

Mary Johny

Vs

Union of India and Others

Civil Appeal No. 11816 of 1995

(K. Ramaswamy, B. L. Hansaria JJ)

07.12.1995

ORDER

1. Leave granted.

2. We have heard the counsel on both sides. This appeal by special leave arise from the order dated 13-2-1995 passed by the Central Administrative Tribunal, Bombay Bench in OA No. 547 of 1989.

3. The appellant is questioning her promotion and transfer from Doordarshan to Akashwani. According to the appellant, in the year 1976 when Doordarshan Kendra was separated from All India Radio (AIR) (sound scheme), she had opted to remain in Doordarshan Kendra. Consequently, she 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., AIR (Group 'C' Posts) Recruitment (Second Amendment) Rules, 1988 which came into force w.e.f. 23-5-1988. 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 or 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."

4. In the schedule annexed to the rules, it is mentioned in Item 9 that in "Maharashtra, Goa, Dadra-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 AIR and Doordarshan Kendra were bifurcated, as regards the cadre relating to Clerical Grade, Storekeeper/Reception Officer (Junior) /Caretakers working in AIR/Doordarshan Kendra Stations and offices located within the aforesaid 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.

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