of All India Radio and Doordarshan. The applicants have to accept the contentions of the order in true spirit. They cannot interfere or question the decision taken by the Ministry in policy matters. Hence, the applicants' request to quash the order dtd.1.3.2019 is devoid of any merit. The applicants are not suffering any loss in view of the orders of the respondents on policy matters. They are already getting their legitimate promotions under the recruitment rules meant for them. Hence, the OA being devoid of merit is liable to be dismissed with costs.

8. We have heard the Learned Counsel for the parties and perused the materials placed on record in detail. Both the parties have filed their written arguments note. In this application, the relief sought is to quash the order dtd.01.03.2019 issued by the respondent No.1 namely the Ministry of Information and Broadcasting vide Annexure-A11. This speaking order has been issued pursuant to the orders of this Tribunal in the Principal Bench in OA.1895/2016 wherein at para-14 & 15 of the order dtd.25.9.2018, this Tribunal has ordered as follows:

14. However, the aspect of the enforcement of para 5 of the Schedule V of the Indian Broadcasting (Programme) Service Rules was not addressed. In case the post of Programme Officer (Cameraman) has not been created, the reasons as to why the provision of promotion to the post still exists, need to be mentioned. On the other hand, if the post has become redundant, even that needs to be mentioned.

15. We, therefore, dispose of the OA and direct the respondents to deal with the only aspect namely the entitlement of the applicants to be considered for the post of Programme Officer (Cameraman) in the light of para 5 of the Schedule V of Indian Broadcasting (Programme) Service Rules. This exercise shall be completed within a period of three months from the date of receipt of a certified copy of this order.

9. In the order dtd.01.03.2019 vide para-16, the respondents have stated that a conscious decision has been taken by the competent authority not to earmark any posts for Cameramen in the JTS of IB(P)S. They also state vide para-18 that the post of Programme Officer(Cameraman) was never created and therefore, the question of its en-cadrement into IB(P)S and thus earmarking of vacancies in Junior Time Scale of IB(P)S, does not arise. Because of this decision, the respondents would state that the clause mentioned in Column-4 of Sl.No.5 of Schedule V, i.e. 'likewise Cameraman Grade I in the pay scale of Rs.2375-3500 with two years regular service will be eligible against the vacancies specifically earmarked for Programme Officer(Cameraman)' has become redundant. The respondents vide para-20 state as follows:

20. However, in pursuance of directions of Hon'ble CAT, Principal Bench, New Delhi dated 25.9.2018, the matter relating to creation of post of Programme Officer (Cameraman) and earmarking of vacancies in Junior Time Scale for Cameraman Grade I, has been re-examined in the light of the provision of IB(P)S Rules and found not feasible. Thus, the request of the applicants for equating them to the post of Junior Time Scale Programme Officer, cannot be acceded to. Moreover, the redundant clause mentioned in Column 4 of Sl.No.5 of Schedule V, i.e. "Likewise Cameraman Grade I in the pay scale of Rs.2375-3500 with two years regular service will be eligible against the vacancies specifically earmarked for Programme Officer(Cameraman)" is in the process of deletion.

10. Concerning the two orders dtd.10.01.2019 of this Tribunal in OA.No.1719/2018 and the OA.No.1456-1457/2018, the respondents would state that action is being taken separately. In their reply, they have stated that these two orders have been challenged before the Hon'ble High Court of Karnataka and the Hon'ble High Court has granted a stay on these orders. The respondents have also given details of the proposed amendments to the said rules which they enclosed along with their written arguments note. On behalf of the applicants, it has been argued that the issue in this OA is along the same lines of the issue decided by the

Hon'ble Supreme Court in Civil Appeal No.11948-11950/2016 in *Union of India & others vs. E.Krishna Rao & others reported in SLJ 2019 (1) 25* vide order dtd.26.9.2018 wherein at para-6 & 9, the Hon'ble Supreme Court has held that 'all departmental candidates holding posts on regular basis in the scales of pay of Rs.5900-6700, Rs.3700-6700, Rs.3000-4500 and Rs.2200-4000 shall, from the date of commencement of the Rules, be deemed to have been appointed to the corresponding posts and grades in the service. The applicants would argue that in view of the fact that the Cameraman Grade-I is in the scale of Rs.2200-4000, they are deemed to be in the Indian Broadcasting (Programme) Service as per the categorical declaration of the Supreme Court in the above case. They have also stated that even though one has to accept the contention relating to the deletion of the clause which enables Cameraman Grade-I to be promoted as Programme Officer (Cameraman), any amendment to the rules should have only prospective effect and cannot be enforced retrospectively. Since the issues in this case have already been discussed in detail in the OAs disposed by this Tribunal cited above, we would not like to go into the same again. The orders of this Tribunal are stayed by the Hon'ble High Court of Karnataka and therefore at this juncture, to quash the Annexure-A11 or issue any other order would be inappropriate. From the notes of the decision being taken by the respondents' organisation furnished along with written arguments, it appears that the Ministry of Information and Broadcasting is in agreement with the comments of the DOPT relating to the prospective nature of the amendments proposed. Even otherwise, the respondents were earlier proposing to amend the rules only w.e.f. 22.3.2016 to take care of the larger issue of convening of DPCs etc. In other words, as per the rules existing as on date, Cameraman Grade-I are entitled for en-cadreing them into the JTS of the IB(P)S. However, since the matter is already agitated

before the Hon'ble High Court of Karnataka, the applicants may raise these issues at that forum for appropriate orders.

11. The OA is disposed of with the above orders. No costs.

(C.V.SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

/ps/

Annexures referred to by the applicant in OA.No.170/00300/2019

Annexure-A1: Copy of the OM dtd.16.05.2018
Annexure-A2: Copy of the order dtd.06.02.1998
Annexure-A3: Copy of the order dtd.20.09.2000
Annexure-A4: Copy of the notification dtd.05.11.1990 with the recruitment rules 1990
Annexure-A5: Copy of the order dtd.08.07.2015 in MA.No.898 of 2013
Annexure-A6: Copy of the order dtd.30.11.2015
Annexure-A7: Copy of the order dtd.01.12.2015 in CP/636/2015
Annexure-A8: Copy of the order dtd.04.04.2016 in WP(C) No.670/2016
Annexure-A9: Copy of the order dtd.25.09.2018 in OA.No.1895 of 2016
Annexure-A10: Copy of the order dtd.10.1.2019 in OA/170/01719/2018
Annexure-A11: Copy of the order dtd.01.03.2019

Annexures with reply statement:

Annexure-R1: Copy of the order dtd.27.6.2003 in OA.No.1248/2001 of CAT, PB,
N.Delhi

Annexure-R2: Copy of High Court of Delhi order dtd.28.03.2008 in WP(C) No.19717/04

Annexure-R3: Copy of speaking order dtd.01.03.2019
