

FREQUENTLY ASKED QUESTIONS

Employees have been flooding Chief Executive Officer and other senior officers with questions which are being repeatedly and frequently asked. The tenor of these questions is as follows:

I. Questions relating to Recruitment

- (i) Are appointments being made against senior programme posts of IB(P)S by drawing personnel from other departments on deputation?
- (ii) Are these appointments being made in a legal manner?
- (iii) Are these appointments made in violation of Recruitment Rules framed under Article 309 of the Constitution?
- (iv) Will these appointments not hamper promotional avenues of the programme officers.

Answer: AIR and Doordarshan have been facing acute shortage of manpower. As against the sanctioned strength of 48000 (approximately), there are approximately 32000 employees (shortage is 1/3rd of the sanctioned strength). The shortage is spread in all cadres and at all levels and in all areas. The shortage is especially acute in the higher echelons of Programme cadres. Against a sanctioned strength of 30, there are only 8 regular officers in SAG of IB(P)S. Similarly in Junior Administrative Grade, against the sanctioned strength of 160, there are only 4 officers. Very few officers in the feeder grades i.e. STS (which is also facing acute shortage) are eligible for consideration for promotion. As such, most of the AIR stations/Doordarshan Kendras are being run by Junior officers in some cases at the level of PEX. Moreover, there are no sanctioned posts in the Prasar Bharati Secretariat for new areas such as Infrastructure (Land and Building), Security and IFD etc.

The above shortage is mainly due to non setting up of Prasar Bharati Recruitment Board, as envisaged in Prasar Bharati Act, 1990 and non finalisation of Recruitment Regulations for various cadres. UPSC which used to conduct direct recruitment as well as DPCs for promotions had declined earlier to undertake direct recruitment and has now declined even to consider promotion proposals for vacancies beyond 05.10.2007. It has, therefore become extremely difficulty to manage the affairs not only at the field level but also at the Directorate level.

For Prasar Bharati Secretariat which is to service the Prasar Bharati Board, there are no sanctioned posts except those of 3 whole time members and one post of ADG(B&A). As such, the Secretariat is being run by deployment of personnel from both the Directorates which are already facing acute shortage as explained above. In

view of this, a proposal for creation of posts for Prasar Bharati Secretariat has been referred to MIB for approval. The approval is still awaited.

In view of the position explained above, for looking after the essential fields, Prasar Bharati Board has approved filling up of some posts at ADG/DDG level on deputation / contract basis by temporarily utilising the vacant posts of SAG and JAG level of IB(P)S which in any case would have lapsed under 'deemed abolition' as no officers are available in the feeder grades for consideration for promotion to the posts. There is a provision in IB(P)S Recruitment Rules for filling up of 20% vacancies in SAG and JAG through direct recruitment. Appointments at the level of ADG and DDG have been made against this provision although not as direct recruitment but on deputation as a short term measure so that the future promotion prospects of any Programme Cadre officer is not blocked. Appointments against these posts are being made in an objective and transparent manner by considering applications received in response to circulars and press advertisement as well as through Search mode and selection is made through a Sub Committee of the Board and subsequent ratification by the Board.

II. Questions relating to Promotion

- (i) Are promotions being given to ineligible and unqualified personnel who were inducted through backdoor?
- (ii) Are promotions being given/planned by passing UPSC and in violation of Service Rules and Judgement of Supreme Court to those who are under graduate and in whose cases UPSC is declared their appointment as illegal?
- (iii) Is it a fact that to give these promotions, senior posts of IB(P)S have been kept vacant artificially and illegally by denying legitimate promotions to the eligible officers legally recruited through UPSC by illegally blocking review DPC for over 10 years to the IB(P)S directed by the Court in 2004?

Answer: Apparently, this refers to a review DPC for 1990-1993 for promotion of PEX to JTS which is to be held in compliance to the direction dated 26.03.2004 of Hon'ble CAT, Principal Bench, New Delhi. But due to one reason or the other the issues could not be sorted out between UPSC and MIB. However, now the UPSC has decided to hold review DPC and have sought fresh proposal from MIB in terms of IB(P)S Rules notified on 5.11.1990. However some vested interests have been

raising unnecessarily settled issues again and again to stall the process of holding review DPC. This has caused irreparable loss to Prasar Bharati and affected its functional needs. All the JTS officers [AD (Prog)] are holding posts on adhoc basis. No regular promotion or adhoc promotion has been made for the last over a decade. Even the officers who were holding the posts of AD(Prog)/JTS on adhoc basis for over a decade have neither been given adhoc nor regular promotion in spite of them being eligible and availability of vacant posts.

In view of dire functional needs and acute stagnation in the Programme Cadre, which is the main stream of the organisation, the Prasar Bharati Board in its 112th meeting approved, in principle, the proposal for giving adhoc promotion to the next higher grade to those officers who are holding the post of feeder grade on adhoc basis for a long period and are stagnating at that level.

