

PETITIONER:
MARY JOHNY

Vs.

RESPONDENT:
UNION OF INDIA & ORS.

DATE OF JUDGMENT 07/12/1995

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
HANSARIA B.L. (J)

CITATION:
1996 SCC (1) 484 JT 1995 (9) 218
1995 SCALE (7) 251

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

Leave granted.

We have heard the counsel on both sides. This appeal by special leave arises from the order dated 13th February, 1995 passed by the Central Administrative Tribunal, Bombay Bench in OA No. 547/89.

The appellant is questioning her promotion and transfer from Doordarshan to Akashwani. According to the appellant, in the year 1976 when the Doordarshan Kendra was separated from the All India Radio (A.I.R.) [sound scheme], he had opted to remain in Doordarshan Kendra. Consequently, he is governed by the instructions issued in the Manual by the Director General of Doordarshan Kendra. The State has relied upon the Rules made under proviso to Article 309 of the Constitution, viz., A.I.R. [Group 'C' Posts] Recruitment (Second Amendment) Rules, 1988 which came into force w.e.f. 23rd May, 1988. Note [i] to Rule 2 provides thus :

"Common Seniority lists will be maintained for clerk Grade/Storekeeper/Reception Officer (Junior)/Caretakers working in All India Radio/Doordarshan Kendra Stations and offices located in a State of a Group of States and Union Territories as indicated below and promotions and transfers shall be made within a State or group of States and Union Territories on the basis of the said list."

In the Schedule annexed to the Rules, it is mentioned in item No.9 that in "Maharashtra, Goa, Dadar-Nagar Haveli" Station Director, All India Radio, Bombay is the competent authority to promote and transfer the candidates within the State or a group of States and Union Territories on the basis of the said list. In other words, though the A.I.R. and Doordarshan Kendra were bifurcated, as regards the cadre

relating to Clerical Grade, Store-Keeper/Reception Officer (Junior)/Caretakers working in A.I.R./Doordarshan Kendra Stations and offices located within the aforestated region, they can be promoted on transfer under common seniority list maintained and they are liable to be transferred within the region. It is not in dispute that the appellant was transferred within the region.

Under these circumstances, we do not find any illegality in the order of the Tribunal warranting interference. The appeal is dismissed. No costs.

JUDIS