



**PROGRAMME STAFF ASSOCIATION
OF
ALL INDIA RADIO & DOORDARSHAN**

No.PSA/OC/1/MIB/23/2017

30.10.2017

To,
The Secretary,
Ministry of Information & Broadcasting,
Shastri Bhavan,
New Delhi-110001.

B
9/c 30/10/17

Sub: Directions by the Hon'ble High Court of Jammu & Kashmir in WP.No.1853/2016 – Satish Vimal & Othrs Vs G.C.Dabral, UOI & Othrs.

Ref: The Hon'ble High Court direction dated 11.10.2017.

Respected Sir,

We wish to submit to your kindself that the Hon'ble High Court of Jammu & Kashmir had on 11.10.2017 directed the Ministry of Information & Broadcasting as Respondent No.27 to file their response to the WP. A reply has been filed on behalf of DG-AIR combining the replies of DG-DD and PB, whereby they have stated that it has been decided to implement the Judgement of CAT Delhi dated 24.08.2016, whereby CAT Delhi had stated that the Amendment dated 31.12.1993 to the Group-B PEX Recruitment Rules was intended to include the Doordarshan Production Assistants regularised / appointed as per the Doordarshan Group-C (Technical) Recruitment Rules on 1988. **In the reply filed on behalf of DG-AIR, they have for reasons best known to them reversed a 32 year stand on the issue, which will affect all the PEX DPCs from 1996 onwards, and hence unsettle the seniority of more than 800 TREXs by way of review DPCs.**

In this context, we wish to bring it to your kind attention that the **same issue was agitated before the Hon'ble High Court of Chennai in WP.No.22530/2006 and Contempt Petition No.986/2008 which was closed on 19.03.2010.** In the said case, on the issue of whether the Doordarshan Production Assistants regularised / appointed as per the Doordarshan Group-C (Technical) Recruitment Rules on 1988 were eligible for promotion to PEX Post as per the 1993 amendment, **the Court vide its directions dated 09.09.2008 had left the policy decision to be taken by the Ministry. The Ministry vide letters dated 17.12.2009, 03.03.2010 and 08.05.2012 had delegated the decision to Prasar Bharati. Prasar Bharati vide its Board resolution dated 07.09.2015 (as extracted below) has decided to make the PEX post a 100% promotion post, and went on to**

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mention that as per the existing RR, only TREXS and Equated cadres (Staff Artist Production Assistants, FRRs, Editors, Floor Managers etc) were eligible in the 40% promote quota. This in essence very clearly implies that the 1993 PEX RR amendment was not meant to include the Doordarshan Production Assistants regularised / appointed as per the Doordarshan Group-C (Technical) Recruitment Rules on 1988.

Para.2. “.....This diversion of DR posts shall take care of career prospects of the Doordarshan Production Assistants appointed / regularised after February 1985 and also not affect the career prospects of the parent cadres (TREX& Equated cadres) **as their share of 40% in the DP quota (as per the provision of the RRs)** shall be retained and stand increased by another 10%.....”

(Resolution as approved by the Prasar Bharti Board in its 128th Meeting on 07.09.2015 – Agenda: E-5).

In the context of the above decision of Prasar Bharti Board received vide RTI reply dated 29.09.2017, we also wish to give the following documents obtained vide RTIs from the Ministry in 2011 and 2012.

a. “ I am directed to refer to the draft reply Affidavit on your behalf received over e-mail and to say that the reply Affidavit may please be filed in the High Court of Chennai after making corrections in Para.16 of the Affidavit. “

(Letter dated 15.12.2009-No.F.No.45013/48/2008-BAP, written by the Under Secretary to DG-AIR on the basis of which a notarised affidavit was filed in the Hon'ble High Court of Chennai on 18.12.2009)

b. Para.13 – That RRs for the post of PEX were revised in 1992 and last amendment to the RRs took place in the year 1993, a copy of which is annexed hereto and marked as Annexure-R4. Production Assistants were continued in the feeder grade for promotion since a large number of Production Assistants of the ESA category are still to get promotion. However, this did not include Production Assistant (Technical)-PA (T).

Para.14 – It is also submitted that the categories of Production Assistant, Production Assistant (Photographer), Production Assistant (Set Erection), Production Assistant (Animation) etc existed as per the RRs for different ESAs before 1985. The RRs of PEX amended in 1992 mentions TREX as feeder grade for promotion to PEX. Since the amendment in 1992 did not specify the categories of staff artist, the RRs were further amended in 1993 wherein all the categories of ESAs designated as TREX have been mentioned as feeder grade for promotion to PEX. This position becomes clear from the correspondence

between the Ministry of I & B and UPSC relating to amendment of RRs of PEX during 1993”

(Notarised Affidavit signed and filed by Ms. Noreen Naqvi DG-AIR as the Cadre Controlling Authority at the Hon'ble High Court of Chennai on 18.12.2009 in Contempt Petition No.986/2009)

c. “ It may also be relevant to add here that Doordarshan is recruiting candidates to the post of Production Assistants on the basis of separate R / Rules and it is felt that these posts need not be taken into while fixing sanctioned strength in the feeder cadre i.e. TREX “

(File noting dated 25.08.1989 from the 1992 – 93 PEX RR Amendment Notification file)

d. (iii)But, since the idea behind obtaining this information is to assess the level of stagnation in the feeder grade, the two Eligibility Lists of Transmission Executives and Staff Artists enclosed (Annexure-III)