Accordingly, proposals were received from DG, AIR/DDn for granting adhoc promotion to 80 officers (54 officers of AIR and 26 officers of Doordarshan) who were holding the feeder grade post of AD (Programme)/JTS on adhoc basis for a period of over 10 years against the eligibility requirement of 4 years for promotion to the grade of Deputy Director (Programme)/STS.

It was, therefore, decided to consider the proposal for adhoc promotion to the post of Deputy Director (Programme)/STS of IB(P)S as per the procedure approved by the Prasar Bharati Board in its 112th meeting. This is a vital post from the point of view of Programme Functions and there is a dire functional necessity to fill up these posts. Besides, this would boost the morale of the officers. Proposals for adhoc promotion has been subjected to three-stage scrutiny as per the procedure approved by the Board.

The first stage examination / scrutiny of the proposal was done by the Expert Committee consisting of retired officers of UPSC and MIB.

The recommendations of the Expert Committee were considered by the Special Committee consisting of following officers:

- (i) A retired Secretary level officer from DoP&T
- (ii) (Retd) Secretary, UPSC, and
- (iii) (Retd) Chairman, SSC.

The proposal has been subsequently considered and cleared by the Sub-Committee of the Board consisting of the following in its meeting held on 04.02.2014 for placing before the Board for consideration and final approval:-

- (i) Brig. (Retd) V.A.M. Hussain, Member (Pers.), PB;
- (ii) Smt. Prema Cariappa, Member of the Prasar Bharati Board.

The recommendations of the Sub-Committee of the Board were approved by the Prasar Bharati Board in its 120th Meeting held on 14th February, 2014. Consequently promotion orders on adhoc basis were issued by Prasar Bharati. However, the Ministry opposed the grant of adhoc promotions indicating that the proposal should have been approved by the Ministry as per Rules. Ministry desired the matter to be flagged to the Board. The Board however, reiterated its earlier stand of grant of adhoc promotions, as Ministry were not able to give any promotion (regular or adhoc) for so many years.

As against this, the senior level examination/scrutiny in MIB was to be done by one US / Director Level Officers.

Besides, as per Section 11 (B) of PB Act as amended (No.6 of 2012), all posts in the erstwhile AIR and DDn other than the posts borne on the strength of IIS and CSS shall be deemed to have been transferred to PB w.e.f. 1st day of April, 2000. Thus, PBB is fully empowered to give adhoc promotions.

It may be mentioned here that the primary issue, whether Prasar Bharati is entitled to take a decision on the encadrement of Cameramen Grade-I, who are working in its establishment, but continue to be employees of Central Government came up for consideration before Hon'ble High Court, New Delhi [WP(C) No. 19717-18/2004]. The Hon'ble Court decided the issue in affirmative and held that competency of Prasar Bharati cannot be questioned in deciding the said issue.

Prasar Bharati has also made earnest efforts to fill up senior level as well as other vacant posts. It may be relevant to mention here that in this direction 12 DPC proposals of eligible officers have been sent to MIB, as back as in July, 2013 onwards, but no DPC could be held as these proposals could not be forwarded in time to UPSC by MIB and the UPSC in a meeting with MIB on 11.09.2013, decided not to accept DPC proposals for vacancies occurring after 05.10.2007 as in their view all the posts other than those of ISS and CSS stand transferred to PB w.e.f. 1st Day of April, 2000. Due to non holding of DPCs regularly the higher echelon, particularly in the Programme Cadres, have been affected very badly. Against a sanctioned

strength of 30 for SAG, there are only 8 regular officers in position and in JAG against a sanctioned strength of 160, there are only 3 regular officers in position.

II A Is Ministry of I&B objecting to adhoc promotions made by Prasar Bharati?

Answer: Ministry of I&B have objected to adhoc promotions made by Prasar Bharati stating that this is not as per Rules and procedures as promotions(including adhoc promotions) of Government servants on deemed deputation to Prasar Bharati can only be made by the Ministry and not by Prasar Bharati. Ministry desired that a note of dissent from Nominated Member may be recorded in the minutes of the meeting of the Board where the Board had approved giving adhoc promotions without referring to the Ministry and desired that the letter may be put up in the Board meeting. Accordingly, the letter was placed before the Board in its 121st meeting held on 9.4.2014. The matter was considered and the Board reiterated its earlier decision to give adhoc promotions by Prasar Bharati without referring to the Ministry. This was done in view of the fact that Ministry has not made promotions for the last more than a decade inspite of proposals having been sent to Ministry repeatedly thereby leading to frustration and demoralisation amongst the employees on the one hand and depriving the organisation of officers at senior level on the other hand.

