

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/00271/2015

HYDERABAD, this the 1st day of April, 2021

Hon'ble Mr. Ashish Kalia, Judl. Member

Hon'ble Mr. B.V. Sudhakar, Admn. Member



1. Association of Doordarshan Programme
Production Personnel, Doordarshan Kendra,
Hyderabad 500013, Represented by its State
Secretary N.Vamana Murthy, S/o Nagabushan Rao N.
Age 53 years, Programme Executive,
Doordarshan Kendra, Hyderabad-500013.
2. K.Sree Ramulu S/o K.Devaiah,
Aged about 50 years, Programme Executive,
Doordarshan Kendra, Hyderabad-500013.
3. A.Chandini W/o K.V.S.K.Prasad
Aged about 48 years, Programme Executive,
Doordarshan Kendra, Hyderabad-500013.
4. B.Ramesh Babu S/o B.Muthyal Rao,
Aged about 59 years, Programme Executive,
Doordarshan Kendra, Hyderabad-500013.
5. V.Shankar Rao S/o V.Ramachandar,
Aged about 54 years, Programme Executive,
Doordarshan Kendra, Hyderabad-500013.

...Applicants

(By Advocate : Mr. M. Venkanna)

Vs.

1. Union of India represented by the
Secretary to the G.O.I, Ministry of Information
& Broad casting, Shatry Bhawan, New Delhi 110 001.
2. Prasar Bharati Broadcasting Corporation,
Through its Chief Executive Officer,
PTI Building, Sansad Marg, New Delhi 110 001.
3. Director General, Doordarshan, Prasar Bharati
(Indian Public Service Broadcaster), Mandi
House, Copernicus Marg, New Delhi 110 001.
4. Deputy DIRECTOR General, (Engineering)
Doordarshan Kendra, Ramanthapur, Hyderabad-500013.

....Respondents

(By Advocate: Mr. A. Radhakrishna, Sr. PC for CG)

ORAL ORDER
(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)

Through Video Conferencing:

2. The OA is filed seeking the following relief:



"In view of the facts and submissions as made herein above, it is most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to:

- (i) *Direct the respondents to hold the DPC to fill up the existing vacancies of DP quota and complete the exercise of appointments in DP quota before the direct recruits are appointed as per the schedule vide letter No. 06/12/2016-SI(B)/1287 dated 20.10.2014 with all consequences like fixation of their seniority notionally from the respective dates of arising of the vacancies duly protecting the seniority.*
- (ii) *And may also pass any further order (s), Directions(s) as be deemed just and proper to meet the ends of justice. "*
- (iii)

3. The brief facts of the case are that the applicants were appointed as production Assistant (Technical) in the years 1992 to 1996. On 17.3.1992, by way of Gazette notification, the Recruitment Rules for Programme Executive were framed with 60% to DR and 40% by promotion. In 1997, the Prasar Bharati (Broadcasting Corporation of India) Act, 1990 was enacted and in 2003, the promotion to the post of Programme Executive was done on *in situ* basis. The issue was taken up with the Tribunal in OA 552/ 2013 and as per directions on 18.7.2013, DPC was held and officials promoted as Programme Executive on 24.10.2013. On 29.11.2013 respondents have granted *in situ* promotion to the Transmission Executives, Production Assistants, Floor Managers and Property Assistants to the post of Programme Executives and thereafter, issued the relevant seniority list was released on 25.6.2014 by showing only 1174 persons against the sanctioned strength of 1561. The respondents informed the stratagem and the programme of appointment under Direct recruitment on 20.10.2014. When OA 1338 of 2014 was filed, the Tribunal issued interim directions

providing relief to similarly situated staff in AIR on 29.12.2014. Respondents have submitted a proposal to the Ministry for conversion of the 133 posts from DR quota to DP quota on 2.1.2015. Applicants are seeking similar relief as was granted in the OA 1338/2014 and therefore, the OA.



4. The contentions of the applicant are that the respondents have reconciled to their decision in OM dated 31.5.2013 on filing OA 552 of 2013. The regular posts should not be manned on an officiating basis. Applicants have been in the feeder cadre of Production Assistant for more than 20 years but with the advent of MACP, there has been financial relief but not in respect of regular promotions. The respondents have diverted the DR quota on 3 occasions in relaxation of rules and applicants are seeking the same benefit of diversion of the posts to promote them on a regular basis.

5. Respondents confirm that the applicants were appointed as production Assistant (Technical) in the years 1992 to 1996. The feeder cadre for the post of Programme Executive is the Transmission Executive and equated cadres. The equated cadres include the Staff Artists (Production Assistants) appointed under Recruitment Rules, 1979 and not Production Assistants (Technical), who were appointed under Doordarshan Programme (Technical /Group 'C' Posts) Recruitment Rules, 1988. On 23rd October 1984, the Government issued a notification whereby existing Rules of 1963 concerning Group A posts were also amended and Rule 4-A available in the Rules of 1962 for Group B post, was included in the Rules of 1963 for Group A posts also. Promotions to the grade of Programme

Executive were made on the basis of Rule 4-A by preparing separate lists of Transmission Executives and erstwhile Staff Artists. The engagement of Staff Artists on contract basis was stopped vide orders issued over the years 1980 to 1991. As per memo dated 12.8.1985 the cadre of Production Assistants (erstwhile Staff Artists) was equated to Transmission Executives. However, Doordarshan recruited Production Assistants (Technical) as per Doordarshan Recruitment Rules 1988 and the Programme Executive Recruitment Rules underwent revision, the last one being 1993. Production Assistants continued in the feeder cadre for Programme Executives but not the Production Assistant (Technical). The Ministry of I & B letter dated 15.3.1993 addressed to UPSC shows that all posts designated as Staff Artists and equated as Transmission Executive have been included in the field of selection for promotion to the post of Programme Executive. Respondents have given a historical perspective of the genesis of the issue elaborately. However, the dispute in question has been dealt in various Tribunals and superior judicial fora and the respondents have acted as per the directions therein.

6. Heard both the counsel and perused the pleadings on record.
7. The essence of the dispute as elaborated at length in para 3 supra was a subject matter, which was dealt by this Tribunal in OA Nos.552 of 2013 and 1338 of 2014 vide a common order dt. 09.09.2019. The operative portion of the judgment delivered in the said OAs is extracted here under:

“6.Though two separate OAs are filed, the grievance of the applicants is common. They wanted the process for promotion to be initiated and then to take recourse to the direct recruitment. Though these two channels are separate, the applicants cannot insist that one for them,

be taken up first. The Service Rules provide for determination of seniority among direct recruits and promotes.

7. *The necessity for us to deal with the cases in detail is obviated on account of the fact that the respondents have conducted the DPC and promoted as many as 124 Transmission Executives as Programme Executives. The direct recruitment is also taken place. If any vacancies meant for promotion still remain unfilled, it is necessary that the respondents must take steps to follow them at the earliest.*



8. *The OAs are accordingly disposed of. There shall be no order as to costs.”*

Both the learned counsel pleaded that the OA can be disposed of to provide relief in the terms of the judgment cited supra. We concur with their view and direct the respondents to provide relief in the light of the judgment extracted supra in a period of 6 months from the date of receipt of this order, as it involves decisions which require time, so that the light is seen at the end of the tunnel for a protracted legal tangle.

With the above direction, the OA is disposed of with no order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

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