(Letter dated 14.05.1990 –File.No.12019/7/89-B(A), written by the US, MIB to the US in UPSC, proves the fact on feeder cadres to PEX posts were only TREXs and the Staff Artist Production Assistants, Floor Managers & Property Assistants-1992-93 PEX RR Amendment Notification file)

e. “Para.3. I enclose two eligibility lists of persons in the feeder grade of Transmission Executives and the persons belonging to the erstwhile staff artists grade to give you an idea of the stagnation of persons with more than 12 years service “

(Letter dated 29.10.1990 – D.O.No.12019/7/89-B(A), written by the Additional Secretary, MIB to the Secretary, UPSC proves the fact on feeder cadres to PEX posts – 1992-93PEX RR Amendment Notification file)

f. Para.2 – Simultaneously the Commission have also agreed , as a onetime measure, to allow 120 posts falling in the direct recruitment quota to be diverted and filled by Promotion from the feeder grade of TREX and Staff Artists.

(Letter dated 12.03.1991 –D.O.No.12019/7/89-B (A), written by the Joint Secretary of MIB to the DG-AIR - 1992 -93PEX RR Amendment Notification file)

g. Para.1 – Please refer to your letter No.12019/7/89-B(A) dated 26th February, 1992 regarding amendment in the recruitment Rules for the post of Programme Executive in All India Radio and Doordarshan.

Para.2 – We have perused the draft recruitment rules and find that in Col.1, the designation of Farm Radio Officers and Extension Officers have not been

mentioned. You are aware that the Farm Radio Officers and the Extension Officers have been equated with the Programme Executive in the IB(P)S Rules notified on 5.11.1990.....

Para.4 – In column 12 of the draft rules sent by the Ministry, we find that the designation of Language assistants, Filed Reporters and Farm Radio Reporters have not been included , who were regular government servants and not erstwhile staff artists. These categories of posts have been equated with the Transmission Executives and unless these categories are included in the feeder grade, they will neither be eligible for promoting to the cadre of Programme Executive nor to the Farm Radio Officers and Extension Officers.....

(Letter dated 27.3.1992 – D.O.No.4 (47)/90-S1 (B) , written by the Director (A & F) in AIR Directorate to the US, MIB – 1992-93 PEX RR Amendment Notification file)

- h. Para.1: Please refer to D.O Letter No.4 (47)/90-SI (B) dated 27th March, 1992 from Shri Ram Dass, former Director (A & F), regarding amendment in the recruitment rules for the post of Programme Executive in All India Radio and

Doordarshan. Amended recruitment rules for the post of Programme Executive have since been notified on 17th March, 1992 (copy enclosed).

Para.2: The recruitment rules for the post of Programme Executive are being amended to include Farm Radio Officers and Extension Officers. The amendment will be notified in consultation with DOP / UPSC.

Para 3: Farm Radio Reporters and Field Reporters have already been included in the recruitment rules for the post of Transmission Executive. These recruitment rules are under notification.

(Letter dated 11.05.1992 – D.O.No12019/7/89-B (A), written by the Under Secretary of MIB to the Director (A & F), DG-AIR – 1992-93 PEX RR Amendment Notification file)

- i. Para.2. “ It is certified that all categories of posts earlier designated as staff artists and equated with Transmission Executive have been included in the field of selection for promotion to the post of Programme Executive under Col.12 of the Recruitment Rules “

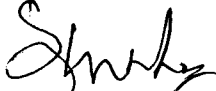
(Letter dated 15.03.1993 from the Under Secretary in MIB to the Under Secretary in UPSC – 1992-93 PEX RR Amendment Notification file)

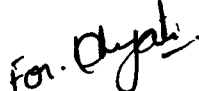
- j. In the Affidavit submitted in the Hon'ble Supreme Court of India (CA.No.3244/2002) on behalf of the GOI, in Para.6, it is specifically mentioned that the Regulations to 122 cadres have been notified after consultation with the GOI, and thus the Notification for the PEX posts dated 21.08.2002 whereby the feeder cadre includes only the TREXs and ESA (Production Assistants and equated cadres) proves the point that the 1993

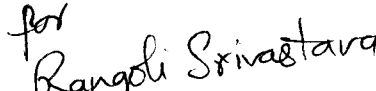
Notification was not for the Production Assistants appointed / regularised as per the Doordarshan Programme Group-C / Technical RR, 1988.


All the above documents from the files from which the 1992 and 1993 amendments to the PEX RR were issued, received as RTI reply from the Ministry very clearly prove that the 31.12.1993 amendment to the PEX RR was not intended for including the Doordarshan Production Assistants regularised / appointed as per the Doordarshan Group-C (Technical) Recruitment Rules in 1988 as feeder cadre to the PEX post.

Taking into consideration the fact that statutory notifications are inviolable until and unless amended subsequently, and the fact that, even if the Doordarshan Production Assistants regularised / appointed as per the Doordarshan Group-C (Technical) Recruitment Rules on 1988 are to be promoted to the PEX Post, it could be done only after the last of the senior Production Assistants (staff artists) were promoted in 2015, we humbly submit to the Ministry to avoid re-opening long completed PEX DPCs there by unsettling the seniority of more than 800 promotee PEXs from 1996 onwards.



(Dr. S.K. Nahar)
Vice-President



For. (R. Srinivasan)
General Secretary


for Rangoli Srivastava,
(Dasrath Prasad)
Executive Vice-President



(Sanjay Kumar)
President



(Anil Sah)
Treasurer

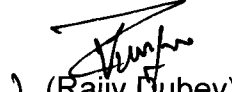

(Pramod Kumar)
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BAP
30/12/17