III Question relating to Regularisation

Is it a fact that some cameramen are being regularised who had failed in UPSC?

Answer: The regularisation of 24 Cameramen has not been done under any regularisation scheme of DDn (i.e. 1992 or 1994 Scheme of DDn), but in terms of Govt. instructions in the light of Judgement of APEX Court in Uma Devi case. The facts of the case are as under.

2. **As per Recruitment Rules**, the post of Cameraman Grade-II was to be filled 100% by direct recruitment through UPSC. Prior to 1992, there was acute shortage of Cameraman Grade-II (against the sanctioned strength of 509, only 284 Cameraman Gr-II were in position.) Since recruitment through UPSC was a time consuming procedure, it was decided to resort to ad-hoc appointment of Cameramen. As such in 1993-94, 88 adhoc Cameramen Grade-II were appointed purely on temporary basis as a stop gap arrangement initially for a period of one year or till the appointment is made through UPSC on regular basis, whichever was earlier. These Cameramen were appointed by inviting applications through open advertisement (Employment News) and the shortlisted candidates were subjected to Skill Test/Camera Test and interview before two Committees. On the

recommendations of the Committees and with the approval of DG, Doordarshan these Cameraman Grade-II were appointed on ad-hoc basis in 1993.

3 A requisition for filling 225 vacant posts of Cameraman Grade-II was referred to UPSC in the year 1995. Against the requisition of 225 posts, UPSC recommended only 132 candidates. Out of the 88 adhoc Cameraman Grade-II who also appeared against UPSC recruitment, only 54 could get selected through UPSC in 1998, on the basis of Interview held by UPSC in December 1997. Ten of the remaining 34 either resigned or their services were terminated and the remaining 24 adhoc Cameramen who could not get selected through UPSC but were willing to serve Doordarshan, were continued on adhoc basis. The adhoc appointments were extended up to 31.12.97 with the concurrence of DOP&T. Thereafter, as per Ministry of I&B's advice, the adhoc appointment of these 24 Cameraman Grade-II were extended from time to time with the approval of DG, Doordarshan/CEO. The present extension period was up to 31.12.2013.

4. The matter regarding regularisation of services of these 24 adhoc Cameramen Grade-II was examined in detail in Doordarshan in the light of the directions given by Supreme Court in Civil Appeal No. 3595-3612/1999 in the case of Secretary, State of Karnataka and Ors Vs. Uma Devi & others. In this regard, the judgement of Hon'ble Supreme Court was circulated vide DOP&T OM No. 49019/1/2006-Estt(c) dated 11th Dec, 2006 for implementation of the directions. In the said OM, it was mentioned that the Hon'ble Supreme Court in para 44 of the aforesaid judgement dated 10.4.2006 has directed that the Union of India, the State Governments and their instrumentalities should take steps to regularise, as a onetime measure, the services of such irregularly appointed, who are duly qualified persons in terms of the statutory recruitment rules for the post and who have worked for ten years or more in duly sanctioned posts but not under cover of orders of Courts or Tribunals.

5. With regard to implementation of the above mentioned directions of Hon'ble Supreme Court, legal opinion was sought from Panel Advocate, Prasar Bharati. He advised that it will be appropriate to obtain the opinion of Shri A. Sharan, Additional Solicitor General of India. Accordingly the matter was referred to Shri A. Sharan, Additional Solicitor General of India for his opinion for regularisation of the services of adhoc Cameramen working in Doordarshan.

6. In the opinion of the then Additional Solicitor General, the regularisation of 24 adhoc Cameramen would be in accordance with the law as these Cameramen were working for more than 14 years and were working against duly sanctioned vacant posts.

7. In view of the opinion given by the then Additional solicitor General for India, proposal for regularisation from the date of recommendation as per the composition of DPC prescribed in the recruitment rules for the post of Cameramen with benefit of pay protection was approved by Prasar Bharati CEO.

8. While the matter was being processed for considering meeting of the Screening Committee, it was observed that pay of the 54 adhoc Cameramen Grade-II who were appointed subsequently through UPSC on regular basis in 1999 had been fixed at the initial stage of pay (without pay protection/seniority) as per the UPSC recommendation. In the case of adhoc Cameramen, it was however decided that these 24 adhoc Cameramen Grade -II will get pay protection for their adhoc services since 1993. This would mean that after regularisation of service the pay of the 24 adhoc Cameramen Grade-II, who could not qualify the UPSC selection process, would be fixed at a higher stage than the regular Cameramen Grade-II who qualified through the UPSC. This was considered to be quite illogical and it was feared that this may lead to audit objection, agitation, more court cases by the regular Cameramen Grade-II which will be difficult to defend.

9. Keeping in view the position stated in the preceding paras and to avoid the complications that are likely to arise in case they are placed below the last regular candidate appointed through UPSC, it was considered desirable to treat these 24 adhoc Cameramen Grade-II as a separate class/cadre different from the regularly appointed Cameramen Grade-II through UPSC. To maintain separate identity of these 24 ad-hoc Cameraman Grade-II it was decided to designate them as Cameraman Grade-II (Ex-Cadre). The posts as and when vacated by these Cameraman Grade-II (Ex-cadre) on retirement / resignation or due to any other reason will get transferred back to the original cadre of Cameraman Grade-II and filled according to the Prasar Bharati Recruitment Regulations.

10. Keeping in view the position stated above, following proposals have been approved by the Prasar Bharati Board in its 115th meeting held on 6th August, 2013.

(i) A separate cadre of 24 posts of Cameramen Grade-II in the pay scale of Rs.9300-34800 + Grade Pay Rs.4600/- may be formed. The posts may be designated as Cameraman Grade-II (Ex Cadre) to distinguish them from other posts of Cameraman Grade-II.

(ii) Accordingly, number of posts in the regular cadre of Cameraman Grade-II may be reduced by 24.

(iii) The posts may revert back to the cadre of Cameraman Grade-II as and when they are vacated by the incumbents holding the posts of Cameraman Grade-II (Ex Cadre) on retirement / resignation or due to any other reason.

(iv) A Screening Committee consisting of following officials as per composition of DPC for confirmation, provided in the Recruitment Regulations may be formed:-

- (i) Dy. Director General (Prog), DDn – Chairman
- (ii) Dy Director General (Admn) Doordarshan – Member
- (iii) Director (Prog), Doordarshan – Member

(v) The Screening Committee may assess their suitability on the following parameters:-

- i) They fulfil the educational qualifications as per the Recruitment Regulations for the post of Cameraman Grade-II.
- ii) Perusal of the overall record with particular reference to ACRs for the last 5 years.
- iii) Vigilance Clearance/Integrity Certificate

(vi) If found fit, their services may be regularised from the date of recommendation as per the advice given by the Additional Solicitor General of India. Their pay may be fixed as per FR-22. In this regard it may be stated that these adhoc Cameraman have been earning increments every year, and contribution / deductions etc. are being made from their salary as in the case of any other Government Servants.

(vii) The cadre of Cameraman Grade -II (Ex Cadre) will be an isolated cadre and therefore, no promotional avenues will be available to these 24 Cameraman Grade-II (Ex Cadre).

(viii) The terms of regularisation may be circulated to the Kendras where these 24 adhoc Cameraman Grade-II are posted and option sought from them for consideration against the post of Cameraman Grade-II (Ex Cadre).

(ix) All actions may be completed before 31.12.2013 so that there may not be further need for the extension of adhoc appointment.

11. Consequently, meeting of the Screening Committee was convened in DG, Doordarshan on 10.12.2013 and orders for regularisation of 23 Cameramen Gr. II out of 24, w.e.f. 26.12.2013 was issued vide Office Order No.25/2013-SI(A) dated 31.12.2013.

12. The regularisation of one adhoc Cameraman Grade II i.e. Shri J. Ahmed could not be considered by the Screening Committee due to non-availability of option,

undertaking, vigilance clearance etc. His case will be considered on receipt of above documents by the Screening Committee.

13. Case of Pay Protection of UPSC recruited Cameramen has been decided by the Hon'ble High Court of Madhya Pradesh Jabalpur Bench and its compliance is under consideration of Doordarshan.

IV Question relating to induction into IB(P)S posts

Are outsiders being absorbed against IB(P)S posts?

Answer: No outside officer has been absorbed against an IB(P)S post. Questions have been raised about absorption of Shri P.Manoharan. It is clarified that he has been absorbed as Deputy Director(Adm) against a vacant post of same category of DG ,AIR and not against an IB(P)S post.

V Does Prasar Bharati have any control over Indian Information Service officers posted with Prasar Bharati such as writing of their ACRs, transferring them from one station/media to the other as well as disciplinary powers?

Answer: As per amended Section 11(A)(2) of Prasar Bharati Act, 1990, the terms and conditions of service of officers and employees belonging to Indian Information Service , CSS or any other service borne on the cadre outside Akashwani and Doordarshan are to be prescribed by the Government. These are yet to be notified by the Government

As such, at present Prasar Bharati has no disciplinary powers over these officers. Prasar Bharati has also no control over their transfer and posting as this is invariably done by the Ministry. Power of Prasar Bharati is restricted to changing the media of an IIS officer that too at the same station. As regards writing of ACRs of IIS officers,, that power also has been retained by the Ministry with itself. Obviously, therefore, Prasar Bharati cannot exercise any control over IIS officers. This has led to embarrassing situation for Prasar Bharati at times as these officers are performing the important functions of news gathering and news casting.

